

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 335
Thursday 6 December 2007
Notice Date 30 November 2007

minutes

city of villages

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PRESENT

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

Members - Councillor Phillip Black, Ms Gail Connolly, Ms Christine Covington, Ms Elizabeth Crouch, Mr Chris Johnson, Councillor Robyn Kemmis (Alternate Member for Councillor John McInerney) and Councillor John McInerney.

At the commencement of business at 7.21pm, those present were -

The Lord Mayor, Councillor Black, Ms Connolly, Ms Covington, Ms Crouch, Mr Johnson, and Councillor Kemmis.

Councillor McInerney arrived at the meeting of the Central Sydney Planning Committee at 7.40pm at the beginning of discussion on Item 9 which had been brought forward.

Councillor Kemmis left the meeting of the Central Sydney Planning Committee at 7.43pm during discussion on Item 9 and did not return.

The Chief Executive Officer was present for part of the meeting, the Director City Planning and Regulatory Services and Director City Strategy and Design were also present.

ORDER OF BUSINESS

At this stage of the meeting, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, the Central Sydney Planning Committee resolved that 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:

1. Disclosures of Interest
2. Confirmation of Minutes
3. Matters Arising from the Minutes
9. Development Application: 14-24 College Street, Darlinghurst
11. Development Application: 296-298 Botany Road, Alexandria
8. Development Application: 4-10 Campbell Street, Haymarket
7. Development Application: 2 O'Connell Street; 4 O'Connell Street, 15-19 Bent Street; 1-7 Bligh Street, 9-13 Bligh Street, Sydney
12. Development Application: Westfield - Centrepont, Imperial Arcade and Skygarden
6. Development Application: 232-248 Pitt Street and 161-167 Castlereagh Street, Sydney
10. Development Application: 61-79 Quay Street, Haymarket
13. Summary of Outstanding Applications to be reported to the Central Sydney Planning Committee and Summary of the Small Permits Appeals Panel Decisions
4. Late Night Trading Premises Development Control Plan 2007 - Post Exhibition
5. Draft Ecologically Sustainable Development - Development Control Plan 2007 - Proposed Exhibition
14. General Business

ITEM 1 DISCLOSURES OF INTEREST

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

ITEM 2 CONFIRMATION OF MINUTES

Moved by Ms Connolly, seconded by Ms Crouch -

That the minutes of the meeting of the Central Sydney Planning Committee of 15 November 2007, as circulated to members, be confirmed.

Carried.

ITEM 3 MATTERS ARISING FROM THE MINUTES

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 15 November 2007.

ITEM 4 LATE NIGHT TRADING PREMISES DEVELOPMENT CONTROL PLAN 2007 - POST EXHIBITION (S0848102)

Moved by Ms Connolly, seconded by Ms Crouch -

It is resolved that the Central Sydney Planning Committee:-

- (A) note that the Draft Late Night Trading Development Control Plan 2007, as shown at Attachment A to the subject report, is recommended for adoption;
- (B) advise Council of the CSPC's outstanding concerns in regard to the Draft DCP as follows:
 - (1) the requirement for ongoing trial periods and the lodgement of numerous development applications in support of those trial periods is inconsistent with the NSW State Plan Priority P3, of cutting red tape,
 - (2) the DCP should be reviewed to ensure that its provisions do not impose costs or regulatory burden in addition to those already imposed or controlled through the liquor licensing laws,
 - (3) the lack of investment and community certainty arising from the ongoing and temporary nature of the 'trial period' policy, and
 - (4) the inability to acknowledge and reward good operators/managers with permanent extended hours beyond midnight,
 - (5) the lack of appropriate commentary within the 'Aims and Objectives' of the DCP regarding the role that late night trading in the CBD plays as part of a vibrant Global City;

- (C) request Council to address the abovementioned concerns prior to adoption of the draft DCP.

Carried.

ITEM 5 DRAFT ECOLOGICALLY SUSTAINABLE DEVELOPMENT DEVELOPMENT CONTROL PLAN 2007 - PROPOSED EXHIBITION (S029610)

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

It is resolved that the Central Sydney Planning Committee:

- (A) note that the Draft Ecologically Sustainable Development Development Control Plan 2007, as shown at Attachment A to the subject report, is recommended for public exhibition; and
- (B) request Council to defer exhibition of the Draft DCP until such time as the CSPC's outstanding concerns are addressed as follows:
- (1) the impact of the DCP provisions on housing affordability,
 - (2) the impact of the DCP provisions on the cost of construction of new commercial buildings, and
 - (3) the lack of adequate analysis of the implications of (1) and (2) above on the supply of new dwellings and commercial floor space in the City of Sydney in coming years,
 - (4) whether the provisions of SEPP (Building Sustainability Index) 2004 (BASIX) override the entire Draft DCP or only those parts that may be construed as competing provisions,
 - (5) the relationship of the DCP to various, existing building sustainability indices and the cumulative cost and regulatory implications arising from compliance with one or more of these indices.

Carried.

ITEM 6 DEVELOPMENT APPLICATION: 232-248 PITT STREET AND 161-167 CASTLEREAGH STREET SYDNEY (D/2007/1792)

Mr Richard Francis Jones, MGT Architects, addressed the meeting of the Central Sydney Planning Committee.

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

It is resolved that:-

- (A) The proposal relies upon a State Environmental Planning Policy No 1 Development Standards (SEPP 1) objection as the proposal is in excess of the permitted floor space ratio controls by a maximum of 13.8%. The SEPP 1 objection is considered well founded and is recommended for support for the following reasons:
- (1) The proposal is consistent with the relevant objectives of the City Centre Zone,
 - (2) The magnitude of the variations will not undermine the development standards,
 - (3) The development is in accordance with the approved Stage 1 consent and the previously approved Stage 2 consent, D/2002/842,
 - (4) The proposed development is of an exceptionally high standard of design and provides for a number of public and social benefits, including a public "Ethics" Plaza, a mid block connection between Castlereagh and Pitt Streets and rent free accommodation for the not for profit organisation, St James Ethics Centre,
 - (5) In accordance with Draft SEPP (Application of Development Standards) 2004 the proposed development results in a better planning outcome as it is considered that it represents "exceptional design quality". The Stage 2 design is the result of design competition process and constitutes design excellence in accordance with Clause 28 D of the Central Sydney Local Environmental Plan 1996,
 - (6) The proposed development and the variation from the development standard does not give rise to any matters of significance for State or Regional environmental planning nor does it conflict with any State Environmental Planning Policies or Ministerial directives,
 - (7) Compliance with the development standard is considered unnecessary and unreasonable in the circumstances of the case and the refusal of the development application on these grounds is not considered warranted; and
- (B) Consent be granted pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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

(1) APPROVED DEVELOPMENT

- (a) The Stage 2 development application must be in accordance with Development Application No. 2002/00748 dated 25 October 2002, the Statement of Environmental Effects prepared by JBA Urban Planning Consultants titled "Proposed CBD Office Development" dated November 2002 as supplemented by the amending DA Statement of Environmental Effects prepared by JBA Planning Consultants dated 30 October 2007, supplementary information prepared by Bovis Lend Lease dated 20 February 2003, and the following plans:

Drawing Number	Architect	Date
DA2 001 - 004 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 102 - 104 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 201 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 202 Issue 03	Lend Lease & MGT Architects	23/11/2007
DA2 301 - 303 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 305 - 307 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 311 - 313 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 315 - 316 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 327 - 332 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 338 - 339 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 341 - 344 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 350 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 382 - 384 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 391 - 392 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 401 - 409 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 411 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 413 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 415 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 417 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 419 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 421 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 423 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 425 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 427 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 429 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 431 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 433 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 435 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 437 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 439 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 441 Issue 02	Lend Lease & MGT Architects	23/11/2007

Drawing Number	Architect	Date
DA2 443 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 501- 504 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 601 - 603 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 605 - 607 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 608 Issue 03	Lend Lease & MGT Architects	23/11/2007
DA2 641 - 642 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 651 - 653 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 661 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 671 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 681 - 684 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 701 - 710 Issue 01	Lend Lease & MGT Architects	23/11/2007
DA2 731 - 734 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 737 - 739 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 891 Issue 02	Lend Lease & MGT Architects	23/11/2007
DA2 892 Issue 03	Lend Lease & MGT Architects	23/11/2007
DA2 893 Issue 02	Lend Lease & MGT Architects	23/11/2007

and as amended by the conditions of this consent:

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

(2) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample boards numbered DA2 950 (2 boards) prepared Lend Lease in association with MGT Architects.

Note: Any variation to these approved materials and finishes will require the submission of an application under the S96(2) Environmental Planning and Assessment Act 1979 to modify consent and approval thereto.

(3) STAGED DEVELOPMENT

For the purposes of this consent, implementation of the development may be staged. Stage 1 must involve conservation and restoration works to the facade and mansard roof of Legion House. Stage 2 must be for works relating to the remainder of the development.

(4) APPROVED DESIGN

The architect of the project as approved must not be changed without the prior written notice of Council.

(5) LEGION HOUSE

- (a) Prior to the issue of a Construction Certificate, a Deed of Agreement must be entered into between the applicant, St James Ethics Centre and Council, which provides for the use of the top two floors of Legion

House rent free for a minimum of 25 years for the St James Ethics Centre.

- (b) The applicant must also cover the costs of refurbishment of the floors, taxes and council and water rates during the lease period. Evidence of this agreement must be submitted to Council prior to the issue of a Construction Certificate.
- (c) The following requirements apply to works to Legion House:-
 - (i) Where walls are being removed a nib and bulkhead of at least 150mm must be retained to allow the original planning configuration of the building to still be interpreted.
 - (ii) The ground floor entrance including the two sets of original doors and the parquet flooring must be retained and conserved.
 - (iii) The existing arched opening being infilled at ground floor level must be carried out in lightweight construction in order that it is reversible.
 - (iv) The existing strong room and former board room on Level 1 must be retained and conserved.
 - (v) The existing timber wall panelling on Levels 3 and 4 must be retained and conserved.
 - (vi) The early timber glazed doors on Levels 2, 3 and 4 must be retained and re-used.
 - (vii) The redundant drainage stackwork at the rear of the building is to be removed.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The following requirements apply to an Interpretation Strategy for the site:-

- (i) Prior to the issue of a Construction Certificate for Stage 2 of the development an Interpretation Strategy for the site must be submitted to and approved by the Director City Development, including the following.
 - (ii) The Interpretation Strategy should include, but is not limited to, the provision of details of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site. In particular, the plan of the demolished west wing is to be accurately interpreted at full scale in its original location as part of the paving design of the proposed public square. Footings to be accurately surveyed during demolition to ensure accuracy of paving design. Details of interpretation to be submitted for approval prior to issue of a Construction Certificate for Stage 2 of the development.
 - (iii) The approved Interpretation Strategy must be implemented to the satisfaction of the Director City Development and Projects prior to the issue of an Occupation Certificate for the building.
- (h) The development must be generally in accordance with the Conservation Plan for the Legion House 161-163 Castlereagh Street prepared by Godden MacKay Logan Heritage Consultants dated February 1999.

(6) MID BLOCK LINK/OPEN SPACE

- (a) The existing mid block link to Citisite Building at 155 Castlereagh Street must be retained. In this regard, the level of accessibility to this link must not be diminished.
- (b) A documentary Right of Public Access is to be created over the central mid block link from Pitt Street to Castlereagh Street. The easement is to be registered on title of the subject site, is to burden the part of the building used as mid block links, defined in stratum for a nominal width of approximately 6 metres, and is to be created in terms granting unrestricted public pedestrian access between the minimum hours of 6.00 am to 10.00 pm daily and to Council's satisfaction.
- (c) The following applies to the mid block open space and its property ownership:-
 - (i) In order to provide a clear demarcation of the "public" and "private/leasable" space within the mid block open space, to ensure that this space is not "privatised" by future uses, and to assist in the determination of future Development Applications by tenants for the individual use and fitout of adjacent tenancies only that part of the space within a 2-4m perimeter from the respective shopfronts (allowing for adequate public circulation space) is permitted to be leased for outdoor seating only. A plan complying with the requirement of this condition must be approved by the Director City Planning and Regulatory Services prior to release of the Construction Certificate for Stage 2 of the development.

- (ii) Prior to issue of a Construction Certificate for Stage 2 of the development 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.
- (iii) 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 allotments on Castlereagh Street level adjacent to the mid block open space and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919.
- (d) A Management Plan for the use, operation and maintenance of the mid block link and open space must be prepared for Council's approval prior to issue of the Construction Certificate for Stage 2 of the development.

