

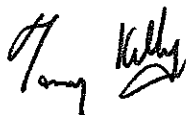
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION No. DA 001-01-2010
FILE 10/01103 Part 1

**Development Application and Variation to the Sydney
Cove Redevelopment Authority Scheme (SCRA)**
at
96-98 Cumberland Street, The Rocks

I, the Minister for Planning pursuant to section 80(1)(a) of the *Environmental Planning & Assessment Act 1979*, determine the Development Application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions in the attached Schedule 2.

The reasons for the imposition of conditions in Schedule 2 are:

- To confirm the details of the application and plans submitted by the applicant, and to ensure that the structure is not altered without approval.
- To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the Environmental Planning and Assessment Regulation 2000.
- To ensure compliance with relevant planning controls.
- To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.
- To ensure the demolition, excavation and building works are carried out within the required standards, with minimal impact to the locality.
- To ensure that appropriate environmental protection measures are in place to control erosion and sedimentation, dust and noise.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To ensure that finishes are compatible with the existing building and surrounding buildings to create or maintain a high quality environment.
- To maintain and enhance the heritage significance of the building and its setting.



TONY KELLY MLC
Minister for Planning

15 JUL 2010

Sydney,

2010

DEVELOPMENT CONSENT CONDITIONS

SCHEDULE 1

PART A—TABLE

Application made by:	Glenmore Hotel, The Rocks
Application made to:	Minister for Planning
Development Application:	DA 001-01-2010
On land comprising:	96–98Cumberland Street, The Rocks
For the carrying out of:	Internal and external alterations, additions requiring a variation to the SCRA Scheme.
Estimated Cost of Works	\$3.3 million
Approval Body:	NSW Heritage Council
Determination:	Approval subject to conditions
Date of commencement of consent:	This development consent commences on the date on which the consent is signed.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless a shorter period of time is specified by the Regulations or a condition in Schedule 2, or when the development has commenced in accordance with the relevant statutory requirements.

PART B—NOTES RELATING TO THE DETERMINATION OF DA 001-01-2010

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under section 97 of the *Environmental Planning and Assessment Act 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the Director General of the Department of Planning.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act 1979*.

Applicant means Permyon Pty Ltd, the Glenmore Hotel, The Rocks or any party acting upon this consent.

Authorised officer means an officer of the Department of Planning, the City of Sydney Council, Environmental Authority or other government Agency.

BCA means the Building Code of Australia.

DG means the Director-General of the Department of Planning, or delegate.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means City of Sydney Council.

DA 001-01-2010 means the development application and supporting documentation submitted by the applicant.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulation means the Environmental Planning and Assessment Regulation 2000

Relevant Authority means the Department of Planning or the City of Sydney Council.

Subject Site has the same meaning as the land identified in Part A of this schedule.

the Department means the Department of Planning.

SCHEDULE 2

A APPROVED DEVELOPMENT

- A1** The development shall be generally in accordance with development application number DA 001-01-2010 submitted by the applicant on 4 January 2010 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural Drawings prepared by Humphrey and Edwards Architects.			
Drawing No.	Revision/ Issue	Name of Plan	Date
DA000	01	Title Sheet	11 Dec 2009
DA030	02	Site Plans — Existing & Proposed	22 Mar 2010
DA110	01	Basement Level – Demolition & Proposed	11 Dec 2009
DA111	01	Ground Level – Demolition & Proposed	11 Dec 2009
DA112	01	Level 1 – Demolition & Proposed	11 Dec 2009
DA113	02	Roof Level — Demolition & Proposed	22 Mar 2010
DA114	02	Roof Plan – Demolition & Proposed	22 Mar 2010
DA300	02	Section 1 & 2 — Existing & Proposed	22 Mar 2010
DA301	02	Section 3 & 4 — Existing & Proposed	22 Mar 2010
DA400	02	South & West Elevations —Existing & Proposed	22 Mar 2010
DA401	02	North & East Elevations —Existing & Proposed	22 Mar 2010
DA810	01	Proposed Retractable Awning Details	22 Mar 2010
DA930	02	Perspective Views	22 Mar 2010
DA931	02	Perspective Views	22 Mar 2010
DA932	02	Perspective Views	22 Mar 2010
DA933	02	Perspective Views	22 Mar 2010
Statement of Environmental Effects prepared by Smyth Planning, dated December 2009.			
Acoustic Assessment Report prepared by The Acoustic Group, dated December 2009.			
Proposed Alterations and Additions to the Glenmore Hotel Cumberland Street, The Rocks: Heritage Impact Statement, dated December 2009, prepared by John Oultram Heritage and Design.			
Preliminary Assessment of Historical Archaeological Potential by AHMS, dated December 2009			
BCA Building and Fire Safety Upgrade Strategy by Trevor Howse, dated December 2009.			
Structural Assessment Report prepared by Ashley Doble, dated November 2009			
Hotel Operational Management Plan (Plan of Management) prepared by Permyon Pty Ltd, dated November 2009			

