



8 NOVEMBER 1999

Meeting No 1300

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40 pm on 8 November 1999 pursuant to Notice 16/1300 dated 4 November 1999.

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PRESENT

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

Councillors - Dixie Coulton, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.40 pm those present were:-

The Lord Mayor, Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Councillor Greiner left the meeting of Council at 6.42 pm during discussion on Item 20 and did not return.

The General Manager, Deputy General Manager, Director City Development, Director City Projects, and Director Legal and Secretariat were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Meeting of Council as he was overseas.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that Item 11 of the Business Paper be brought forward and dealt with first.

**ITEM 11. DEVELOPMENT APPLICATION: FARMERS & GRAZIERS
WOOLSTORE - 372 - 428 WATTLE STREET, CNR JONES &
MACARTHUR STREETS, ULTIMO (D1999/00349)**

Following some discussion of Item 11, further consideration was deferred to enable other business to be dealt with.

ITEM 1. CONFIRMATION OF MINUTES

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the Minutes of the Extraordinary Meeting of Council of 1 October 1999, as circulated to Councillors, be confirmed.

Carried.

Moved by Councillor Turnbull, seconded by the Chairman (the Lord Mayor) -

That the Minutes of the Extraordinary Meeting of Council of 1 November 1999, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. ULTIMO PEDESTRIAN NETWORK (S00-8951)

FILE NO:

DATE: 5/11/99

MINUTE BY THE LORD MAYOR

To Council:

Further to the briefing of Councillors on Monday, 1 November 1999 regarding the Ultimo Pedestrian Network ("UPN"), this minute seeks the consent of Council as owner of part of the land to be included in the UPN to the lodgment of the development application ("DA") for the project.

The UPN is an extension of the Devonshire Street Tunnel through the Marcus Clarke building operated by the Sydney Institute of Technology ("SIT") linking up with the rail corridor currently owned by the SRA north to Ultimo Road. Participants in the UPN project include the Sydney Harbour Foreshore Authority, the SRA, the Rail Access Corporation, the ABC, SIT, UTS and the Department of Public Works and Services.

The land owned by Council which is required for the purpose of the project consists of a stratum of land at the northern limit of the Devonshire Street Tunnel underneath George Street and proceeding into a stratum of land underneath the Marcus Clarke building being lot 13 in DP 771504. The attached drawing shows the location of the land owned by the Council. The consent of Council as landowner to the lodgment of the DA for the project has been requested.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 8 November 1999, on Ultimo Pedestrian Network, it be resolved that Council grant consent, as owner of land consisting of a stratum of land at the northern limit of the Devonshire Street Tunnel underneath George Street and a stratum of land underneath the Marcus Clarke building being Lot 13 in DP 771504, to the lodgment of a development application for the Ultimo Pedestrian Network.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to Council on 8 November 1999, on Ultimo Pedestrian Network, it be resolved that Council grant consent, as owner of land consisting of a stratum of land at the northern limit of the Devonshire Street Tunnel underneath George Street and a stratum of land underneath the Marcus Clarke building being Lot 13 in DP 771504, to the lodgment of a development application for the Ultimo Pedestrian Network; such consent shall in no way imply approval of the design.

Carried.

ITEM 2B. PRIORITIES AND OUTCOMES COMMITTEE, 2 NOVEMBER 1999 - CORPORATION BUILDING, NSW PARKING POLICE, SAFE TAXI RANKS (S00-9659/P01-01413/S00-9716)

FILE NO:

DATE: 5/11/99

MINUTE BY THE LORD MAYOR

To Council:

The following issues were discussed at the meeting of the Priorities & Outcomes Committee on Tuesday, 2 November 1999.

Corporation Building

The Council resolved to acquire the land containing the Corporation Building and the Haymarket Library from the State Government on 14 December 1998. Documentation has been developed and tenders are being let for the refurbishment of the Corporation Building. The objective is to provide a cultural and community centre for the Chinatown/Haymarket precinct, which enhances the historic and urban fabric of the building in Hay Street, and provides:

- (a) a flexible interior space, adaptable for community needs; and
- (b) a community information access point.