Note: It is recommended this document is prepared and submitted at the same time as the Public Domain Plan for the site.

(7) BREAKTHROUGH PANELS TO GRAND UNITED BUILDING

- (a) Provision shall be made for breakthrough panels into the adjoining property at 147-153 Castlereagh Street (The Grand United Building) at both the Pitt Street level and the basement loading dock level to allow for possible future access between the two sites.
- (b) The dimensions and location of the breakthrough panels are to be submitted to and be approved by Council prior to the issue of a Construction Certificate.

(8) CAR PARK

- (a) The following conditions apply to car parking:-
 - (i) The on-site car parking spaces, exclusive of service and visitor car spaces, 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 must not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.
 - (ii) Prior to issue of a Construction Certificate for Stage 2 of the development 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.

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

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

(9) VEHICULAR SPACES

- (a) The design of the basement levels must be modified as follows:

- (i) A maximum of 90 car parking spaces are to be provided.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

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

- (i) The approved vehicle spaces must be allocated on the development site as follows:
- (ii) 90 business/commercial premises spaces; and
- (iii) 31 service vehicle spaces located close to service entrance.
- (iv) One space for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
- (v) One space for motorbike parking.
- (vi) Two of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
- (vii) 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.

Compliance with the above allocation and requirements to be reflected in the Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

- (c) Tenant and service car parking spaces must not be rented or leased, other than to an occupant or tenant of the subject building. In particular, the use of tenant or service parking as fee-for-parking spaces to visitors to the building is prohibited.

(10) INTERNAL PARTITIONS NOT TO ABUT WINDOW

Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(11) SEPARATE DEVELOPMENT APPLICATIONS FOR ALL RETAIL USES AND FIT OUT OF ST JAMES ETHICS CENTRE

- (a) A separate development application must be submitted at the appropriate time for the specific use of all retail/restaurant/café uses proposed within the podium, adjoining pedestrian links and Legion House.
- (b) A separate development application is also required for the fit out of the St James Ethics Centre and associated facilities within Legion House.

Note: A separate development application is not required for use of the commercial office space.

(12) SIGNS

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.

(13) SEPARATE APPLICATIONS FOR STRATA SUBDIVISION

Any proposal to subdivide the site will require separate applications to Council to obtain Development Consent to the proposal and subsequent approval of the final Plan of Subdivision and endorsement of the Subdivision Certificate in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.

(14) BUILDING HEIGHT

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 190.7 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

(15) APPROVED DESIGN ROOF-TOP PLANT

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

(16) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the proposal must not exceed 14.2:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 63,885.5 sqm.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor must 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).
- (c) Prior to issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 6,991.5 sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996.

(17) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 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 for stage 2 of the development; and
- (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application for Stage 2 of the development, 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 for Stage 2 of the development

Note: Definitions referred to in clause 27(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); and
- (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).

(18) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

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 (i.e. a comprehensive recording is required for the Angus & Sons Building and Legion House and less detail required for other buildings) 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 for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.
- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

The form of recording is to be as follows:-

- (c) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and

- b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black and white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

(19) SECTION 61 CONTRIBUTION

- (a) Prior to the release of the Construction Certificate for each stage of the development, a Cost Summary Report from a registered Quantity Surveyor must be submitted to Council indicating the total cost of the development, total site area (m²) and the following costs ratios for the development:-
 - (i) Professional fees as a % of construction cost and total cost;
 - (ii) Demolition and site preparation per m² of site area and total cost;
 - (iii) Excavation per m² of site area and total cost;
 - (iv) Construction per m² of commercial and residential gross floor area and total cost;
 - (v) Fitout per m² of commercial and residential gross floor area and total cost; and
 - (vi) Car parking per space and total cost.
- (b) The Council will consider the documentation submitted under the above condition and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (c) The amount determined and notified by the Council pursuant to the above condition is the amount payable under this condition.
- (d) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
- (e) Payment must be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.

(20) PHYSICAL MODELS

- (a) Prior to the issue of a Construction Certificate for Stage 2 of the development 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
- (b) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of

the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

(21) ARCHAEOLOGICAL INVESTIGATION

The applicant must undertake an archaeological investigation for the site in accordance with the City of Sydney Archaeological Zoning Plan (1992) and the following requirements:-

- (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 must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

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

(22) BCA UPGRADE LEGION HOUSE

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following upgrading works are required to Legion House:

- (a) Compliance with the recommendations of the Building Code of Australia Report dated 11 February 2003 prepared by McKenzie Group Consulting Group, subject to the following requirements -
- (b) The automatic sprinkler system must be upgraded to comply with Specification E1.5 of the Building Code of Australia; and
- (c) Openings in the external walls of the building must be protected to comply with Performance Requirement CP2 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

(23) BUILDING CODE OF AUSTRALIA

- (a) Prior to the issue of the Construction Certificate for each stage of the development, 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.
- (b) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be attached to the Construction Certificate Application for each stage of the development. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
- (c) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate for Stage 2 of the development. The following information must be provided:-
 - (i) Details of the performance requirements that the proposed alternative solution is intended to meet; and

- (ii) Details of the assessment methods used to establish compliance with those performance requirements.

(24) GEOTECHNICAL REPORT AND CERTIFICATION

Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-

- (a) A Geotechnical Report which must include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Note: 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.

An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

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

(25) ADJOINING BOUNDARY WINDOWS

All buildings with boundary windows adjacent to the boundary of the subject site that are to be butted by the proposed building must be sealed, bricked up or otherwise enclosed, prior to construction of the subject building. Such windows must only be sealed, bricked up or enclosed with the consent of the affected properties' owners. The cost of such works must be borne by the applicant. A survey of the affected boundary windows is to be submitted prior to the issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

(26) PUBLIC DOMAIN PLAN

The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate for Stage 2 of the development 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 must 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 must 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 must 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 must 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.

- (f) Three copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.
- (g) A separate application is to be made to Council's Civil Engineering Services - Roads and Footways unit for the construction of the concrete vehicle kerb and footway crossing and the removal of any existing crossings that are no longer required as a consequence of the development and the reinstatement of the footpath formation, in accordance with the requirements and to the satisfaction of Council.

(27) PUBLIC ART

High quality art work must be provided within the development in publicly accessible locations e.g. 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 for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

(28) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Construction Certificate for Stage 2 of the development 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 for Stage 2 of the development, 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 \$1,100,000 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$1,100,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events, namely:

- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
- (iii) 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:
- a. make the building safe and attractive at ground level;
 - b. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

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

(29) ELECTRICITY SUBSTATION

The owner must dedicate to Energy Australia, free of cost, an area of land to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

(30) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (a) Prior to issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of

Requirements under Part 6, Division 9 of the "Sydney Water Act 1994" must be submitted to the Certifying Authority (Council or a private accredited certifier).

- (b) Prior to issue of a construction certificate for Stage 2 of the development, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note: For Quick Check agent details please refer to "your business" section of Sydney Water's website at [then see Building and Renovating](#) under the heading Building and Developing, or telephone 132 092.

- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the "Sydney Water Act 1994" must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

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

- (d) 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.
- (e) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site or telephone 132 092.

(31) STORMWATER AND DRAINAGE

The following stormwater details must 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 for Stage 2 of the development under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

(32) UTILITY SERVICES

To ensure that utility authorities are advised of the development, prior to issue of a Construction Certificate for Stage 2 of the development:-

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

(33) ALIGNMENT LEVELS

- (a) Prior to the issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission 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.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate for Stage 2 of the development.

(34) STORAGE AND WASTE HANDLING

The following requirements apply to storage and waste handling:-

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code

requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).

- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

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

- (d) The following provisions apply to recycling areas:-
 - (i) 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.
 - (ii) 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.
 - (iii) 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.

(35) PUBLIC TELEPHONES

Prior to issue of a Construction Certificate for Stage 2 of the development 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; and
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
- (b) The telephones must be available for public use during the normal opening hours of the building.

(36) TOILETS AVAILABLE FOR USE BY PUBLIC

Provision must be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities must be located adjacent to the mid block open space and/or the entrance foyer or lift lobby and must remain available for public use during the normal opening hours of the building. The facilities must be signposted. Details of the location must be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

(37) RECEPTACLES FOR CIGARETTE BUTTS

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 for Stage 2 of the development 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.

(38) DISABLED ACCESS

- (a) Access and facilities for people with disabilities must 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 for

Stage 2 of the development 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.

- (b) Access to the commercial tower and retail areas must be in accordance with the requirements of "The City of Sydney Access Development Control Plan 2004".

(39) TELECOMMUNICATIONS PROVISIONS

- (a) The following requirements apply to telecommunication facilities in the building:-
 - (i) Appropriate access and space within the plant area of the building must be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (ii) Appropriate ducting and cabling must 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.
 - (iii) The details of (a) and (b) above must be submitted for the approval of the certifying authority, prior to issue of a construction certificate for Stage 2 of the development for the building under the Environmental Planning and Assessment Act 1979.
- (b) 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 must be only one common receiving device installed on the subject development.

(40) GLAZING

All external glazing in used in retail facades must be clear and untinted.

(41) REFLECTIVITY

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.

(42) PAVING MATERIALS

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.

(43) AWNINGS

The awning/canopy must comply with the "City of Sydney Awnings Policy 2000".

(44) UNDER AWNING LIGHTING

- (a) The awning must be provided with lighting to ensure pedestrian safety. Such lighting must be at a minimum level of 10 lux in the horizontal and vertical plane.
- (b) Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.

(45) CAR PARK AND SERVICE VEHICLE LAYOUT

- (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 Park 2 - Commercial Vehicles Facilities".
- (c) The details must be submitted to and approved by the certifying authority prior to issue of a Construction Certificate for Stage 2 of the development under the Environmental Planning and Assessment Act 1979.
- (d) Any boom gates/roller doors at the access point are to be set back so that it allows for storage of two vehicles, to ensure that vehicles queuing at the access will not impede pedestrians and vehicles along Pitt Street.
- (e) A "stop" sign must be installed at the exit point of the driveway to require vehicles to stop at the building line.
- (f) All traffic works associated with the development must be at no cost to Council or the Road and Traffic Authority.

SCHEDULE 1C

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

(46) DEMOLITION WORK METHOD STATEMENT

- (a) 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.

- (b) 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:-
- (i) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - (ii) Induction training for on-site personnel;
 - (iii) Inspection and removal of asbestos, and contamination and other hazardous materials;
 - (iv) Dust Control:-
 - a. 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.
 - (v) Disconnection of Gas and Electrical Supply;
 - (vi) Fire Fighting:-
 - a. 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.
 - (vii) Access and egress:-
 - a. No demolition activity must cause damage to or adversely affect the safe access and egress of this building.
 - (viii) Waterproofing of any exposed surfaces of adjoining buildings;
 - (ix) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - a. Proposals must be in accordance with the “Protection of the Environmental Operations Act 1997”.
 - (x) Working hours, in accordance with this Development Consent;
 - (xi) Confinement of demolished materials in transit;
 - (xii) Proposed truck routes, in accordance with this Development Consent;
 - (xiii) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- (c) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

(47) SITE CONTAMINATION REPORTS

- (a) 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).
- (b) 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:-
 - (i) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (ii) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the “Environmental Planning and Assessment Act 1979”) is to be appointed in accordance with the requirements of the “Contaminated Land Management Act 1997, and Regulations 1998”.
 - (iii) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
 - (iv) 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.
 - (v) 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”.

(48) EXCAVATION WORK METHOD STATEMENT

- (a) 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:-
 - (i) Name and address of the company/contractor undertaking excavation works;
 - (ii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);

- (iii) Name and address of the transport contractor, and location of the disposal site;
 - (iv) Type and quantity of material to be removed from site;
 - (v) 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";
 - (vi) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (vii) 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;
 - (viii) 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
 - (ix) Any WorkCover Authority requirements.
 - (x) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
 - (xi) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (b) On completion of removal of contaminated materials, a certificate must 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.

(49) WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

The following environmental protection measures are required:-

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

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

(50) PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

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 must be implemented during the demolition and/or excavation period.

(51) WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (a) 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.
- (b) 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.

- (c) 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:-
- (i) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal; and
 - h. 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.
- (d) 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.

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

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

- (a) Architectural, construction and structural details of the design in accordance with the “Policy for the Design and Construction of Hoarding (September 1997)” and the “Guidelines for Temporary Protective Structures (April 2001)”.

- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

(53) APPLICATION FOR A ROAD OPENING PERMIT

- (a) A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
 - (i) Excavation in or disturbance of a public way, or
 - (ii) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
- (b) Documents required with the Road Opening Permit application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project; and
 - (iv) A Security Deposit for reinstatement of public way.
- (c) The Road Opening Permit will be subject to further conditions that must be complied with.
- (d) 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.