Except as amended by the following conditions:

- A2** If there is any inconsistency between any document or plan listed in Condition A1, the conditions of consent prevail to the extent of the inconsistency.
- A3** No consent is granted or implied for the installation of bollards, security cameras, planters, any umbrellas, awnings, drop panels or other shade structures or other forms of weather protection on the rooftop terrace or outdoor seating areas (other than those shown on the stamped approved plans).
- A4** All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

B CONDITIONS TO BE MET PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- B1** The stamped drawings must now be lodged with a Principal Certifying Authority (PCA) (Minister for Planning via the Department of Planning, City of Sydney Council, or a private certifier) for a Construction Certificate. The applicant **must** supply the Department of Planning with a copy of the Construction Certificate within two days from the date of its issue.
- B2** Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and endorsed by the Principal Certifying Authority (PCA). The Plan shall address, but not be limited to, the following matters where relevant:
- (1) hours of work;
 - (2) contact details of site manager;
 - (3) traffic management (including management of loading and unloading of materials associated with the works; management of vehicular and pedestrian movements/routes; numbers of vehicles accessing the site; the times vehicles are likely to be assessing the site);
 - (4) noise management; and
 - (5) waste management and dust control.
- B3 Sydney Water**
Prior to issue of the first Construction Certificate, a Notice of Requirements is to be obtained from Sydney Water and submitted to the Principal Certifying Authority.
- B4 Design of Food premises**
The fitout of the food premises shall be carried out in accordance with 'The National Code for the Construction and Fitout of Food Premises', all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
- Note:** Any demolition, introduction or alteration of fabric which does not form part of documentation approved under Condition A1 will form part of a separate application.
- B5 Indoor Lighting**
The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours in appropriate areas of the building. Details are to be submitted with the application for a Construction Certificate.

B6 Water conservation

All new fixtures and fittings are to achieve the following WELS rating and performance:

- (a) hand wash basins rated to WELS 4 Star;
- (b) sink taps rated to WELS 4 Star;
- (c) showerheads rated to WELS 4 Star;
- (d) dual flush toilets rated to WELS 4 Star;
- (e) urinals should be waterless or sensor rated to WELS 5 Star; and
- (f) dishwashers rated to WELS 4 Star.

Details of the above are to be included in the specifications which are to form part of the Construction Certificate for the premises.

B7 Accessibility

Access and facilities for people with disabilities shall be provided in accordance with AS1428 – "Design for Access and Mobility" where required by the BCA and the recommendations of the BCA Building & Fire Safety Upgrade Strategy by Trevor R Howse. Prior to the issue of a Construction Certificate for new building work, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B8 Waste

The storage and handling of waste associated with the premises must comply with City of Sydney Council's 'Code for Waste Handling in Buildings', adopted 17 October 1994'. All refuse collection or loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances. Details of compliance with this requirement are to be submitted for the approval of the PCA with the application for a Construction Certificate.

C CONDITIONS TO BE MET PRIOR TO THE COMMENCEMENT OF WORK

- C1** A heritage consultant shall be nominated. The consultant shall have appropriate qualifications and experience commensurate with the scope of the works. The name and experience of this consultant shall be submitted to the Department of Planning prior to commencement of works.
- C2** Prior to the commencement of the works, the Applicant or their agent shall forward to the Department of Planning and Council, a 24-hour telephone number to be operated for the duration of the construction works.
- C3 Site hoardings**
Where construction/development works require the use of a public place including a road or footpath, approval for Barricade Permit is to be obtained from Sydney Harbour Foreshore Authority prior to the commencement of work.
- C4** Significant built elements and fixtures (e.g. original joinery) are to be adequately protected prior to the commencement of works. Protection systems must ensure significant fabric is not damaged or removed.

D CONDITIONS TO BE MET DURING DEMOLITION AND/OR CONSTRUCTION WORK

D1 The hours of construction and work on the development shall be as follows:

- (a) All work, including demolition, excavation and road 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 1.00pm on Saturdays, and
 - no work must be carried out on Sundays or public holidays.
- (b) Building work which involves high noise outputs (such as jack hammering, grinding, repetitive manual hammering, electric planing, masonry drilling or circular sawing) shall not be undertaken in the hours of 12 noon – 2.00 pm.
- (c) Work may be undertaken outside these hours only where:
 - (i) the delivery of materials is required outside these hours by the Police or other authorities, or
 - (ii) works are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, or
 - (iii) written approval is obtained from Sydney Harbour Foreshore Authority prior to carrying out the work and tenants likely to be affected are notified of the timing, nature and duration of the work at least 24 hours prior to commencement.

