



DARLING HARBOUR AUTHORITY

Level 16  
2 Market Street  
Sydney NSW 2000  
Telephone (02) 286 0100  
Facsimile (02) 286 0199

Mr John Flynn  
Crone & Associates Pty Ltd  
Level 4  
364 Kent Street  
SYDNEY NSW 2000

Contact: F Finlayson  
File No: P/287/2

**29 JUL 1994**

Dear Mr Flynn

**PERMIT APPLICATION NO 410  
MARKET CITY DEVELOPMENT**

The Authority has examined the above application and has granted a permit subject to conditions.


Enclosed is the Notice of Determination which constitutes the permit.

The reasons for the imposition of conditions are to maintain public safety, to protect the amenity of the immediate neighbourhood and to ensure compliance with the Darling Harbour Authority (Amendment) Act 1988.

The conditions of Permit No. 410 supersede and take precedence over the conditions of Permit Nos. 258, 298, 328 and 373.

Before commencement of construction the market layout as shown on Plan ASK 091 C submitted to the Authority on 19 July 1994 must be certified by an approved building certification consultant.

Yours sincerely

  
T W JONES  
General Manager

FF:10822/ff

NOTICE OF DETERMINATION

Darling Harbour Authority Act, 1984  
(Section 42(1))

To: CRONE & ASSOCIATES  
of: LEVEL 4, 364 KENT STREET SYDNEY

being the applicant in respect of application no. 410 for a permit.

Pursuant to Section 42(1) of the Act, notice is hereby given of the determination by the Authority of an application for a permit relating to the following land:

SITE: MARKET CITY  
LAND BOUND BY QUAY, HAY, THOMAS ST & ULTIMO RD

The Application has been determined by:-

- (a) XXX
- (b) the granting of the permit subject to the conditions specified in this notice
- (c) XXX

Where the application for a permit has been determined by the granting of the permit (either unconditionally or subject to conditions), this notice constitutes the permit.

The conditions of the permit are as follows:

- 1. Refer to attached list of conditions.
- 2. ....
- 3. ....

Such of the above conditions as require -

- (a) the dedication of land, free of cost, to the Authority; or
- (b) the payment to the Authority of an amount of money,

have been imposed on the permit because the development the subject of the permit is likely to give rise to a need for the following additional public amenities and public services within the Development Area:

- 1. XXX
- 2. XXX
- 3. XXX

.....  
Signed on behalf of the Authority

29 July 1984  
Date

NOTES:

- (1) Unless otherwise specified in this notice, the permit takes effect on the day on which it is granted.
- (2) To ascertain the circumstances under which the permit is liable to lapse, refer to section 46 of the Act.
- (3) Section 48 of the Act confers on an applicant who is dissatisfied with a determination of the Authority a right of appeal to the Minister for Planning. The right may only be exercised within 28 days after the giving of this notice.

PERMIT NO. 410  
MARKET CITY  
CONDITIONS OF PERMIT

The development is generally to be in accordance with Drawings 93058/ 097, 128, 256, 255, 257, 104, 227, 226, 118, 210, 213, 224, 016, 122, 123, 033, 134, 047, 1156, 1158, 1160, 1170, 1166, 1180, 1189, 1190, 1194, 1195, 247, 078 and 93058/091C with the exception of any matters or exclusions identified in the conditions outlined.