(54) FOOTPATH DAMAGE BANK GUARANTEE

- (a) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for an amount to be assessed by Council for the footway adjacent to the Pitt Street and Castlereagh Street frontage of the development site, as security for any damage rectification.
- (b) The following protective measures must be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
 - (i) Plastic sheeting to cover the stone paving;
 - (ii) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (iii) These measures must be maintained in a safe and tidy condition for the duration of construction.

(55) USE OF MOBILE CRANES

Permits required for use of mobile cranes:-

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

(56) CERTIFICATION OF MECHANICAL VENTILATION

- (a) 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.

- (b) To enable certification, the mechanical ventilation documentation prescribed below must be submitted to the Principal Certifying Authority:-
- (i) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (ii) 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).
 - a. Supply Air Ducts, Shafts and Fans - Blue
 - b. Return Air Ducts, Shafts and Fans - Pink
 - c. Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - d. Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - e. Mixing Boxes and Conditions - Yellow
 - f. Fire Dampers and Electric Heaters - Red
 - (iii) 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;
 - (iv) 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;
 - (v) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

(57) STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

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

- (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));

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

Notes:

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

(58) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS

- (a) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (b) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
 - (i) Prior to issue of a Construction Certificate for Stage 2 of the development, the following documents must be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - a. Dilapidation Report of adjoining buildings/structures.
 - b. Evidence that public utility services have been investigated.
 - c. If adjoining a Public Way:-
 - i. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - ii. Bank Guarantee in accordance with the City's Fees and Charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:-
 - (i) The location of utility services must be fully surveyed and the relevant Public Utility Authority requirements complied with; and
 - (ii) The following documents must be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
 - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
 - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (d) Prior to issue of Occupation Certificate, the City's Development Engineer must be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
 - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project;
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m;
 - (iii) All timber must be removed; and

- (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (e) After satisfying (c) (i) to (iv), notification in writing by the contractor must accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (f) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land for works approved under this consent.

SCHEDULE 1D

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

(59) CITY OF SYDNEY COMPLIANCE INSPECTIONS

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

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

- (e) The PCA must be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

(60) HOURS OF WORK AND NOISE

The hours of construction and work on the development must be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm 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'.

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 of the Environmental Planning and Assessment Act 1979.

(61) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

(62) LOADING AND UNLOADING DURING CONSTRUCTION

- (a) The following requirements apply:-
 - (i) All loading and unloading associated with construction must be accommodated on site.
 - (ii) The structural design of the building must 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
- (b) Vehicles carrying spoil or rubble to or from the site must 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.

(63) STREET TREES

All street trees must 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 must be replaced, to the approval of Council and the Principal Certifying Authority.

(64) ENVIRONMENTAL PROTECTION

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 must 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 must 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 must 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.

(65) PUBLIC WAY

- (a) 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.
- (b) 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.

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

(66) OCCUPATION CERTIFICATE

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 must be submitted to Council if it was not the PCA.

(67) MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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.

(68) CERTIFICATION FOR STRUCTURAL INSPECTIONS

Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the

Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:-

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

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

Notes:

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.

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.

(69) CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes:

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;

- (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

(70) NUMBERING

Prior to issue of an Occupation Certificate, street numbers and the building name must 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 must be made to Council.

(71) LOT CONSOLIDATION

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

(72) WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (a) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate must be submitted to Council if it was not the PCA. Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (b) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

(73) COOLING SYSTEMS

- (a) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (b) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

SCHEDULE 1F**Conditions to be complied with during the use of Premises****(74) CARE OF BUILDING SURROUNDS**

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must 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.

(75) REMOVAL OF GRAFFITI

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

(76) WINDOW CLEANING

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

(77) MANAGEMENT

The Management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

(78) NO SPRUIKERS OR AMPLIFIED NOISE

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.

(79) NOISE - USE

The use of the premises including music and other activities must not give rise to any one or more of the following:-

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670;
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as

specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;

- (c) During the period 12 midnight to 7.00 a.m. the use must 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.

(80) NOISE - MECHANICAL PLANT

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

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

SCHEDULE 2

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

Carried.

ITEM 7 DEVELOPMENT APPLICATION: 2 O'CONNELL STREET; 4 O'CONNELL STREET; 15-19 BENT STREET; 1-7 BLIGH STREET; 9-13 BLIGH STREET - SYDNEY (D/2007/1270)

Mr Tony Gulliver, DB Reef Funds Management (the Applicant), addressed the meeting of the Central Sydney Planning Committee.

Moved by the Chair (the Lord Mayor), seconded by Ms Covington -

It is resolved that:-

- (A) the proposal relies upon a State Environmental Planning Policy No 1 Development Standards (SEPP 1) objection in relation to Clause 31 of the Central Sydney Local Environmental Plan 1996 (CSLEP1996) as the proposal results in minor additional overshadowing of Chifley Square (Clause 31(2)). The proposal also relies upon SEPP 1 in relation to Clause 35 of CSLEP1996 as the proposal is in excess of the permitted floor space ratio controls by a maximum of 10 %. The SEPP 1 objection is considered well founded and is recommended for support for the following reasons:
- (1) The proposal is consistent with the relevant objectives of the City Centre Zone,
 - (2) The magnitude of the variations will not undermine the development standards,
 - (3) The particular physical attributes of the site, in terms of location, urban form, bulk, height and scale would render the strict application of the development standard unreasonable or unnecessary,
 - (4) The extent of the non compliance relating to the floor space ratio represents a departure of 10% over the maximum floor space ratio standard which is consistent with a departure that is acceptable under clause 10 of the Sydney Local Environmental Plan 2005,
 - (5) The proposed development is of a very high standard of design that will improve the outlook from the surrounding properties to the existing building,
 - (6) The overshadowing of Chifley Square is considered to be minimal and additional shadow cast falls on areas that have low pedestrian use,
 - (7) In accordance with Draft SEPP (Application of Development Standards) 2004 the proposed development results in a better planning outcome as is considered representing "exceptional design quality". The Stage 2 design is the result of design competition process and constitutes design excellence in accordance with Clause 28 D of the Central Sydney Local Environmental Plan 1996,
 - (8) The proposed development and the variation from the development standard does not give rise to any matters of significance for State or Regional environmental planning, nor does it conflict with any State Environmental Planning Policies or Ministerial directives,
 - (9) Compliance with the development standard is considered unnecessary and unreasonable in the circumstances of the case and the refusal of the development application on these grounds is not considered warranted;

- (B) a deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:
- (1) This consent does not operate until the applicant satisfies the Council's Chief Executive Officer that the owners have entered into an Agreement with Rail Corporation NSW (Railcorp) as required in the following conditions:
- (a) The owners of the site of the approved development must enter into an Agreement with Railcorp to address the potential impacts of the approved development on the Redfern to Chatswood Rail Link identified in SEPP 63 - Major Transport Projects. The agreement must provide for the following:
- (i) The design, construction and maintenance of the approved development so as to satisfy the requirements in conditions 3 -7 below,
 - (ii) Allowances for the future construction of railway tunnels in the vicinity of the approved development,
 - (iii) Allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety,
 - (iv) Consultation with Railcorp,
 - (v) Access by representatives of Railcorp to the site of the approved development and all structures on that site,
 - (vi) Access by representatives of Railcorp to the site of the approved development and all structures on that site,
 - (vii) Provision to Railcorp of drawings, reports and other information related to the design, construction and maintenance of the approved development,
 - (viii) Such other matters which Railcorp considers are appropriate to give effect to (a) to (f) above, and
 - (ix) Such other matters as the owners and Railcorp may agree.
- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have potential impacts on the Redfern to Chatswood Rail Link must be designed, constructed and maintained in accordance with design criteria specified by Railcorp.
- (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of Railcorp.
- (d) No modifications may be made to that approved design without the consent of Railcorp.

- (e) Railcorp, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principle contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
 - (f) A detailed regime is to be prepared for the consultation with, and approval by, Railcorp for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by Railcorp.
 - (g) All requirements contained in the Agreement between Railcorp and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
 - (h) Copies of any certificates, drawings or approvals given to or issued by Railcorp must be delivered to the City for its records.
 - (i) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which is reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed Redfern to Chatswood Rail Link without the written consent of Railcorp;
- (C) the owner is to enter into a Planning Agreement in accordance with the Environmental Planning and Assessment Act, to be prepared by Council to the cost of the applicant for Public Art on the land to the minimum value of \$2,500,000. The planning agreement is to promote general public amenity and enjoyment of the public domain in the vicinity of the site, by providing a focal point of visual interest and contributing to the public art links throughout the City; and
- (D) within 12 months of the date of this resolution and upon compliance with the requirements of Clauses (B) and (C), a full development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act, 1979 be issued, subject to the following conditions and any other additional conditions reasonably arising from the consideration of the matters specified in Clause (A).

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D2007/1270 dated 6 July 2007 and Statement of Environmental Effects Report titled 1 Bligh Street, Sydney Stage 2 DA prepared by architectus, dated July 2007 and the following drawings:

Drawing Number	Architect	Date
DA01 – 00 – Site Plan - Issue A	Architectus	6 July 2007
DA01 – 01 Basement Level 4 Plan - Issue A	Architectus	6 July 2007
DA01 – 02 Basement Level 3 Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 03 Basement level 2 Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 04 Basement Level 1 Floor Plan - Issue A	Architectus	6 July 2007
DA01 -05 Lower Ground Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 06 Ground Floor Plan - Issue B	Architectus	8 October 2007
DA 01 – 07 Level 1 Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 08 Typical Low rise Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 09 Typical Low rise Floor Plan Type 2 - Issue A	Architectus	6 July 2007
DA01 – 10 – Typical low rise floor Plan Type 3 - Issue A	Architectus	6 July 2007
DA01 – 11 Level 15 Transfer Floor Plan - Issue A	Architectus	6 July 2007
DA01 -12 Level 16 Plant Room Floor - Issue A	Architectus	6 July 2007

Drawing Number	Architect	Date
DA01 -13 Typical High Rise Floor Plan - Issue A	Architectus	6 July 2007
DA01-14 Typical High Rise Floor Plan Type 2 - Issue A	Architectus	6 July 2007
DA01 – 15 Typical High Rise Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 16 Level 28 Floor Plan - Issue A	Architectus	6 July 2007
DA01 – 17 Level 29 Plant - Issue A	Architectus	6 July 2007
DA01 – 18 Level 30 - Issue A	Architectus	6 July 2007
DA01 – 19 Roof Plan - Issue A	Architectus	6 July 2007
DA02 – 01 North Elevation - Issue A	Architectus	6 July 2007
DA02 – 02 South Elevation - Issue A	Architectus	6 July 2007
DA02- 03 East Elevation - Issue A	Architectus	6 July 2007
DA02 – 04 West - Issue A	Architectus	6 July 2007
DA02 – 21 Section A - Issue A	Architectus	6 July 2007
DA02 – 31 Section A Ground Floor - Issue A	Architectus	6 July 2007
DA02 – 32 Section B – Ground Floor - Issue A	Architectus	6 July 2007
DA02 – 33 Elevation green wall Section car park entry - Issue B	Architectus	8 October 2007
DA02 – 41 South/ West Elevation Ground Floor - Issue A	Architectus	6 July 2007

Drawing Number	Architect	Date
DA02 – 42 North/ East Elevation Ground Floor - Issue A	Architectus	6 July 2007
DA02 – 43 Elevation and Section Typical Level - Issue A	Architectus	6 July 2007
DA02 – 45 Elevation and Section Roof Levels - Issue A	Architectus	6 July 2007
DA02 – 51 Part Elevations Mid-rise North and South	Architectus	6 July 2007
DA02 – 52 Part Elevations Mid-rise East and West - Issue A	Architectus	6 July 2007
DA02 – 53 Part Elevations Roof North and South - Issue A	Architectus	6 July 2007
DA02 – 54 Part Elevations Roof East & West - Issue A	Architectus	6 July 2007
DA05 – 01 Typical Façade Details - Issue A	Architectus	6 July 2007
DA05 – 02 Typical Façade Details Sheet 2 - Issue A	Architectus	6 July 2007
DA05 – 03 Typical Façade Details Sheet 3 - Issue A	Architectus	6 July 2007
DA05 – 04 Typical Façade Details Sheet 4 - Issue A	Architectus	6 July 2007
DA05 – 05 Typical Façade Details Sheet 5 - Issue A	Architectus	6 July 2007
DA05 – 06 Façade Wintergarden - Issue A	Architectus	6 July 2007
DA05 – 08 Façade Child care Timber Screen - Issue A	Architectus	6 July 2007
DA05 – 11 Façade Details Transfer Floor - Issue A - Issue A	Architectus	6 July 2007
DA05 – 14 Façade Details Inner Atrium/ Balcony - Issue A	Architectus	6 July 2007

Drawing Number	Architect	Date
DA16 – 01 Material Board 1 Issue B	Architectus	8 October 2007
DA16 – 02 Material Board 1 - Issue B	Architectus	8 October 2007
DA16 – 04 Material Board 2 - Issue A	Architectus	8 October 2007
A16-05 Material Schedule – Issue B	Architectus	8 October 2007
LTD 01 Landscape Plan Ground Floor Revision B	Architectus	6 September 2007

and as amended by the conditions of this consent:

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

(2) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 13.75:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 45, 760 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under “Central Sydney Local Environmental Plan 1996” applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council’s written verification must be obtained, confirming that 4,784 sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the “Central Sydney Local Environmental Plan 1996”.