Discussions have occurred through the Chinatown Cultural Advisory Committee, and in order to identify the interest for the ongoing management and provision of services for the building, I propose that a brief be prepared to call for Expressions of Interest for the use of the first floor of the Corporation Building, for a Chinese cultural facility, with the Expression of Interest to address the provision of services and information to the community from the shop front on the ground floor.

NSW Parking Police

Councillors will recall that I have been concerned for some time about the lack of parking enforcement in the City, and that parking enforcement is more appropriately a function of the City. Every capital city in Australia currently undertakes this function, and in discussions with the Police Commissioner, the Police Minister and the Premier, I have pursued the transfer of this function. The NSW Auditor-General has recently completed an audit of the function, and while the report is not public, I understand it will support the function being transferred to the City of Sydney.

Currently the General Manager is preparing a business plan, that will include all the management issues of performing the function of the Parking Police, as well as the financial arrangements (these arrangements will include some form of guarantee of parking revenue to the State Government). The General Manager also is preparing an agreement, which will include the arrangements for transfer of the Parking Police, as well as a strategy for managing the hand-over. In addition, a Council report, setting out all the arrangements, for Council's consideration is also being prepared.

Safe Taxi Ranks

The Safe City Strategy has already included the installation of the Street Safety camera network, the Accord with the Amusement Centre operators and the Accord with Licensed Premises. A trial was initiated by, funded exclusively by, and has been conducted by the NSW Taxi Council of three, supervised taxi ranks. These taxi ranks have been operating since February of this year, and have included two security guards and a commissionaire, each Friday night at 5:00pm to 1:00am, and Saturday night from 10:00pm to 3:00am. The locations are George Street North (outside the Regent Hotel), Phillip Street (Chifley Square) and Park Street (corner of Pitt Street). These secure ranks were initiated by the Department of Transport and the NSW Taxi Council as three-month trial.

The Taxi Council reports that the supervised ranks are proving to be well-patronised by the public, and are helping to reduce late-night behavioural problems in the city, and also are helping to attract more taxis into the city. It is hoped that the extension of the supervised taxi ranks to other entertainment precincts of the city would further reduce the incidence of alcohol-related problems.

It is proposed that the City of Sydney, in partnership with the NSW Taxi Council, increase the number of supervised taxi ranks in the city to up to six. Initial consultations with the NSW Police Service suggest that appropriate locations for the additional ranks could be the Haymarket, Liverpool Street (corner of George Street), and The Rocks (near The Rocks police station). An additional location that has been put forward by Police and licensees in the precinct surrounding the intersection of King and York Streets.

The final locations of the ranks could be finalised following consultation with the NSW Police Service, the NSW Taxi Council, the Department of Transport, and businesses.

In locating the supervised taxi ranks, it is proposed that where practicable, the ranks will be located adjacent to street safety cameras. Adequate training would be provided to the security guards in terms of crowd management, and it is hoped that their presence would help minimise problems in the surrounding area.

A management plan will be developed, which will include a marketing strategy, and that will be done prior to launching the initiative.

It is understood that the Taxi Council is under some pressure from its members to reduce its financial involvement, and Council will be looking at discussions with the Sydney Harbour Foreshore Authority and other city licensed premises to contribute towards the funding of the safe taxi ranks. It is proposed that the City would manage these taxi ranks, subject to obtaining a five-year agreement with the Taxi Council to participate, where Council would underwrite up to one-third of the funding, and seek sponsorship from the Taxi Council, licensees, the Department of Transport and the Sydney Harbour Foreshore Authority to share in the costs for the provision of up to a maximum of six safe taxi ranks. The Safe Taxi Rank in The Rocks would only proceed if the Sydney Harbour Foreshore Authority agreed to fund it.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 8 November 1999, it be resolved that -

- (A) in respect of the Corporation Building, Expressions of Interest be called for to provide a Chinese Cultural facility on the first floor with the Expression of Interest to address the provision of services and/or information to the community from the shop front on the ground floor.
- (B) in respect of the NSW Parking Police -
 - (i) Council note the progress with the transfer of the Parking Police as outlined in the subject Minute by the Lord Mayor;
 - (ii) Council endorse the acquisition of the Parking Police function in principle, and authorise the Lord Mayor and the General Manager to continue negotiations with the State Government for the transfer of the Parking Police.