DESIGN

1. Plans, sections and elevations of the residential tower shall be submitted to the Authority for approval prior to commencement of work on the tower.
2. Pedestrian access only shall be permitted to the residential tower at the corner of Ultimo Road and Quay Street.
3. The applicant shall submit details and samples of all materials including colours proposed to be used on the development to the Authority for approval.
4. An analysis of the reflectivity of the buildings within the development proposal shall be supplied to the Authority in conjunction with the details of external finishes.
5. Detailed plans shall be submitted indicating the treatment, design, refurbishment and restoration measures to be incorporated for retention and integration of the market walls and podium levels for approval by the Authority.
6. Concepts for externally visible lighting and roofscape shall be provided for approval by the Authority.
7. Detailed plans and specifications of street landscaping, paving, lighting and treatment of the Entertainment Plaza shall be submitted for approval by the responsible authority (Sydney City Council or Authority).
8. The development shall comply with standard wind criteria, i.e.
  - 24m/sec limit of safety for isolated areas
  - 23m/sec limit for safety for public access ways
  - 16m/sec acceptable limit for comfortable walking
  - 13m/sec acceptable limit for standing, waiting, window shopping
  - 10m/sec acceptable limit for outdoor restaurants.
9. A study of Fire Egress and Crowd Control for the development shall be provided by the applicant and approved by the Authority in sufficient time to ensure that any requirements can be incorporated into the design of the podium.
10. Access and facilities for disabled persons shall be provided in accordance with the version of the Building Code of Australia current at 20 April 1994.

CONSERVATION

11. A heritage architect, approved by the Authority, shall be employed throughout design development and construction documentation to advise on the conservation of the historic building fabric and the relationship of new built elements to the historic elements, and the Authority shall be satisfied the heritage architect's advice has been taken into account.

12. Uses close to the market walls, and the built form and heights at various parts of the podium development within the walls to Markets 1 and 2, shall be varied as necessary to satisfy the Authority that the provisions of the Conservation Plan prepared by the heritage architect are satisfied.
13. The replacement building at the corner of Ultimo Road and Quay Street shall be designed in sympathy with the scale and treatment of the remainder of the Market 2 walls and with the streetscape to the satisfaction of the Authority.
14. The use and configuration of floorspace, exits and structure in immediate proximity to the openings in the Markets 2 walls shall be designed to the Authority's satisfaction so that the integrity and sense of commonality of the openings is preserved.

### **TRAFFIC**

15. Vehicle and pedestrian access from the carparking levels, street or road system to the proposed market component of the development shall be adequate and to the satisfaction of the Authority.
16. A pedestrian and vehicle management strategy shall be provided to the Authority's satisfaction, addressing the control and movement of pedestrians and vehicles, in and around the site. The plan is to cater for peak movement periods and shall take into account the market component of the development and surrounding development in the area bounded by and fronting George Street, Broadway, the railway line and Pier Street/Goulburn Street.
17. Parking spaces, vehicle aisle widths, ramps, entry and exit driveways shall be in accordance with the requirements of the Roads and Traffic Authority unless specific dispensation is granted by the Darling Harbour Authority.
18. The cost of traffic signals and any necessary roadworks required as a result of the development shall be met by the applicant.
19. The service vehicle area and access points shall be to the satisfaction of the Authority.
20. Taxi, coach and visitor set down and pick up requirements for this building and the area generally shall be to the satisfaction of the Authority.
21. Pedestrian enhancement of Quay Street shall be to the satisfaction of the relevant authorities (Sydney City Council, Darling Harbour Authority).
22. Street planting, landscaping, paving, lighting in general shall be to the satisfaction of the relevant authorities (Sydney City Council, Darling Harbour Authority).

### **CONSTRUCTION**

23. Prior to commencement of work the applicant shall submit a programme of works to the Authority for approval.
24. The applicant shall submit working drawings for the new building works to the Authority for approval prior to commencement of work.
25. The working drawings shall be certified by an approved Building Certification consultant as complying with the version of the Building Code of Australia current at 20 April 1994. Certification shall be submitted to the Authority prior to the commencement of work.
26. The new building works shall conform to the requirements of the version of the Building Code of Australia current at 20 April 1994.