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 152.4 to the roof 154.4 (AHD) to the top of the parapet (upper edge of glazing).
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Sandstone

- (a) A revised materials and samples board is to be provided which implements the use of sandstone or other similar materials. Areas where sandstone could potentially be used are to be further explored and incorporated into the design and palette of materials for the subject site. The areas that are to form part of this analysis include the south boundary wall; the core; the stairs to the north of the subject site fronting Bent Street; the ground floor plane; the plinth to the timber screen of the childcare centre; public art and the columns to the building;

Activation of Bligh Street

- (b) The proponent is to further explore opportunities for more active street frontages at ground level, in particular the space between the green wall and the southern elevation of the building. The south facing space requires further consideration/ redesign to increase the opportunity for active uses. The external core walls and their treatment are also to form part of this analysis. The analysis is to include a partially glazed awning/ canopy, which will protect the building users approaching from the street or the southern walk way from the weather. Any redesign of this area should be further tested in regard to the wind effect that would result from any proposed design.

Southern Boundary Wall

- (c) The height of the southern boundary wall is to be reduced to the height generally consistent with the neighbouring building being 6 O'Connell Street, Sydney, commonly known as Norwich House. The area of the southern wall in the south west corner is to be reconsidered and reduced. The current height of the wall obscures the architecture of the building when viewed looking north in Bligh and O'Connell Streets and creates and reinforces a physical barrier.
- (d) The metal panel cladding on the south boundary wall does not form part of this consent and is to be deleted;
- (e) Detail is to be provided of the articulation and architectural treatment including any materials of the south face of the southern boundary wall.

Treatment of Exposed Party Wall

- (f) Further detail is to be provided of the rendered party wall which abuts the subject site which includes the articulation and architectural treatment including any materials of the northern side elevation on the boundary with 6 O'Connell Street, Sydney, commonly known as Norwich House;

Stairs that front Bent Street

- (g) The stairs are to incorporate the provision and compliance with AS1428.1 and 4 with particular reference to stairs. Drawings are to be prepared at 1:50 scale. Incorporated into any redesign is that they are to better articulate the area to suggest that they are a place to stay and

sit. Larger platforms within the stairs are to be considered. The stair redesign is to minimise any safety hazards for persons with a vision impairment or ambulatory disability.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(5) ARCHITECT WHO DESIGNED THE PROJECT NOT TO CHANGE

The architect of the project as approved must not be changed without prior notice to Council.

(6) RIGHT OF PUBLIC ACCESS AND POSITIVE COVENANT

(a) Prior to the issue of the Final Occupation Certificate for the development, a documentary Right of Public Access and Recreational Use is to be created and registered on the Title of the subject site. Such easement is to be defined over the public plaza and terrace plaza being the parts of the site designated "X" (cross-hatched) on the approved drawing DA01-06 Ground Floor Plan, is to be limited in stratum to an extent that excludes the basement car parking structure below the plazas and is to be created appurtenant to Council, in terms of granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, and rights of use by the public for passive recreational purposes to Council's satisfaction.

(b) Prior to the issue of the Final Occupation Certificate for the development, a documentary Positive Covenant is to be registered on the title of the subject site, appurtenant to Council. Such Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Public and Terrace Plazas, and is to require the maintenance of a \$10,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Access in accordance with the requirements and to the satisfaction of Council.

(7) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Ingenhoven Architekten and Architectus dated 2 July 2007; unless altered by other conditions which form part of this consent.

(8) CHILD CARE CENTRE SEPARATE APPLICATION FOR FIT OUT

A separate development application is required for the "fit out" of the child care centre facility. The 'use' only of the child care centre facility is approved as part of this development application.

(9) FIT OUT OF CAFE

A separate development application is required for the "fit out" of the proposed retail/ café contained within the proposed development. The use only of the retail/ café is approved as part of this development application.

(10) COFFEE CART Blich STREET

A separate development application is required for any proposed coffee cart located on the Blich Street frontage.

(11) APPROVED DESIGN ROOF-TOP PLANT**(12) SIGNS - SEPARATE DA REQUIRED****(13) SIGNAGE STRATEGY****(14) NOISE - USE****(15) LOADING DOCK PLAN**

The applicant shall submit a management plan to Council to demonstrate how the loading dock and courier car parking spaces are to be operated/ managed to ensure no queuing of vehicles on public streets, the management plan shall take into account the restricted ramp width leading to the loading dock, turnaround spaces available in the loading dock and the locations of security gates.

(16) CHILD CARE CENTRE DROP OFF & PICKUP

The applicant shall assign adequate on site car parking spaces for parents using the child care centre to drop off and to pick up children. No on-street parking areas or spaces for parents dropping off and picking up children forms part of this consent nor will be approved in the future. The operator of any proposed child care centre facility is to be made aware of this condition.

(17) REFLECTIVITY**(18) PARTITION WALLS****(19) EXTERNAL LIGHTING****(20) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 96 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(21) HOLDING AREAS**(22) SECURITY GATES****(23) SIGNAL SYSTEM****(24) SIGNS AT EGRESS****(25) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION**

(26) LOCATION OF VISITOR PARKING**(27) INTERCOM FOR VISITORS****(28) SIGN FOR VISITOR PARKING****(29) ACCESSIBLE CAR PARKING SPACES**

Of the required car parking spaces, at least 4 must be 3.2m x 5.5m minimum (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the "City of Sydney Access Development Control Plan 2004". The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(30) LOCATION OF ACCESSIBLE CAR PARKING SPACES**(31) BICYCLE PARKING****(32) BICYCLE FACILITIES**

A bicycle facilities room must be provided close to staff/employee bicycle parking and include:

- (a) Showers with change area; and
- (b) Personal lockers.

(33) LOADING WITHIN SITE

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times (and must not obstruct other properties/units or the public way).

(34) SERVICE VEHICLES

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

- (a) A minimum of 14 courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres;
- (b) A minimum of 2 loading dock(s) with minimum dimensions 3.5m x 7.5m with minimum head clearance 3.6m and 4.0m for the development;

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

(35) LOADING VIA THE ENTRANCE**(36) LOADING/PARKING KEPT CLEAR****(37) RTA CONDITIONS**

- (a) All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA;
- (b) Off street parking (if any) associated with the proposed development (such as turning paths and sight distance requirements) should be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for any servicing areas;
- (c) All vehicles must enter and exit in a forward direction.

(38) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**SCHEDULE 1B****Prior to Construction Certificate/Commencement of Work/Health and Building**

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

(39) ARCHAEOLOGICAL ASSESSMENT**(40) ARCHAEOLOGICAL INVESTIGATION****(41) ARCHEOLOGICAL DISCOVERY DURING EXCAVATION****(42) HERITAGE INTERPRETATION STRATEGY**

- (a) An interpretation strategy for the site must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art would be the preferred means of interpretation. The interpretation strategy should make provision for the inclusion of any archaeological findings on the site.

(43) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (a) Prior to a Construction Certificate being issued, an archival photographic recording of the site prior to demolition and the buildings on the site is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled

'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives. The form of the recording is to be as follows:

- (i) In A4 format, placed in archival plastic sleeves, in an appropriate archival folder.
 - (ii) The Development Application number must be noted on the front of the folder and in the report.
 - (iii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iv) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
 - (v) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images.
- (b) A digital based recording is to include:
- (i) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks.
 - (ii) CD or DVD containing the report in a pdf format and the electronic images saved as JPEG files with associated metadata and cross referenced to the catalogue sheets.
 - (iii) A film based recording is to include:
 - a. 35mm film images submitted as black and white prints 200 x 250mm, with equivalent contact sheets and negatives and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(44) PHYSICAL MODELS

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

(46) ELECTRICITY SUBSTATION

(47) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(48) UTILITY SERVICES

(49) TELECOMMUNICATIONS PROVISIONS

(50) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

(51) EXPORTATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non – liquid waste.

(52) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**(53) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE****(54) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)****(55) CERTIFICATION OF GEOTECHNICAL INSPECTION****(56) GEOTECHNICAL REPORT AND CERTIFICATION****(57) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS****(58) ANNUAL FIRE SAFETY STATEMENT FORM****(59) FIRE SAFETY CERTIFICATE TO BE SUBMITTED****(60) CONSTRUCTION TRAFFIC MANAGEMENT PLAN****(61) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM****(62) DILAPIDATION REPORT - MAJOR EXCAVATION/DEMOLITION****(63) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS****(64) ASBESTOS REMOVAL****(65) PROHIBITION OF ASBESTOS RE-USE****(66) CLASSIFICATION OF WASTE****(67) DISPOSAL OF ASBESTOS****(68) ASBESTOS REMOVAL SIGNAGE****(69) SIGNAGE LOCATION AND DETAILS****(70) SKIPS AND BINS****(71) NOTIFICATION OF ASBESTOS REMOVAL****(72) DEMOLITION/SITE RECTIFICATION**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.

- (b) Prior to the Construction Certificate being issued, 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 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 \$832,000. dollars as security for the costs of such works provided that:
- a. the maximum liability under the Deed must not exceed \$832,000.00 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
- that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e - h to take place on the site; and
 - (ii) in the event of default, must 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.
- (e) The Deed may, if the Director of City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:-
 - (i) Stage 1 - Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 - Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 - Release of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:-
 - (i) Certification (from the Private Certifier or Council) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(73) FOOTPATH DAMAGE BANK GUARANTEE

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

(75) BARRICADE PERMIT

(76) LOT CONSOLIDATION

(77) ENERGY EFFICIENCY OF BUILDINGS

- (a) The design of the building is also to achieve 6 stars under the Green Star Office Design V2.0.
- (b) The design of the building and its services must achieve a rating of 5 stars under the Department of Energy, Utilities and Sustainability's

(DEUS) Australian Building Greenhouse Rating (ABGR) scheme. This can be demonstrated by:

- (i) Entering into a Commitment Agreement⁽ⁱ⁾ with DEUS, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and
- (ii) Providing a copy of the independent energy assessment report to DEUS and submitted with the Construction Certificate application, that follows the current guidelines in DEUS's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review. This report should be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause (b) (i) above:

- a. "Commitment Agreement" means an agreement that is set out in accordance with DEUS's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between DEUS and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
- b. "Star rating" refers to the benchmarking system applied by DEUS for measuring the energy efficiency of a building, and known as the "Australian Building Greenhouse Rating Scheme".
- c. "Base building" means central services and common areas of a building.
- d. "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.
- e. "Whole building" means all of the building, being the fabric of the building itself and all services and fit-outs.

(78) INSTALLATION OF DUAL-FLUSH TOILETS

(79) INSTALLATION OF WATER EFFICIENT TAPS

(80) INTERNAL LIGHTING SYSTEM

(81) PUBLIC ART

High quality artwork must be provided within the development in publicly accessible locations. Areas to be explored for the installation of artwork are to include the main entrances, lobbies and street frontages, the exposed core

of the building on Bligh Street; integration with the green wall; the floorscape of the ground floor plane; and the stairs that front Bent Street, in accordance with the "Central Sydney DCP 1996" and the "Public Art Policy". Details of the artwork must be submitted for the approval of Council prior to a Construction Certificate being issued.

(82) KERB EXTENSIONS

In preparation of a Public Domain Plan, the applicant shall, in consultation with Council, incorporate kerb extensions at Bent and O'Connell Streets and Bent and Bligh Street intersections to improve traffic discipline/safety at these intersections. Subject to the Sydney Traffic Committees approval of the proposed kerb extensions, the applicant shall bear all costs of implementing the kerb extensions at the SE and SW corner of Bent and O'Connell Streets intersection and the SW corner of Bent and Bligh Streets intersection.