- (C) in respect of the Safe Taxi Ranks, Council support the General Manager negotiating with the Taxi Council and the Sydney Harbour Foreshore Authority and other sponsors, with a view to the establishment of Safe Taxi Ranks as outlined in the subject Minute by the Lord Mayor, subject to the City limiting its contribution to one-third of the total cost of providing up to six safe taxi ranks.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to Council on 8 November 1999, it be resolved that -

- (A) in respect of the Corporation Building, Expressions of Interest be called for to provide a Chinese Cultural facility on the first floor with the Expression of Interest to address the provision of services and/or information to the community from the shop front on the ground floor, subject to a brief being approved by the Priorities and Outcomes Committee;
- (B) in respect of the NSW Parking Police -
- (i) Council note the progress with the transfer of the Parking Police as outlined in the subject Minute by the Lord Mayor;
 - (ii) Council endorse the acquisition of the Parking Police function in principle, and authorise the Lord Mayor and the General Manager to continue negotiations with the State Government for the transfer of the Parking Police.
- (C) in respect of the Safe Taxi Ranks, Council support the General Manager negotiating with the Taxi Council and the Sydney Harbour Foreshore Authority and other sponsors, with a view to the establishment of Safe Taxi Ranks as outlined in the subject Minute by the Lord Mayor, subject to the City limiting its contribution to one-third of the total cost of providing up to six safe taxi ranks.

Carried.

ADDITIONAL MATTERS FOR COUNCIL

FILE NO:

DATE: 5/11/99

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 8 November 1999 are reports by the General Manager and relevant staff on -

- Civic Office, Expenses and Facilities Policy
- Corporation Building (Confidential)
- Phillip Park Child Care Centre - Tender for Construction (Confidential)

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

ITEM 3B. CIVIC OFFICE, EXPENSES AND FACILITIES POLICY

FILE NO: A04-01141

DATE: 5/11/99

MEMORANDUM BY THE GENERAL MANAGER

To Council:

On 20 September 1999, Council resolved -

- (A) the proposed Civic Office, Expenses and Facilities Policy, as circulated at the meeting of Council and as amended by the addition of the following sentence at the end of clause 13.1 -

“Without prejudice” because of his requirement for bilingual assistance, Councillor Ho be allowed a full-time secretary to meet this need.”

be approved, as follows, for public exhibition for a period of 28 days;

- (B) upon expiry of the exhibition period, and if no submissions have been received, authority be delegated to the General Manager to finalise the policy. If any submissions are received, the policy be brought back to Council.

No submissions were received during the public exhibition period which ended on 1 November 1999.

The Director, Legal and Secretariat, wrote to the Department of Local Government on 30 September 1999 asking the Department to advise whether it had any difficulty with clause 22 of the Policy which deals with the payment of Councillors' legal costs in certain circumstances. The Department has responded that it has no objection to the proposed clause.

In accordance with the resolution I have adopted the Policy as publicly exhibited under delegation.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 8 November 1999, on Civic Office, Expenses and Facilities Policy, it be resolved that Council note and confirm the adoption of the Civic Office, Expenses and Facilities Policy, as publicly exhibited.

(SGD) GREG MADDOCK
General Manager

Moved by the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the General Manager to Council on 8 November 1999, on Civic Office, Expenses and Facilities Policy, it be resolved that Council adopt the Civic Office, Expenses and Facilities Policy, as publicly exhibited.