D2 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*.

D3 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant WorkCover requirements.

D4 Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

D5 The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, other than those approved under this application.

D6 Safe and reasonably convenient public access shall be maintained to nearby properties during standard trading hours throughout the works period. Adequate signposting shall be provided in the street to ensure that customers and service/delivery people are aware of the access provided.

- D7** A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department of Planning, Council or the PCA.
- D8** The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.
- D9** Dust control measures shall be implemented to ensure that the work does not cause an unreasonable dust nuisance to surrounding tenancies, the public or the local environment. Such measures shall include:
- (a) As far as practicable, care shall be taken to ensure that any dust-generating activity does not impact on the amenity of adjoining premises;
 - (b) Should any on-site saw cutting or grinding of masonry be required, only wet blade cutting or grinding shall be used. No dry blade cutting or grinding of masonry is permitted;
 - (c) The work site and access thereto is to be regularly cleaned and damped down to prevent unnecessary generation of dust;
 - (d) Stockpiles of materials or waste are to be covered when not in active use;
 - (e) All care shall be exercised in the loading and handling of waste and materials to prevent unnecessary generation of dust;
 - (f) Loads of demolition waste or other dust generating material is to be securely covered during transport.
- D10** Excavation proposed as part of the application shall be monitored by an archaeologist in accordance with a site-specific methodology to ensure the proper management of any archaeological remains.

E CONDITIONS TO BE MET PRIOR TO THE OCCUPATION OF THE BUILDING

- E1** An Occupation Certificate must be obtained from the Principal Certifying Authority prior to commencement of occupation or use of the whole or part of the new building, an altered portion of, or an extension to the existing building.

E2 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development consent and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

- E3** A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Department of Planning and Council by the PCA.

E4 Sydney Water

Prior to the issue of an Occupation Certificate, a section 73 Certificate is to be obtained from Sydney Water and shall be submitted to Council or the Principal Certifying Authority.

- E5** Prior to the issue of an occupation certificate an inspection of all works to the basement, ground floor, first floor and rooftop of the building is to be undertaken by the nominated Heritage Consultant and the Sydney Harbour Foreshore Authority's Heritage Architect. Written confirmation from the Sydney Harbour Foreshore Authority's Heritage Architect is to be obtained stating that there have been no unapproved fixings or works to the existing building fabric.
- E6** The cost of repairing any damage caused to any Public Authority's assets at the site or in the vicinity of the subject site as a result of construction works associated with the development, is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.
- E7** A report by the heritage consultant (illustrated by photographs) shall be submitted to the Heritage Branch, Department of Planning within 3 months of the completion of the works, describing the work, any impacts/damage and corrective works carried out.

F CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

F1 Noise

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (a) The use must not result in the transmission of "offensive noise" as defined in the *Protection of Environment Operations Act 1997* to any place of different occupancy.
 - (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00 am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
 - (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 12 midnight and 7.00 am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
 - (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00 am.
- F2** Speakers located on the rooftop terrace are to be oriented away from residential dwellings.
- F3** The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.
- F4** The removal of recycled bottles and glasses shall only occur between 7.00 am and 8.00 pm weekdays and 9.00 am and 5.00 pm weekends and public holidays, to avoid disruption to the surrounding area.

- F5** All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.
- F6** The applicant shall ensure the footpath, gutter, building entry and surrounds are kept clean and free of litter at all times.
- F7** At no time are furniture items or fixtures associated with the outdoor dining areas to obstruct access to the Hotel's main egress points, with a minimum 1.2 m clear path of travel maintained at all times.

F8 Noise – Mechanical plant

Noise associated with any mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in *the Protection of Environment Operations Act 1997* to any place of different occupancy.
 - (b) A sound pressure level at any affected property that exceeds the background (L90, 15 minute) noise level by more than 5db(A). The background noise level must be measured in the absence of noise emitted from the licensed premises. The source noise level must be assessed as a LAeq, 15 minute.
 - (c) Notwithstanding compliance with (a) and (b) above, the noise from any mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00 am.
- F9** Should complaints, breaches of noise regulations or breaches of the limits stipulated in condition F1 occur, the consent authority may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- F10** Any speakers on the rooftop outdoor terrace must be fitted with vibration isolators at all times.
- F11 Annual Fire Safety Certification**
An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim / Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

H INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

H1 All work shall be carried out in accordance with the following documentation:

- a) Drawings DA000 Issue 01, DA110 Issue 01, DA111 Issue 01, DA112 Issue 01, DA114 Issue 01 dated 11th December 2009; DA030 Issue 02, DA113 Issue 02, DA300 Issue 02, DA301 Issue 02, DA400 Issue 02, DA401 Issue 02, DA810 Issue 01, DA930-933 dated 22nd March 2010 prepared by Humphrey and Edwards Architects and Interior Designers;
- b) Proposed Alterations and Additions to the Glenmore Hotel Cumberland Street, The Rocks: Heritage Impact Statement date December 2009, prepared by John Oultram Heritage and Design;
- c) Preliminary Assessment of Historical Archaeological Potential dated 27th November 2009, prepared by Archaeological and Heritage Management Solutions; and
- d) Statement of Environmental Effects dated December 2009, prepared by Smyth Planning.

EXCEPT AS AMENDED by the conditions of this consent

- H2** If any significant tiling is found in the area of the ground floor female WC to be converted into a seating area (Room G.11) it must be retained in situ.
- H3** The height of the parapet plant is to be reduced to its minimum allowable height.
- H4** If possible, removed doors are to be used as replacement doors in areas where new doors are proposed to be installed.
- H5** All existing roof aerials, antennas and other like paraphernalia shall be removed from the roof of the building.

Further Information:

- H6** Detailed information (including colours and materials) for the finishes of the external elements of the new infill building, including plant screening, are to be submitted for the approval of the Director, Heritage Branch with the S60 application.
- H7** If false ceilings are proposed to be installed, details of these ceilings and their impacts on the significant fibrous plaster and timber batten ceilings are to be submitted for the approval of the Director, Heritage Branch with the S60 application.

Site Protection and Works:

- H8** Appropriate monitoring of the proposed excavation will need to be undertaken in accordance with the archaeological assessment prepared for the site.
- H9** The applicant must note this approval does not cover any excavation or the removal of any State significant relics. This approval covers the archaeological monitoring of works in the basement.
- H10** The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'THE PRELIMINARY ASSESSMENT OF THE ARCHAEOLOGICAL POTENTIAL FOR THE PROPOSED DEVELOPMENT AT THE GLENMORE HOTEL 96-98 CUMBERLAND STREET, THE ROCKS' (November 2009) prepared by FENELLA ATKINSON and MATTHEW KELLY (AHMS), are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

- H11** The Applicant must nominate an Excavation Director, subject to the approval of the Director, Heritage Branch. This Excavation Director is to be present at the site supervising all excavation associated with this development.
- H12** The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, is submitted to the Heritage Council of NSW for approval within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the Heritage Act 1977.
- H13** The Applicant must ensure that should any Aboriginal objects be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Group of the Department of Environment, Climate Change and Water is to be informed in accordance with section 91 of the 'National Parks and Wildlife Act, 1974'.
- H14** Wall nibs and bulkheads shall be retained around all walls to be removed to indicate their previous presence and allow interpretation.
- H15** Any original elements such as skirtings, architraves, doors, windows and brickwork that are removed must be stored appropriately onsite for potential reuse.
- H16** This approval does not include any new signage; any additional signage will need to be the subject of an additional S60 application.
- H17** If possible existing penetrations are to be utilised for the installation of new services. If new penetrations are required the impacts on cornices, pressed metal ceilings or any other significant architectural detailing should be minimised.
- H18** Tiling in area to be converted to WCs should be kept to a minimum to reduce impacts on other elements.
- H19** Care must be taken to ensure the new bar to be installed in Room 1.02 has minimal impacts on significant architectural detailing.
- H20** Elements identified as having high significance in the CMP in Rooms 1.11, 1.12 and 1.13 must be retained and protected during refurbishment of these areas.

Archival Recording:

- H21** A full archival recording of the affected aspects of the site is undertaken prior to the commencement of works, in accordance with the Heritage Council document, *How to prepare archival Records of Heritage Items*. The original copy of the archival record shall be deposited with the Heritage Branch, an additional copy shall be provided to SHFA.

Compliance

- H22** Following determination of the development application by SHFA, an application under Section 60 of the *NSW Heritage Act 1977* must be submitted and approved by the NSW Heritage Council prior to work commencing.

PRESCRIBED CONDITIONS

P1 The work must be carried out in accordance with the requirements of the *Building Code of Australia*.

P2 Erection of signs

1. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
2. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained in accordance with clause 227A of the Environmental Planning and Assessment Regulations 2000. A maximum penalty of \$1,100 applies for failing to comply with this condition.