(83) USE OF AUSTRAL VERDE (GREEN) PUBLIC DOMAIN AREAS THAT FRONT BENT STREET

- (a) The design of the public domain and forecourt areas to the Bent Street frontage of the site is to be consistent with Farrer Place special area to the north of Bent Street, including the use of Austral Verde (green) granite to match.
- (b) The design must comply with general principles and guidelines in the City of Sydney Public Domain Manual and the Special Areas guidelines in the Sydney Streets Design Code and is to be incorporated into the overall Public Domain Plan for the site.

(84) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

A security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted standard fees and charges.

(85) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The alignment levels submission must be prepared in accordance with the City of Sydney's Public Domain Manual and is to include the interface between the public domain footpaths and the proposed public plaza area and forecourts to the building.

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

(86) STREET TREE HOARDING PROTECTION

Street trees must be protected during the erection of hoarding and construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken before or during the installation of the hoarding. The protection must:
 - (i) be installed by a qualified arborist (AQF Level 3); and
 - (ii) include the wrapping of the tree's trunk with hessian or similar material to limit damage to the trunk and major branches, within 0.5m of the hoarding.
- (b) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches.
- (c) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.

(87) STREET TREE PLANTING AND MAINTENANCE

The planting of street trees is required in association with the development in accordance with the following measures:

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to Council for approval prior to the issuing of the Construction Certificate. Street trees must be located and planted in accordance with the 'Trees in Footways – Guidelines for Replacement' detailed in the City's Street Tree Master Plan, and the following:
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the Occupation Certificate is issued.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, without limitation, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(88) TREE PLANTING TO BENT STREET

- (a) Washingtonia robusta palm trees are to be planted on Bent Street and are to be a minimum height of five (5) metres. The palms are to be installed as specified on the submitted Landscape Detail (Drawing No LTD02) by Architectus Sydney.

(89) PROPOSED LANDSCAPE PLAN

- (a) The fig tree pit that is located on the Bligh Street Plaza must be designed to allow more soil volume (width and depth), or use different tree species.
- (b) The Washingtonia robusta palm trees are to be a minimum height of five (5) metres. The palms are to be installed as specified on the submitted Landscape Detail (Drawing No LTD02) by Architectus Sydney.
- (c) Eight (8) street trees are approved for removal along the Bent, Bligh and O'Connell Street frontages.
- (d) A detailed landscape plan, drawn to scale, by the landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include details shown on supplied drawing no LTD02 and the following:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, number and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (e) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (f) Prior to a Construction Certificate being issued, a maintenance plan is submitted for approval of the Principle Certifying authority and complied with during the occupation of the property.

(90) STREET TREE REMOVAL

(91) GREEN WALL

- (a) Prior to the issue of a Construction Certificate the following design details of the proposed green wall must be submitted to and approved by Council:
 - (i) Detailed drawings demonstrating how the green wall is constructed, including proposed materials, planter dimensions, and integration into the wall structure;
 - (ii) Details of the proposed growing medium, including soil depth and method of soil temperature control;
 - (iii) Location, numbers, type and size of plant species;
 - (iv) Drainage, irrigation and waterproofing details (as applicable);
 - (v) Details of a maintenance plan for the structure and planting, including how access to the wall and soil will be provided;
 - (vi) Details outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the wall is well maintained and attractive throughout its life.
- (b) The design of the green wall must demonstrate the response to the site conditions, including in particular light availability and wind impacts.

(92) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

(93) FOOTPATH DAMAGE BANK GUARANTEE

(94) UNDER AWNING LIGHTING

(95) MECHANICAL VENTILATION

(96) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

(97) CAR PARK VENTILATION

(98) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(99) OCCUPATION CERTIFICATE TO BE SUBMITTED

(100) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of work, a Construction Liaison Committee is to be established by the developer, to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles,

traffic issues, management of the construction site) from the site can be dealt with expeditiously and co-operatively. The committee is to comprise nominated representatives of potentially affected properties including;

- (i) 1 - 15 O'Connell, Sydney (Wintergarden);
 - (ii) 2, Bligh Street, Sydney (Wentworth Hotel);
 - (iii) 6 - 10 O'Connell Street, Sydney (Norwich House);
 - (iv) 21 Bent Street, Sydney;
 - (v) 8-18 Bent Street, Sydney (Governor Phillip and Governor Macquarie Tower);
 - (vi) 35 - 39 Bridge Street, Sydney (Education Department);
 - (vii) 23 - 33 Bridge Street, Sydney (Lands Department Building);
- (b) The committee shall meet prior to the commencement of works on the site and at monthly intervals or as considered appropriate by the Committee throughout the construction process. Details of the consultation with the adjoining sites must be submitted to and approved by Council prior to the commencement of work.
- (c) The meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 7 days of the meeting(s). The following plans are to be tabled at a meeting of the Construction Liaison Committee prior to being provided to Council:
- (i) Geotechnical Report
 - (ii) Demolition Report
 - (iii) Demolition and Traffic Management Plan
 - (iv) Construction Management Plan
 - (v) Construction Program (A rough forward estimate of the construction timetable shall be tabled and discussed at the first meeting)
 - (vi) Construction Traffic Management Plan
 - (vii) Dilapidation Reports
 - (viii) Reports on Noise and Vibration
 - (ix) Plans to apply for temporary road or footpath closure or use of mobile cranes
 - (x) Complaints register

- (d) Prior to the commencement of work, the Site Manager is to provide the members of the construction liaison committee and Council, with 24 hour contact details (including location of site office and 24 hour phone number), to ensure that any matters which arise during the construction period are addressed immediately. The site manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the applicant.
- (e) The Site Manager is to inform, by way of writing, on a regular monthly basis (including at the Construction Liaison Committee) of the construction program, construction progress and impending work.
- (f) A register of all complaints received shall be kept by the applicant through out the duration of the project, and the register is to be made available to Council on request.

(101) HOURS OF WORK AND NOISE - CBD

(102) SYDNEY WATER CERTIFICATE

(103) EROSION AND SEDIMENT CONTROL

(104) PROTECTION OF STREET TREES DURING CONSTRUCTION

(105) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

(106) COVERING OF LOADS

(107) VEHICLE CLEANSING

(108) LOADING AND UNLOADING DURING CONSTRUCTION

(109) NO OBSTRUCTION OF PUBLIC WAY

(110) ACCESS DRIVEWAYS TO BE CONSTRUCTED

(111) USE OF MOBILE CRANES

(112) STREET NUMBERING - MAJOR DEVELOPMENT

(113) SHOP NUMBERING

(114) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(115) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

(116) ROCK CUTTING INTO BLOCKS

(117) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

(118) NOTIFICATION OF EXCAVATION WORKS

(119) ENCROACHMENTS - PUBLIC WAY

SCHEDULE 2

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

Carried unanimously.

ITEM 8 DEVELOPMENT APPLICATION: 4-10 CAMPBELL STREET - HAYMARKET (D/2007/1668)

Mr Peter Spira, Meriton Apartments, the Applicant, addressed the meeting of the Central Sydney Planning Committee.

Moved by Mr Johnson, seconded by Mr Covington -

It is resolved that consideration of this matter be deferred to enable a sub-committee of the Central Sydney Planning Committee to be established for the subject site, comprising:

- Councillor John McInerney
- Mr Chris Johnson
- Mr Keith Cottier
- Director City Planning and Regulatory Services

and

- Applicant representation

to further discuss matters raised at the meeting.

Carried.

ITEM 9 DEVELOPMENT APPLICATION: 14-24 COLLEGE STREET - DARLINGHURST (D07/01548)

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

- Ms Gail Fitzmaurice
- Mr Fred Veerhuis
- Ms Jennifer Wilder
- Mr Dylan Collins
- Ms Kristy Moore
- Mr Reg Hierzer
- Mr Espe Dodds
- Mr Mark Sydney - Pamada, representing the Applicant
- Mr Bob Perry - Scott Carver Architects representing the Applicant

Moved by Mr Johnson, seconded by Cr McInerney -

It is resolved that:-

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

SCHEDULE 1A

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

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2007/1548 dated 16 August 2007 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated August 2007 and the following drawings:

Drawing Number	Architect	Date
DA000 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA001 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_100 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_101 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_102 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_103 Issue B	Scott Carver Architecture and Urban Design	24/10/2007
DA_104 Issue A	Scott Carver Architecture and Urban Design	10/08/2007

Drawing Number	Architect	Date
DA_105 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_106 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_107 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_108 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_109 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_110 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_111 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_114 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_115 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA200 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA201 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
DA_202 Issue A	Scott Carver Architecture and Urban Design	10/08/2007
LDA-001 (B) Issue B	Scott Carver Architecture and Urban Design	24/10/2007

and as amended by the conditions of this consent:

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

(2) DESIGN MODIFICATIONS

Details of a security gate across the Stanley Street stairs, which can be closed after hours, are to be submitted and be approved by Council prior to a Construction Certificate being issued.

(3) FUTURE USE OF GROUND FLOOR TENANCIES

(4) DESIGN DETAILS (MAJOR DEVELOPMENT)

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 11.86:1 calculated in accordance with the "Sydney Local Environmental Plan 2005". For the purpose of the calculation of FSR, the Floor Space Area of the development is 16,589sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under "Sydney Local Environmental Plan 2005" applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 746sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of the existing floor space area of the building of 15,843sqm (FSR of 11.3:1) as specified in the "Sydney Local Environmental Plan 2005".

(6) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 114.474 (AHD) to the top of the building/roof and RL 116.924 (AHD) to the top of the lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

(7) COLLEGE LANE ROADWORKS

Detailed engineering design and construction plans and documentation for the road and drainage works associated with the shared zone extension of College Lane are to be submitted to and approved by Council prior to the release of a Construction Certificate for those civil works and are to be certified by a qualified Civil Engineer prior to the commencement of construction.

The certified plans and documentation for these works shall clearly demonstrate compliance with Council's Development Specification for Civil Works, applicable Australian Standards and the requirements of this consent.

The submission shall include any related required approvals from external parties, such as public utility authorities and is to include plans, details and specifications sufficient to describe in detail the design, scope and extent of all proposed road works, prepared and certified by a Professional Engineer, including:

- (a) Shared zone pavement design showing structure, materials and thicknesses of pavement and surfacing including junctions with existing road formations with a minimum of 300mm wide existing road restoration.
- (b) Proposed contours and levels, showing existing and proposed levels at abutment to adjacent properties and existing roads, cross sections showing carriageway and footway widths, batter slopes and pavement materials and specifications.
- (c) Stormwater drainage hydraulic and geometric design including private connections and connections into Council's existing stormwater

system, traffic and pedestrian signage, and any necessary minor works and matching adjustments.

- (d) Pedestrian and bicycle facilities, street furniture, street lights and street trees and other associated verge works.
- (e) Provision of and/or adjustment to public utility services.
- (f) Specifications showing assumptions, calculations and testing.

Documentation shall be fully coordinated with the Public Domain and Landscape Plans, and submitted concurrently to the Public Domain Section for review and approval and Council's acceptance of completed roadworks will be subject to demonstration of compliance with approved drawings, the Development Specification for Civil Works, and applicable standards.

(8) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and shall include details relating to the extension of College Lane to convert this area into a 'share-way'. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

Note: a security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted standard fees and charges.

(9) RIGHT OF PUBLIC ACCESS

Prior to issue of the final Occupation Certificate for the development, the owner of the site is to register on Title a documentary Right of Public Access over the shared zone extension of College Lane, from the northern extremity of that Lane to the alignment of Stanley Street, free of cost to Council. The easement can be created in stratum, limited to a minimum of 3 metres above the upper surface of the pavement material, if so desired, created appurtenant to Council, granting rights of unrestricted public pedestrian access, with or without vehicles and to Council's satisfaction.

(10) POSITIVE COVENANT

Prior to the issue of the final Occupation Certificate for the development, the owner of the site is to register on Title a documentary Positive Covenant, created appurtenant to Council, in terms indemnifying Council against any claims and damages arising from public use of the Right of Public Access, requiring the maintenance of an appropriate \$10,000,000 public indemnity insurance policy, holding the registered proprietors of the site responsible for the maintenance, repairs, upkeep and lighting of the Right of Public Access and to Council's satisfaction.