Amendment moved by Councillor Greiner -

That the motion be amended by the addition of the following words -

“subject to overseas travel being approved by Council in conjunction with the Lord Mayor”.

The amendment lapsed for want of a seconder.

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner

Motion carried.

Note - The Civic Office, Expenses and Facilities Policy as adopted by Council on 8 November 1999 is the same as the Civic Office, Expenses and Facilities Policy that was approved for public exhibition at the Council meeting on 20 September 1999. The Policy was printed in full in the minutes of the Council meeting on 20 September 1999.

Call to Order

During discussion on Item 3B at the meeting of Council, the Chairman (the Lord Mayor) called Councillor Greiner to order for interrupting the meeting.

ITEM 18. CORPORATION BUILDING - TENDER FOR REFURBISHMENT WORKS (S003280)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That consideration of this matter be deferred to the end of the meeting and dealt with at "Confidential Items".

Carried.

ITEM 19. PHILLIP PARK CHILDCARE CENTRE: TENDER FOR CONSTRUCTION (S009400)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That consideration of this matter be deferred to the end of the meeting and dealt with at "Confidential Items".

Carried.

ITEM 2C. COUNCIL'S REPRESENTATIVES ON EXTERNAL BODIES (S00 1721)

FILE NO:

DATE: 8/11/99

MINUTE BY THE LORD MAYOR

To Council:

Vacancies exist for a representative of the City of Sydney on -

- (A) Inner Metropolitan Regional Organisation of Councils;
- (B) Inner Sydney Waste Board;
- (C) The Sydney Coastal Councils Group Incorporated.

1. INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS

The City of Sydney is a full member of IMROC. IMROC's constitution provides that the City is entitled to three representatives, one of whom is the mayor or his/her nominee.

By Council resolution dated 28 March 1994, Council appointed Councillor Walton (as she then was) as its representative. Former Councillor Walton has held this position since that date. As Ms Walton is no longer a Councillor, it is appropriate that Council resolve to remove Ms Walton and appoint new representatives.

2. INNER SYDNEY WASTE BOARD

The former Deputy Lord Mayor, the Honourable Henry Tsang MLC, is currently Council's appointed nominee to the Waste Board. This appointment expires on 31 January 2000.

Council is entitled to nominate to the Minister any of its Councillors or employees to be Directors of its Waste Board. In addition, Council is required to nominate at least one person (but not more than two) who has the relevant expertise but is not a Councillor or an employee of a Council. The Minister then considers the nominations and, if he considers it appropriate, appoints the nominee, deputy and community representative. By resolution on 22 April 1996 Council resolved to nominate Mr Tsang and the General Manager as his deputy. Council also nominated Mr Ian Kiernan as its representative outside Council with relevant expertise. The Minister subsequently appointed Mr Tsang as a Director of the Waste Board. The Minister did not appoint Council's community nominee.

Any Council nominee intended to replace Mr Tsang will not be entitled to act as a Director until the Minister declares new directors in January 2000. Therefore Council may either:

- (i) defer consideration of this matter until December 1999;
- (ii) nominate its representative now so that representative can attend meetings of the Board and continue to put Council's views forward;
- (iii) nominate an external nominee to be put forward to the Minister.

Further information on the Waste Board is attached, Attachment A.

3. THE SYDNEY COASTAL COUNCILS GROUP INCORPORATED

Council's nominees on the Sydney Coastal Councils Group Incorporated were former Councillors Henry Tsang and Julie Walton. Further information on the Sydney Coastal Councils Group can be found at Attachment B.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 8 November 1999, on Council's Representatives on External Bodies, it be resolved that -

- (A) Council determine its nominee/representative on the following:
 - (i) the Inner Metropolitan Regional Organisation of Councils;

- (ii) the Inner Sydney Waste Board -
 - (a) nominee (a Councillor);
 - (b) nominee's deputy (may be an officer);
 - (c) community nominee;
 - (iii) the Sydney Coastal Councils Group Incorporated;
- (B) authority be delegated to the Lord Mayor to notify the various bodies of Council's decisions and undertake such action as may be necessary to implement Council's resolution.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to Council on 8 November 1999, on Council's Representatives on External Bodies, it be resolved that -