27. The new building works shall comply with the relevant health requirements of the Sydney City Council.
28. Prior to the commencement of work, certification by a professional structural engineer that the structural design is in accordance with the relevant provisions of the version of the Building Codes of Australia current at 20 April 1994 and the relevant codes of Standards Australia shall be submitted to the Authority.
29. Prior to the commencement of work, certification by a professional structural engineer of the structural adequacy of the temporary support system designed to maintain the integrity of the market walls while disconnected from the existing support system shall be submitted to the Authority.
30. The applicant shall be responsible for ensuring that any alterations, disconnections and reconnections to the existing market wall support system shall not cause damage to or adversely affect the ongoing integrity of the market walls. The cost of repairs to the market walls resulting from damage caused by alterations, disconnections or reconnections to the existing market wall support system shall be borne by the applicant.
31. The new building works shall be certified by the building consultant as having been completed in accordance with the approved drawings and relevant codes. Completion certification shall be submitted to the Authority.
32. The premises shall not be occupied without the Authority's written approval following receipt of completion certification.
33. No demolition/construction work shall be carried out except between the hours of 7.00 a.m. and 11.00 p.m. on Mondays to Fridays, inclusive, without the written permission of the Authority having first been obtained. No work shall be carried out on Saturdays, Sundays or public holidays without the written permission of the Authority having first been obtained.
34. All on-site work shall be carried out in accordance with the Sydney City Council's Code of Practice for Construction Hours/Noise within the Central Business District. Any reference to Council in the Code shall be deemed a reference to the Authority.
35. A Noise Impact Statement, as defined in the Council's Code of Practice for Construction Hours/Noise within the Central Business District, shall be provided for construction/demolition works to be carried out in Category 2 hours. Any variation to the code shall be subject to the approval of the Authority.
36. The applicant shall consult with the University of Technology Sydney to determine the nature of UTS activities in that part of its premises facing Quay St.
37. The applicant shall carry out construction works such that the impact of noise and dust on the UTS premises along Quay Street is minimised.
38. The requirements of the Construction Safety Act, 1912 and any Regulations made thereunder shall be complied with where appropriate.
39. Mobile cranes operating from the roadway are prohibited as a method of constructing the proposed building. For special operations, such as hoisting of plant and equipment or the erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, the applicant shall obtain beforehand a permit from the Police Traffic Branch and the Sydney City Council's Engineer's Department.
40. Any hoardings shall be provided to the satisfaction of Workcover Authority, DHIA and where relevant, Sydney City Council.

41. Changes in the design and colours of hoardings shall be submitted to the Authority for approval.
42. The requirements of all Local or Statutory Authorities having jurisdiction over the works shall be satisfied and evidence in writing of the fulfilment of the requirements of these bodies shall be provided to the satisfaction of the Authority.
43. Any electricity substation shall be accommodated in accordance with the requirements of the Sydney Electricity.
44. Stormwater drainage for the development shall be provided and certified by a hydraulics/drainage engineer to the satisfaction of the Water Board and the Authority.
45. The applicant shall implement appropriate measures to reduce dust caused by the works to the satisfaction of the Authority.
46. Sedimentation traps shall be provided and maintained in a serviceable condition so as to prevent the escape of sediment contaminated water into the stormwater drainage system.
47. Adequate on site provision shall be made to prevent transmission of building material onto the road system. The applicant shall be responsible for cleaning up accidental spillings. The hosing of spillages into the stormwater system is not acceptable.
48. All spoil and demolition material removed from the site shall be disposed of lawfully.
49. All vehicles shall enter and leave the site from approved construction entrances only and in a forward direction.
50. As far as possible trucks are not to be routed through residential areas.
51. No loading, unloading or standing of trucks on the roads surrounding the site shall be permitted except with the prior permission of the responsible authority.
52. All construction materials shall be stored within the construction site.
53. The public way surrounding the site shall not be obstructed.
54. The site, except as required by the operations of Sydney Market Authority and the public carpark, shall be secured from entry by the public.
55. Liability for damage, repair or relocation of any utilities or services shall be borne by the applicant.
56. The cost of signposting for alteration of any kerbside parking restrictions shall be borne by the applicant.
57. All footpaths, kerbs, gutters and road shoulders immediately adjacent to the site shall be made good, reinstated or constructed to the standards and requirements of the relevant authority having jurisdiction over the land (Sydney City Council or Darling Harbour Authority).
58. All vehicular crossings shall be provided to Sydney City Council's standard.