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

(12) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, 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 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 \$350,000.00 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$350,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or

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

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e - h to take place on the site; and
 - (ii) in the event of default, must 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.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:-
 - (i) Stage 1 - Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 - Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 - Release of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:-
 - (i) Certification (from the Private Certifier or Council) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(13) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 3 to 23) 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 Sydney Local Environmental Plan 2005.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from permanent residential accommodation. The covenant is to be registered on title prior to an Occupation Certificate being issued, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building such that the Building Manager or agent has control over who shares units.
- (g) Car parking spaces may only be used for storage related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

(14) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**SCHEDULE 1B****Prior to Construction Certificate/Commencement of Work/Health and Building**

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

(15) SYDNEY TRAFFIC COMMITTEE**(16) CAR LIFTS****(17) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

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

(19) CAR PARKING SPACES AND DIMENSIONS

A maximum of 120 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(20) SEALING OF CAR PARK

(21) SIGNS AT EGRESS

(22) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION

(23) STACKED PARKING EMPLOYEES OR TENANTS ONLY

(24) ACCESSIBLE CAR PARKING SPACES

Of the required car parking spaces, at least 11 must be 3.2m x 5.5m minimum (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the 'City of Sydney Access Development Control Plan 2004'. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(25) LOCATION OF ACCESSIBLE CAR PARKING SPACES

(26) BICYCLE PARKING

(27) LOADING WITHIN SITE

(28) SERVICE VEHICLES

A minimum of 2 service vehicle space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres are to be provided and must comply with the minimum requirements of Australian Standard AS 2890.2 - 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(29) LOADING/PARKING KEPT CLEAR

(30) TRAFFIC WORKS

(31) ASSOCIATED ROADWAY COSTS

(32) COST OF SIGNPOSTING

- (33) NOISE IMPACTS**
- (34) NOISE - MECHANICAL PLANT**
- (35) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION - MAJOR WORKS**
- (36) COMMEMORATIVE PLAQUE**
- (37) ARCHEOLOGICAL DISCOVERY DURING EXCAVATION**
- (38) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**
- (39) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (40) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (41) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**
- (42) DILAPIDATION REPORT - MAJOR EXCAVATION/DEMOLITION**
- (43) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**
- (44) ELECTRICITY SUBSTATION**
- (45) UTILITY SERVICES**
- (46) PHYSICAL MODELS**
- (47) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (48) FOOTPATH DAMAGE BANK GUARANTEE**
- (49) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
 - (a) A separate application is to be made to Council for approval to erect a hoarding or scaffolding in a public place and such application is to include:-
 - (i) 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).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (iii) 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.
 - (iv) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture

including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant will be responsible for meeting Council's lost revenue as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (eg Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structure on the public way and graffiti must be removed from the hoarding within one working day.

(50) BARRICADE PERMIT

(51) STRATA SUBDIVISION - SEPARATE DA REQUIRED

(52) LAND SUBDIVISION - SEPARATE DA REQUIRED

(53) PUBLIC ART

(54) ALIGNMENT LEVELS

(55) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

(56) SWIMMING POOL/SPA

(57) SWIMMING POOL WASTE AND OVERFLOW WATERS

(58) SWIMMING POOL - CONSULTATION WITH ENERGY AUSTRALIA

(59) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 & AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 & AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a

Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

- (60) CAR PARK VENTILATION**
- (61) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**
- (62) VERIFICATION OF SUPPORT FOR NEW LOADS**
- (63) GEOTECHNICAL REPORT AND CERTIFICATION**
- (64) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**
- (65) ANNUAL FIRE SAFETY STATEMENT FORM**
- (66) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (67) PLANTING ON SLAB/PLANTER BOXES**
- (68) LANDSCAPING OF THE SITE**
- (69) LIGHTING DETAILS**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (70) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (71) BASIX**
- (72) HOURS OF WORK AND NOISE - CBD**
- (73) SYDNEY WATER CERTIFICATE**
- (74) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (75) HAZARDOUS AND INDUSTRIAL WASTE**
- (76) COVERING OF LOADS**
- (77) VEHICLE CLEANSING**
- (78) LOADING AND UNLOADING DURING CONSTRUCTION**
- (79) NO OBSTRUCTION OF PUBLIC WAY**
- (80) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (81) USE OF MOBILE CRANES**
- (82) STREET NUMBERING - MAJOR DEVELOPMENT**

(83) STREET NAME PLATE**SCHEDULE 2**

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

1. The prescribed conditions are as follows:
 - (a) The work must be carried out in accordance with the requirements of the "Building Code of Australia" (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply to:
 - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the "Environmental Planning and Assessment Regulation 2000"; or
 - (ii) the erection of a temporary building.
 2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.
- (B) the applicant is to review the following matters in relation to the development:
- (1) the location of the garbage room and vehicle access ramps (in this regard the applicant is to provide a management strategy to minimise disturbance to residents during garbage collection and entry and exit of vehicles),
 - (2) solar access impacts upon surrounding residential land;
 - (3) upon completion of the review the applicant is to provide a report detailing the outcomes of the review, to the satisfaction of the Director City Planning and Regulatory Services.
- (C) in order to maintain communication between the developer, builder and surrounding residents, a Residents Liaison Committee shall also be established and meet during the construction program for the project and shall comprise of the following:
- the Applicant
 - the Applicant's architects
 - residential representation, including Mr Dodds.

Carried.

ITEM 10 DEVELOPMENT APPLICATION: 61-79 QUAY STREET - HAYMARKET (D/2007/1745)

Mr Tim Blythe, Urbis JHD, representing the Applicant, NGI Management Pty Ltd, addressed the meeting of the Central Sydney Planning Committee.

Moved by Ms Connolly, seconded by Ms Crouch -

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

(A) development consent, in accordance with Section 80(4) of the Environmental Planning and Assessment Act, 1979 be issued, subject to the following conditions:

(1) APPROVED DEVELOPMENT

Stage 1 development consent is granted only for:

- (a) The building envelope for a commercial building, but no building works;
- (b) Basement level car parking with vehicle access points from Thomas Street and Ultimo Road
- (c) Ground and part lower ground level retail uses.

as detailed in the following plans contained in the submitted development application:

Architect	Title	Date
Rice Daubney	Analysis	31/08/07
Rice Daubney	Basement parking 2	31/08/07
Rice Daubney	Basement parking 1	31/08/07
Rice Daubney	Podium levels	31/08/07
Rice Daubney	Lower levels typical	31/08/07
Rice Daubney	Street elevations	31/08/07
Rice Daubney	Sections	31/08/07
Rice Daubney	Isometric massing	05/11/07
Rice Daubney	Envelope elevations	05/11/07

and as amended by the conditions of this consent:

- (d) No approval is granted for the demolition of the supported brick facade at the corner of Quay Street and Ultimo Road. This façade will only be considered for demolition if an appropriate and suitable design response is achieved as part of any Stage 2 DA.

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

(2) DESIGN MODIFICATIONS

The building envelope must be modified as follows:

- (a) The proposed envelope above the height of the adjoining Transgrid substation at 31 Ultimo Road must be setback a minimum of 3m from the western boundary to provide a necessary separation in the building mass of a building in the approved envelope and the approved building above the Transgrid substation.

Amended plans must be submitted and approved by the Director City Planning and Regulatory Services prior to the Stage 2 DA competitive process.

(3) STAGE 2 DA/COMPETITIVE DESIGN PROCESS

- (a) The detailed design of the whole development must be the subject of a competitive design process in accordance with the provisions of Chapter One Part 5 of the Sydney Local Environmental Plan 2005 and Section 12 of the Central Sydney Development Control Plan 1996.
- (b) The brief for the competitive design process must address the Stage 1 consent, the requirement for an archaeological assessment, the relevant controls for the Haymarket Special Area, the retention of the brick façade and the quality of the design materials and finishes for the vehicle entries.
- (c) The competitive design process must be held prior to the lodgement of the Stage 2 development application for the development.
- (d) The detailed design of the whole development shall be the subject of a Stage 2 development application.

(4) DESIGN EXCELLENCE

The detailed design of the whole development must exhibit design excellence in accordance with the provisions of Chapter One Part 5 of the Sydney Local Environmental Plan 2005.

(5) STAGE 2 - BUILDING

The Stage 2 design for the whole development must be wholly contained within the approved building envelope except as may be allowed by this consent.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The maximum Floor Space Ratio (FSR) for the whole of the development site must not exceed 7.5:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the

calculation of this FSR, the maximum Floor Space Area of the development is to be 23,910sqm.

(7) ARCHAEOLOGICAL ASSESSMENT

An archaeological assessment by a suitably qualified archaeologist must be carried out to assess whether the proposed works involve disturbance of sub-surface fabric, and the need for archaeological investigation. This assessment must be included in the design brief and included with the Stage 2 DA.

(8) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives consistent with attaining an Australian Building Greenhouse Rating (ABGR) of 5 stars and 5 star Green Star rating.

- (a) Notwithstanding the above minimum criteria the Stage 2 development should strive to achieve the highest possible ESD targets consistent with current best practice.
- (b) The Stage 2 DA shall be subject of a sustainability report that demonstrates compliance with the above.

(9) CONTAMINATION ASSESSMENT

- (a) A Detailed Environmental Site Assessment (Stage 2 Site Assessment) is to be carried out in accordance with the NSW DEC Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use and must be submitted with the Stage 2 DA.
- (b) If required by the Stage 2 Site Assessment, a Remedial Action Plan (RAP), Site Validation Assessment (SVA) and Site Audit Statement (SAS) are to be carried out.
- (c) Where the Detailed Environmental Site Assessment states that the site is suitable for the proposed use it is to be peer reviewed by a NSW DEC accredited site auditor and a Site Audit Statement submitted to Council certifying that the site is suitable for the proposed use.
- (d) Where the Detailed Site Assessment states that a Remediation Action Plan is to be undertaken, the RAP is to be peer reviewed by a NSW DEC accredited site auditor and include a statement certifying that the RAP is practical and the site will be made suitable after remediation for the proposed use.

(10) WIND

- (a) The Stage 2 DA scheme shall be subject to wind tunnel testing to ascertain the impacts of the development on the ground level wind environment and the wind conditions within the proposed podium void. Sole reliance on street tree planting to ameliorate adverse wind effects is not appropriate.

- (b) The design of the building shall be such that it satisfies as far as possible, the wind criteria contained in Section 4.2 of the Central Sydney Development Control Plan 1996.
- (c) A wind report shall be submitted with the Stage 2 DA demonstrating compliance with the above.

(11) TRAFFIC AND ACCESS REQUIREMENTS

- (a) A maximum of 64 off-street tenant car parking spaces, 6 service and delivery spaces and 100 "short stay" public car parking spaces are to be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.
- (b) A detailed traffic assessment is required to be submitted as part of any Stage 2 DA to assess the likely impacts of the development and the specific requirements of this site.
- (c) Precise design details of the layout of the car parking areas and loading dock must be submitted for approval as part of the Stage 2 development application. These details shall include:
 - (i) Adequate space to allow manoeuvring and turning of the different sized service vehicles (including sufficient details regarding the service vehicle requirements for any proposed supermarket);
 - (ii) Provision of parking facilities for motorcycles and bicycles;
 - (iii) Provision of a cyclists changing room which is to be located close to bicycle parking and is to include showers with clothes change area and personal lockers.
 - (iv) Appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress, compelling drivers to stop before proceeding onto the public way.
- (d) Accessible parking for people with mobility impairment shall be provided and designed in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the 'City of Sydney Access Development Control Plan 2004'.
- (e) Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be proximate to such lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.
- (f) The on-site car parking spaces, exclusive of service car spaces, are not to be used by those other than an occupant or tenant of the subject building.

- (g) Service, delivery, courier spaces and loading docks must be located close to the service entrance and away from other parking areas.

(12) TRANSGRID SUBSTATION

The applicant shall liaise with Transgrid to ensure that the proposed excavation required for the basement will not impede the operation of the adjacent substation at 31 Ultimo Road Haymarket. The applicant shall submit sufficient details with the Stage 2 DA demonstrating compliance with this condition.

(13) SECTION 61 CONTRIBUTIONS PAYABLE

The whole development shall be the subject of a cash contribution comprising 1% of the total cost of the development. The contribution is payable to the City of Sydney pursuant to section 61 of the "City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002".

(14) SIGNAGE STRATEGY

A detailed signage strategy for the development shall be submitted with the Stage 2 DA. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the building.

(15) PUBLIC ART

The Stage 2 DA shall incorporate:

- (a) Detailed concepts for the provision of high quality art work 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"; and
- (b) Detailed concepts for the design and treatment of the construction hoardings to be used to incorporate artworks so as to make a positive contribution to the public domain during construction shall be provided.

The public art concepts shall be prepared by a person with expertise in public art. With regard to the construction hoardings the concepts shall incorporate the provision of existing recognised art works and/or the provision of specifically commissioned artworks and shall not just consist of the provision of commercial retail images.