- (A) in relation to the Inner Metropolitan Regional Organisation of Councils, Council nominate Councillor Fabian Marsden as its representative, with Mr Cliff Haynes, Deputy General Manager, to be Councillor Marsden's alternate;
- (B) in relation to the Inner Sydney Waste Board, Council nominate -
 - (i) Councillor Marsden as its representative, with Mr Cliff Haynes, Deputy General Manager, to be Councillor Marsden's deputy;
 - (ii) Mr Ian Kiernan as the community representative;
- (C) in relation to the Sydney Coastal Councils Group Incorporated, Council nominate the Deputy Lord Mayor, Councillor Lucy Turnbull, as its representative.
- (D) authority be delegated to the Lord Mayor to notify the various bodies of Council's decisions and undertake such action as may be necessary to implement Council's resolution.

Carried.

ITEM 3A. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2000

FILE NO: A04-01171

DATE: 1/11/99

MEMORANDUM BY THE GENERAL MANAGER

To Council:

This Memorandum seeks Council's consideration of a proposed schedule of meetings and briefings for 2000.

The schedule (Attachment A) has been prepared on the basis of a three weekly cycle as previously adopted by Council and as provided for in the Code of Meeting Practice. Following usual practice, recesses have been scheduled to coincide with school holidays.

Sydney's hosting of the Olympic Games and the Paralympic Games has also been taken into account when scheduling recesses.

The 2000 Annual Conference of the NSW Local Government Association will be held from Sunday 12 November to Wednesday 15 November 2000. In the proposed program for 2000, in accordance with usual practice, no meetings have been scheduled for that week.

The Local Government Act 1993 provides (section 365) that Council is required to meet at least 10 times each year, each time in a different month. The proposed program of meetings exceeds that minimum requirement.

The Local Government (Meetings) Regulation 1999 provides (clause 5(2)) that a notice giving details of Council meetings must be published in a newspaper. A suitable notice detailing the program as adopted by Council will be published in the early part of next year.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 8 November 1999 on Proposed Schedule of Meetings and Briefings for 2000, it be resolved that Council adopt the schedule of meetings and briefings for 2000 as shown at Attachment A to the subject Memorandum by the General Manager.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a Memorandum by the General Manager to Council on 8 November 1999 on Proposed Schedule of Meetings and Briefings for 2000, it be resolved that Council adopt the schedule of meetings and briefings for 2000 as follows.

Carried.

2000 PROGRAM OF MEETINGS

**The previously approved Christmas - New Year Recess continues
until the first Committee meetings.**

MONDAY 14 FEBRUARY	• COMMITTEES
MONDAY 21 FEBRUARY	• COUNCIL
MONDAY 28 FEBRUARY	• BRIEFINGS
MONDAY 6 MARCH	• COMMITTEES
MONDAY 13 MARCH	• COUNCIL
MONDAY 20 MARCH	• BRIEFINGS
MONDAY 27 MARCH	• COMMITTEES
MONDAY 3 APRIL	• COUNCIL
MONDAY 10 APRIL	• BRIEFINGS
MONDAY 17 APRIL	• EXTRAORDINARY MEETING (IF REQUIRED)
MONDAY 24 APRIL	• RECESS (Easter Monday - Public Holiday)
<i>(TUESDAY 25 APRIL</i>	<i>• Anzac Day Public Holiday)</i>
MONDAY 1 MAY	• RECESS
MONDAY 8 MAY	• COMMITTEES
MONDAY 15 MAY	• COUNCIL
MONDAY 22 MAY	• BRIEFINGS
MONDAY 29 MAY	• COMMITTEES
MONDAY 5 JUNE	• COUNCIL
MONDAY 12 JUNE	• RECESS (Queen's Birthday Public Holiday)
MONDAY 19 JUNE	• COMMITTEES
MONDAY 26 JUNE	• COUNCIL
MONDAY 3 JULY	• RECESS
MONDAY 10 JULY	• RECESS
MONDAY 17 JULY	• COMMITTEES
MONDAY 24 JULY	• COUNCIL
MONDAY 31 JULY	• BRIEFINGS
MONDAY 7 AUGUST	• COMMITTEES
MONDAY 14 AUGUST	• COUNCIL
MONDAY 21 AUGUST	• BRIEFINGS