#### LAND USE

59. The Hay Street level, which is to accommodate markets, shall not be used for carparking.
60. A permit application shall be submitted to the Authority detailing use of the Hay Street level outside market operation times.

## OPERATIONAL

61. All unloading or loading of goods shall take place within the boundaries of the existing building alignment and all servicing shall take place in the nominated service areas only.
62. Signage to the satisfaction of the Authority shall be provided to ensure that loading facilities are used in preference to kerbside loading and are clearly identified at the bottom of the access ramp.
63. Garbage handling, service and storage areas shall be provided to serve the building and the Market operation. The design of these areas shall be to the satisfaction of the Authority.
64. External materials, finishes and public facilities within the development shall be maintained in good order and repair to the satisfaction of the Authority for the life of the development.
65. The development is to be maintained to the satisfaction of the Authority at a standard of presentation, cleanliness and repair in keeping with the high standard throughout the Darling Harbour Development Area.
66. Separate permit applications shall be lodged for all commercial tenancies.
67. The use of the premises shall not give rise to an offensive noise as defined in the Noise Control Act, 1975.
68. Separate permit applications shall be lodged for any external signage or lighting.
69. All licensed premises shall comply with the requirements of the Liquor Act.
70. The statutory requirements of all relevant authorities shall be satisfied, including without limitation, the Urban Services Department of the Sydney City Council, the Liquor Administration Board, the Board of Fire Commissioners, the Department of Industrial Relations and Employment and where relevant the Sydney Market Authority.

## PADDY'S MARKETS

71. Construction of the market level shall continue to be carried out in such a manner as to enable not less than 85% of the number of stalls existing at the Paddy's Market site as at 25 January 1988 to be accommodated with minimal reduction in stall size, level with Hay Street throughout that site and with adequate vehicle access points.
72. Design development of the market shall be to the satisfaction of the Darling Harbour Authority.
73. All temporary and permanent relocation of Paddy's Market stalls shall be carried out in consultation with the Sydney Market Authority.
74. The applicant shall consult with the SMA to determine the required operating conditions of Paddy's Markets and shall carry out the works such that any adverse effects on its operations are minimised.
75. The applicant shall hold regular liaison meetings with the SMA to ensure that the SMA is kept up to date and informed of any activities/proposals that affect the operations of the market.
76. If an outdoor market operation on the Entertainment Plaza is proposed during construction of the project, the Darling Harbour Authority is to be satisfied appropriate arrangements have been entered into with the owner of the Plaza prior to the commencement of construction.
77. A separate permit application shall be submitted to the Authority for any relocation of market stalls to the Entertainment Plaza.

## GENERAL

78. The applicant shall bear the cost of consolidating and registering the title of the land with the Land Titles Office.
79. Prior to the commencement of construction of the new building the applicant must submit to the Authority a 1:500 scale model of the development. The model is to comply with all the conditions of permit and be designed to be placed in the Authority's Darling Harbour Development Area model and be at no cost to the Authority.
80. Prior to the commencement of construction of the new building the applicant must submit to Sydney City Council a 1:500 scale model of the development. The model is to comply with all the conditions of permit and be designed to be placed in Council's CBD model and be at no cost to Council.
81. A condition of consent shall be deemed to have been complied with if so signified by a notice in writing by the Authority or the appropriate responsible authority according to the tenor of the condition and the notice in writing.
82. The applicant shall provide the Authority with written acceptance of these permit conditions prior to lodgement of detailed building plans.
83. The applicant shall maintain a "Conditions of Permit Register" to provide a progress report on compliance with the above conditions. The report shall be made available to the Authority at any time upon request.

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