Funding of the public art shall be in addition to Section 61 contributions and public domain upgrades.

(16) PUBLIC DOMAIN PLAN

A detailed Public Domain Concept Plan for the improvement of the public domain adjoining the site and publicly accessible areas within the site shall be submitted with the Stage 2 DA. The plan shall detail the relationship of the proposed podium void to the surrounding streetscape, with sufficient information on access, materials, levels, finishes, lighting, landscaping and the like to illustrate the design and operation of all publicly accessible areas and surrounding footpaths, and their consistency with City policies and

standards. Such details shall be prepared in accordance with the City of Sydney's Public Domain Manual.

The improvement of the public domain shall be in addition to Section 61 contributions.

(17) ALIGNMENT LEVELS

Footpath alignment levels for the building and surrounding public domain must be submitted to Council for approval with the future Stage 2 Development Applications for this site. This submission must be accompanied by a plan prepared by a Registered Surveyor in accordance with the City of Sydney's Public Domain Manual showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels of 10m cross sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

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

(18) ELECTRICITY SUBSTATION

Any Stage 2 DA must include details of the substation as required by Energy Australia. The owner must dedicate to Energy Australia (or other applicable energy supplier), free of cost, an area of land within the development site, but not in any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.

(19) STREET TREES

Any Stage 2 DA must be accompanied by a construction method statement including a methodology prepared by a qualified arborist for the protection and retention of existing street trees. Alternatively, the public domain plan may propose removal/replacement of street trees as part of a detailed landscape proposal for the site.

(20) INTERPRETATION STRATEGY

An Interpretation Strategy for the site must be submitted as part of any Stage 2 DA.

The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art would be the preferred means of interpretation. The interpretation strategy should make provision for the inclusion of any archaeological findings on the site.

The interpretation strategy is to specifically include an interpretation of the significance of the site as part of its contribution to the development of the market precinct of Haymarket.

(21) CONSTRUCTION MANAGEMENT

The Stage 2 DA for the whole development shall be supported by a detailed construction management plan for the development.

(22) NO DEMOLITION PRIOR TO STAGE 2 APPROVAL

Demolition or excavation must not commence until a Construction Certificate - after Stage 2 approval - has been issued for construction of a substantive building.

Carried.

ITEM 11 DEVELOPMENT APPLICATION: 296-298 BOTANY ROAD - ALEXANDRIA (D/2007/1566)

A letter from Mr Stephen J Parry, Consulting Solicitor representing the Applicant, Gazcorp Pty Ltd, dated 5 December 2007, 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:

- Mr Chris Linning
- Mr Tim Blythe - Urbis JHD representing AMP Capital Investments
- Mr Chris Grinham - Humphrey and Edwards, Architects for the Applicant
- Mr Graham Humphrey - Humphrey and Edwards, Architects for the Applicant

Moved by Ms Connolly, seconded by Ms Crouch -

It is resolved that:-

- (A) authority be delegated to the Chief Executive Officer to determine the application having regard to the contents of the subject report, including the draft conditions of consent contained in Attachment A to the subject report;
- (B) draft Condition of Consent No 7 - Breakthrough Panel for 310A Bourke Road, as contained in Attachment A to the subject report, be amended so that draft Condition 7 requires only the provision of a breakthrough panel;
- (C) determination of the application, in accordance with clauses (A) and (B) above, is to only occur following:
 - (1) the resolution of any public submissions to the draft Voluntary Planning Agreement related to the development site which is currently on public exhibition,
 - (2) receipt of further Sydney Regional Development Advisory Committee comments on the amended proposal,

- (3) receipt of comments from Council's Specialist Health Surveyor and Tree Management Officer, having regard to the provisions of SEPP 55 - Remediation of Land, the City of Sydney Contaminated Land DCP 2004, the City of Sydney Tree Preservation Order 2004, and the City of Sydney Street Tree Master Plan.

Carried.

ITEM 12 DEVELOPMENT APPLICATION: WESTFIELD - CENTREPOINT, IMPERIAL ARCADE AND SKYGARDEN (D2007/1228)

Mr Andrew Robertson, Westfield Developments, addressed the meeting of the Central Sydney Planning Committee. A letter from Mr Robertson dated 6 December 2007 had been circulated to members prior to the meeting of the Central Sydney Planning Committee.

Moved by Ms Connolly, seconded by Cr McInerney -

It is resolved that:-

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. 2007/1228 dated 29 June 2007 and the following drawings:

Drawing Nos	Architect	Date
DA 200 Revision 2 to DA216 Revision 2	John Wardle Architects	February 2007
DA 302 Revision 2 to DA 345 Revision 2	John Wardle Architects	February 2007
DA 430 Revision 2 to DA 432 Revision 2	John Wardle Architects	February 2007
DA 451 Revision 2 to DA 452 Revision 2	John Wardle Architects	February 2007
DA 520 Revision 2 to DA 522 Revision 2	John Wardle Architects	February 2007
DA 531 Revision 2 to DA 535 Revision 2	John Wardle Architects	February 2007

DA 540 Revision 2 to DA 542 Revision 2	John Wardle Architects	February 2007
DA 550 Revision 2 to DA 555 Revision 2	John Wardle Architects	February 2007

Except as may be amended by the conditions of this consent:

(2) RETAIL PODIUM

The applicant shall explore opportunities for the incorporation of masonry elements within the composition of the podium facade. In particular, the design of the north section of the facade of the retail podium fronting Pitt Street Mall shall be amended to exhibit a masonry character and provide an improved relationship with the adjoining heritage listed Skygarden facade (in this regard the projecting concrete entrance canopy shall be deleted) and the streetscape, in general, consistent with the requirements of Central Sydney Development Control Plan 1996.

The amended design of the façade(s) is to be submitted for approval by the Council's Director City Planning and Regulatory Services, prior to the issue of a construction certificate for the façade of the retail podium.

(3) AWNINGS

The design of the retail podium shall be amended so as to provide awnings along the street frontages of the development at a height generally consistent with that of the existing awning so as to provide appropriate weather protection and an appropriate relationship with adjoining development and the streetscape, in general, consistent with the requirements of Central Sydney Development Control Plan 1996.

The amended design of the awnings is to be submitted for approval by the Council's Director City Planning and Regulatory Services, prior to the issue of a construction certificate for the façade of the retail podium.

(4) UPGRADE OF PITT STREET MALL

Prior to the issue of a construction certificate for the construction of the substantive building, the applicant shall enter into a Deed of Agreement with Council to upgrade the whole of Pitt Street Mall as part of the construction of the development. The terms of the agreement may include:

- (a) the provision by the applicant of project design and construction management services to deliver the works; and
- (b) a requirement that the cost of works to the northern section of the Mall which are not adjacent to properties owned by Westfield be discounted from the required Section 61 contribution.

(5) DESIGN DETAILS

Final detailed specifications and samples of all external finishing materials shall be submitted to and be approved by Council prior to the issue of a Construction Certificate.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 12.5:1 calculated in accordance with the "Central Sydney Local Environmental Plan 1996". For the purpose of the calculation of FSR, the Floor Space Area of the development is 142,222 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Central Sydney Local Environmental Plan 1996 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 12,800sqm of heritage floor space was allocated (purchased and transferred) to the development.

This amount may be reduced by an amount equivalent to the area of the mid block connections between Pitt Street Mall and Castlereagh Street that have been provided in accordance with the Central Sydney Development Control Plan 1996 and are subject to an easement requiring them to be available for public access between the hours of at 6.00 am to 10.00pm daily. Details of this reduction are to be agreed with Council.

(7) BUILDING HEIGHT

- (a) The height of the commercial office tower must not exceed RL 168.46 (AHD).
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the office tower to the satisfaction of the Principal Certifying Authority.

(8) ROOF-TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope. Should the plant exceed the approved building envelope, then further approval is required from Council.

(9) APPROVED USES

- (a) Development consent is granted for:
 - (i) the use of the retail podium for the purpose of shops and, with the exception of ground floor street front tenancies, commercial

premises such as banks, building societies and uses providing customer oriented financial services; and

- (ii) the use of the new office tower, the Skygarden office tower and the refurbished ATO building for the purpose of commercial offices.
- (b) Separate development applications are not required for the use of these areas for such purposes.
- (c) Separate development applications are required for the fit out of these areas (unless the works are exempt or complying development).
- (d) The existing Sydney Tower restaurant and observation level, Sky Tour and Skywalk continues to operate under the terms of their existing consents. Whilst approved in principle by this consent separate development applications are required for the use and fit out of:
 - (i) The child care centre;
 - (ii) The use of any retail units or areas within the development as a retail food premises, take away food premises, café, restaurant, bar or the like (including the Skygarden restaurants/roof bar) or use as a Place of Public Entertainment.
- (f) Separate development applications are required for other uses not specifically detailed in this condition.

(10) HOURS OF OPERATION

The general hours of operation of the development are restricted as follows:

- (a) Retail podium - 6.00am to 10.00pm seven days;
- (b) Commercial office uses - 24 hours.

Uses excluded from these hours include:

- (c) The Sydney Tower restaurant and observation level, Sky Tour and Skywalk which operate under separate consents; and
- (d) Other uses within the development which require separate development consent and may be subject to conditions specifying different hours.

(11) MID BLOCK CONNECTIONS/THROUGH SITE LINKS

The mid block connections/through site links shall be maintained open for access between the hours of 6.00am to 10.00pm in accordance with the requirements of the Central Sydney development Control Plan 1996.

(12) SHOPFRONTS

- (a) Precise architectural details of the design of the shopfronts adjacent to the public domain and the provision of any doors or other means of enclosure of the entrances to the development shall be submitted to

and be approved by Council prior to the issue of a Construction Certificate.

- (b) The shopfronts to the Skygarden building on Pitt Street Mall shall be designed to complement and reflect the heritage character and significance of the facades.
- (c) In addition a detailed shop front design guide for tenancies fronting the public domain, for prospective tenants who may wish to modify the approved shop fronts as part of their tenancy fit out, shall be submitted to and be approved by Council prior to the issue of a Construction Certificate. Such a design guide shall identify opportunities and constraints and incorporate key objectives to be satisfied in respect of any such modifications.

(13) SIGNAGE STRATEGY

The submitted signage strategy is not approved as part of this consent.

A fully detailed signage strategy for the development including information and scale drawings of the location, type, general construction, materials and total number of signs appropriate for the building shall be submitted to and be approved by Council prior to the issue of a Construction Certificate.

(14) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs which are externally fitted or applied or set behind the glass line of retail/commercial tenancies and are visible from the street must be submitted for the approval of Council prior to the erection or display of any such signs.

(15) SIGNS/GOODS IN THE PUBLIC WAY

(16) NOISE - USE

(17) NOISE - MECHANICAL PLANT

(18) RESTRICTION OF GROCERY AND CONVENIENCE RETAILING

- (a) 2866 sqm of retail floor space on level L01 is approved as basement "grocery or convenience retailing" as defined in the Central Sydney LEP 1996.
- (b) This floor space area has been excluded from the calculation of Floor Space consistent with the definition of Floor Space Area contained in the Central Sydney LEP 1996.
- (c) This amount of floor space on Level L01 must be maintained as "grocery or convenience retailing" as defined in the Central Sydney LEP 2005.
- (d) Prior to an Occupation Certificate being issued, a documentary restrictive covenant to the effect that 2866 sqm of floor space on Level L01 of the building has been approved as basement grocery or convenience retailing as defined in the Central Sydney LEP 2005 and has been excluded from floor space for the purposes of calculating

floor space ratio is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

(19) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

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

A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002 in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Principal Certifying Authority (PCA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the PCA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, "Building Code of Australia" compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related

fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.
- (f) The amount of Section 61 contribution payable may be reduced by an amount equivalent to the cost of works provided in lieu of the contribution in respect of the upgrade of Pitt Street Mall in addition to the general public domain works required by other conditions of this consent. This amount is to be agreed with Council.

(21) VEHICLE PARKING

Vehicle parking must be allocated as detailed in the in the approved plans as follows:

- (a) 188 commercial tenant parking spaces.
- (b) 70 service vehicle spaces.
- (c) 15 motor bike parking spaces.
- (d) 189 bicycle parking spaces

All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:

(22) SERVICE VEHICLES

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

(23) ACCESSIBLE CAR PARKING SPACES

- (a) A minimum of two accessible car parking spaces measuring 3.2m x 5.5m minimum (with a minimum headroom of 2.5m) must be provided.
- (b) These spaces shall be clearly marked as accessible parking for people with mobility impairment and appropriately located close to lifts. The design and layout of accessible car parking is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the "City of Sydney Access Development Control Plan 2004".

- (c) Details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(24) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 - 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(25) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building.

(26) RAILCORP CONCURRENCE CONDITIONS

- (a) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the Redfern to Chatswood Rail Link must be designed, constructed and maintained in accordance with design criteria specified by Railcorp.
- (b) The design and construction of the basement levels and foundations for the approved development are to be completed to the satisfaction of Railcorp.
- (c) No modifications may be made to that approved design without the consent of Railcorp.
- (d) Railcorp, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (e) A detailed regime is to be prepared for consultation with, and approval by, Railcorp for the excavation of the site and the construction of the building foundations for the approved development, which may include geotechnical and structural certification in the form required by Railcorp.
- (f) All requirements contained in the Agreement between Railcorp and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- (g) Copies of any certificates, drawings or approvals given to or issued by Railcorp must be delivered to the City for its records.

- (h) Prior to the issue of a Construction Certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed Redfern to Chatswood Rail Link without the prior written consent of Railcorp.

SCHEDULE 1B

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

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

(27) CONSERVATION WORKS TO RETAINED HERITAGE FACADES

The retained heritage facades to the Skygarden building are to be conserved to the highest standard as part of the proposed development in order to ensure a long service life. Works may include:

- (a) Structural repairs; Repair of stucco/render;
- (b) Installation or replacement of lead weatherings to cornices, parapets and architectural details;
- (c) Repair of joinery;
- (d) Painting of joinery;
- (e) Stonework repairs; repointing of stone joints; and
- (f) Roof repairs to the pavilion tower.

A detailed schedule of works for the facades shall be submitted for the approval of Council prior to the issue of a Construction certificate and all approved works shall be carried out to the satisfaction of Council prior to the issue of an Occupation Certificate.

(28) GENERAL HERITAGE

(29) USE OF CONSERVATION ARCHITECT

(30) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for the site must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting.

Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The strategy should refer to former uses of the site and, in particular, the evolution of shopping arcades on this site since the nineteenth century. It should also acknowledge the iconic status of Centrepoint Tower.

- (c) The approved strategy must be implemented to the satisfaction of Council prior to the issue of an Occupation Certificate.

(31) MATERIALS AND FINISHES TO MATCH EXISTING

(32) COLOUR SCHEME

(33) COMMEMORATIVE PLAQUE

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

(34) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION - MAJOR WORKS

(35) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

(36) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(37) WASTE AND RECYCLING COLLECTION CONTRACT

(38) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(39) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues, management of the construction site) from the site can be dealt with expeditiously and co-operatively.
- (b) The committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and interest groups, these may include but are not restricted to:
- (i) properties on Castlereagh Street (between King Street and Market Street);
 - (ii) properties on Market Street (between Castlereagh Street and Pitt Street Mall);
 - (iii) properties on Pitt Street Mall (between King Street and Market Street);
 - (iv) David Jones;
 - (v) Goddard Nominees Pty Ltd;

- (vi) The Tower Apartments;
 - (vii) Sydney Buses;
 - (viii) The Taxi Council of NSW.
- (c) The committee shall meet prior to the submission of the final Construction Management plan to Council and prior to commencement of works on the site to address initial areas of concern and then at monthly intervals or as considered appropriate by the Committee throughout the construction process. Details of the consultation with the adjoining sites must be submitted to and approved by Council prior to the commencement of work.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the committee and all immediately adjacent/adjoining properties 24 hour contact details (including location of site office and 24 hour phone number), to ensure that any matters which arise during the construction period are addressed immediately. The site manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the applicant.
- (e) A register of all complaints received shall be kept by the applicant through out the duration of the project, and the register to be made available to Council on request.

(40) CONSTRUCTION AND TRAFFIC MANAGEMENT

- (a) Prior to the issue of a Construction Certificate a final detailed Construction and Traffic Management Plan shall be submitted and approved by Council.
- (b) The preparation of the plan shall be drawn up in consultation with adjoining/surrounding premises and in particular shall give full consideration to the comments contained in the submissions made by:
- (i) David Jones dated 27 August 2007; and
 - (ii) RESNET dated 17 August 2007; and
 - (iii) HWL, on behalf of Goddard Nominees Pty Ltd, dated 3 August 2007.
- (c) Evidence of consultation undertaken shall be submitted with the construction management plan.
- (d) With regards to pedestrian amenity the construction management plan is to incorporate provision for raised hoarding mechanisms to be used in the construction of the development which are designed to cantilever over the footway on all street frontages.

(41) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(42) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

(43) DILAPIDATION REPORT - MAJOR EXCAVATION/DEMOLITION**(44) ROAD OPENING PERMIT****(45) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS****(46) REMEDIATION**

The developer shall strictly adhere to all of the recommendations listed in the auditors Contamination Management Plan and its subsequent review, approval, validation and implementation.

A copy of the Contamination Management Plan and all documentation created during the works performed by the recommended activities shall be submitted to Council.

(47) CONTAMINATION**(48) LANDSCAPING OF THE SITE**

A detailed landscape plan for the roof top terrace area, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued.

(49) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**(50) UTILITY SERVICES****(51) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES****(52) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

The development shall incorporate all ESD initiatives detailed in the Sustainability Report prepared by Cundall Johnson and Partners and the development shall attain the following minimum criteria:

(a) 85 Castlereagh Street

- (i) A 5 star ABGR Rating, a 5 Star Greenstar Rating, a minimum 30% reduction in energy and 80% reduction in water use.

(b) 100 Market Street

- (i) A 5 star ABGR Rating, a 5 Star Greenstar Rating, a minimum 30% reduction in energy and 80% reduction in water use.

(c) Retail Centre

- (i) A 5 Star Greenstar Rating, a minimum 25% reduction in energy and 50% reduction in water use.

(d) Skygarden office tower

- (i) A 4.5 star ABGR Rating, a 4 Star Greenstar Rating and a minimum 30% reduction in energy.

Certification shall be provided to Council prior to the issue of an Occupation Certificate that all initiatives have been implemented sufficient to attain these standards.

(53) INSTALLATION OF DUAL-FLUSH TOILETS

(54) INSTALLATION OF WATER EFFICIENT TAPS

(55) INTERNAL LIGHTING SYSTEM

(56) REFLECTIVITY

The Principal Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 16%.

(57) PHYSICAL MODELS

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

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, 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 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 \$2,844,500 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$2,844,500 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;

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

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

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

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e - h to take place on the site; and
 - (ii) in the event of default, must 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.
- (e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:-
 - (i) Stage 1 - Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 - Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 - Release of the Final Occupation Certificate.

- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:-
 - (i) Certification (from the Private Certifier or Council) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
 - (iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(60) FOOTPATH DAMAGE BANK GUARANTEE

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

- (a) A separate application is to be made to Council for approval to erect a hoarding or scaffolding in a public place and such application is to include:-
 - (i) 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).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (iii) 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.
 - (iv) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant will be responsible for meeting Council's lost revenue as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (eg Telstra) for the removal of any public telephone.
- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.

- (c) The hoarding must comply with the Councils policies for hoardings and temporary structure on the public way and graffiti must be removed from the hoarding within one working day.

(62) BARRICADE PERMIT

(63) STRATA SUBDIVISION - SEPARATE DA REQUIRED

(64) LOT CONSOLIDATION

(65) PUBLIC ART

- (a) The following shall be submitted to and be approved by Council prior to the issue of a Construction Certificate:
 - (i) Detailed concepts for the provision of high quality art work 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; and
 - (ii) Detailed concepts for the design and treatment of the construction hoardings to be used to incorporate artworks so as to make a positive contribution to the public domain during construction.
- (b) The public art concepts shall be prepared by a person with expertise in public art.
- (c) With regard to the construction hoardings the concepts shall incorporate the provision of existing recognised art works and/or the provision of specifically commissioned artworks and shall not just consist of the provision of commercial retail images.
- (d) Funding of the public art shall be in addition to Section 61 contributions and public domain upgrades.
- (e) The approved public art shall be implemented on site prior to the issue of an Occupation Certificate.

(66) PUBLIC DOMAIN PLAN - MARKET STREET AND CASTLEREAGH STREET FRONTAGES

- (a) Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before prior to the issue of an Occupation certificate for the development.

- (c) The improvement of the Market Street and Castlereagh Street public domain frontages shall be in addition to Section 61 contributions for the development.
- (d) NB: A security deposit is to be lodged with the City of Sydney for the public domain works, in accordance with the City of Sydney's adopted standard fees and charges, prior to the issue of a Construction certificate.

(67) PUBLIC DOMAIN PLAN - PITT STREET MALL

- (a) Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect for Pitt Street Mall frontages of the site consisting of the full width of Pitt Street Mall between the subject site and Sydney Central Plaza development and half the width of Pitt Street Mall where it adjoins the remainder of the development site.
- (b) The Public Domain Plan shall be submitted for approval of Council within 6 months of the issue of the first Construction certificate for the Development.
- (c) The design and Public Domain Plan for Pitt Street Mall must be undertaken in consultation with Council as part of a coordinated design for the entire Pitt Street Mall Area, and must be in accordance with all other agreements made between Council and the applicant for Pitt Street Mall. The Public Domain plan for Pitt Street Mall must be approved by Council prior to works commencing in the Pitt Street Mall public domain.
- (d) The improvement of the Pitt Street Mall frontages of the site consisting of the full width of Pitt Street Mall between the subject site and Sydney Central Plaza development and half the width of Pitt Street Mall where it adjoins the remainder of the development site be in addition to Section 61 contributions for the development.
- (e) All works to the Pitt Street Mall are to be completed in accordance with the approved plans and the Public Domain manual prior to the issue of an Occupation certificate for the development.

(68) ALIGNMENT LEVELS - MARKET STREET AND CASTLEREAGH STREET FRONTAGES

- (a) Prior to the issue of a Construction Certificate footpath alignment levels for the Market Street and Castlereagh street frontages must be submitted to Council for approval.
- (b) The alignment levels submission must be prepared in accordance with the City of Sydney's Public Domain Manual.
- (c) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate.

(69) ALIGNMENT LEVELS - PITT STREET MALL

- (a) Footpath alignment levels for the Pitt Street Mall must be approved by Council prior to works commencing in Pitt Street Mall.
- (b) The alignment levels submission must be prepared in accordance with the City of Sydney's Public Domain Manual and must be submitted in conjunction with the Public Domain Plan for the Pitt Street Mall area.

(70) RECEPTACLES FOR CIGARETTE BUTTS

(71) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

(72) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(73) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

(74) CAR PARK VENTILATION

(75) MICROBIAL CONTROL

(76) AIR HANDLING

(77) CONTROL OF LEGIONNAIRES DISEASE

(78) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

(79) CERTIFICATION OF GEOTECHNICAL INSPECTION

(80) GEOTECHNICAL REPORT AND CERTIFICATION

(81) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)

(82) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

(83) ANNUAL FIRE SAFETY STATEMENT FORM

(84) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(85) OCCUPATION CERTIFICATE TO BE SUBMITTED****(86) HOURS OF WORK AND NOISE - CBD****(87) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS****(88) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE****(89) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS****(90) NOTIFICATION OF EXCAVATION WORKS****(91) SYDNEY WATER CERTIFICATE****(92) EROSION AND SEDIMENT CONTROL****(93) PROTECTION OF STREET TREES DURING CONSTRUCTION****(94) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION****(95) HAZARDOUS AND INDUSTRIAL WASTE****(96) COVERING OF LOADS****(97) VEHICLE CLEANSING****(98) LOADING AND UNLOADING DURING CONSTRUCTION****(99) NO OBSTRUCTION OF PUBLIC WAY****(100) ACCESS DRIVEWAYS TO BE CONSTRUCTED****(101) USE OF MOBILE CRANES****(102) STREET NUMBERING - MAJOR DEVELOPMENT****(103) SHOP NUMBERING****(104) STREET NAME PLATE****SCHEDULE 2**

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment

Carried unanimously.

ITEM 13 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE AND SUMMARY OF THE SMALL PERMITS APPEAL PANEL DECISIONS

Moved by the Chair (the Lord Mayor), seconded by Cr McNerney -

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

Carried.

ITEM 14. GENERAL BUSINESS

14.1 Protocol

Ms Crouch raised the matter of the need for guidelines for the operations of the Central Sydney Planning Committee.

14.2 Schedule of Meetings for 2008

Members were provided with a draft Schedule of Central Sydney Planning Committee Meetings for 2008. This would be an agenda item for the next meeting of the CSPC.

The meeting concluded at 9.30pm.

CHAIR