2000 PROGRAM OF MEETINGS

MONDAY 28 AUGUST	• COMMITTEES
MONDAY 4 SEPTEMBER	• COUNCIL
MONDAY 11 SEPTEMBER	• RECESS) School holidays
MONDAY 18 SEPTEMBER	• RECESS) and
MONDAY 25 SEPTEMBER	• RECESS) Olympic Games
MONDAY 2 OCTOBER	• RECESS (Labour Day Public Holiday)
MONDAY 9 OCTOBER	• COMMITTEES
MONDAY 16 OCTOBER	• COUNCIL
MONDAY 23 OCTOBER	• RECESS (Paralympic Games)
MONDAY 30 OCTOBER	• COMMITTEES
MONDAY 6 NOVEMBER	• COUNCIL
MONDAY 13 NOVEMBER	• RECESS (Local Govt Assoc Conference 12-15 November 2000)
MONDAY 20 NOVEMBER	• COMMITTEES
MONDAY 27 NOVEMBER	• COUNCIL
MONDAY 4 DECEMBER	• BRIEFINGS
MONDAY 11 DECEMBER	• COMMITTEES
MONDAY 18 DECEMBER	• COUNCIL
MONDAY 25 DECEMBER	• RECESS (Christmas Day)

The recess continues until the first Committee meetings of 2001.

ITEM 4. MATTERS FOR TABLING

Pecuniary interest returns that have been lodged in accordance with Sections 449(1) and 449(3) of the Local Government Act 1993 were laid on the table.

The following reports had been received and were laid on the table:

NSW Department of Local Government	Comparative Information on New South Wales Local Government Councils 1997-1998
Local Government and Shires Associations of NSW	Financial Statements - Year Ended 30 June 1999
Australian Local Government Association	National Agenda 99
NSW Biodiversity Strategy	Report 1999

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the pecuniary interest returns and reports be received and noted.

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 1 NOVEMBER 1999

PRESENT

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

Councillors - Dixie Coulton, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 5.14 pm those present were -

The Lord Mayor, Councillors Coulton, Greiner, Ho and Turnbull.

Councillor Fabian Marsden was also present.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as he was overseas.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

The Finance, Properties and Tenders Committee resolved, in accordance with Clause 12 (2) of the Local Government (Meetings) Regulation 1999, 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. Investments Held by Council as at 30 September 1999
2. September 1999 - Quarter 1 Budget Review
3. GST Business Plan
7. Q1 - First Quarter Report 1999/2000
4. Purchase of a 25 Tonne Payload Articulated Dump Truck for Albert Street Waste Management Centre - Approval to Accept Tender
5. Purchase of one approximately 35 Tonne Land Fill Compactor for Albert Street Waste Management Centre - Approval to Accept Tender
6. Graffiti Removal Tender

Closed Meeting

At 5.42 pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 5.4, 5.5 and 5.6 on the agenda.

Adjournment

At 5.53 pm, the meeting of the Finance, Properties and Tenders Committee adjourned to enable an Extraordinary Meeting of Council to commence.

At 5.56 pm, the meeting of the Finance, Properties and Tenders Committee resumed.

Those present at the resumption of the meeting were -

The Lord Mayor, Councillors Coulton, Greiner, Ho and Turnbull.

Councillor Fabian Marsden was also present.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.00pm.

Report of the Committee

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the Report of the Finance, Properties and Tenders Committee of its meeting of Monday 1 November 1999 be received, and the recommendations set out below for Items 5.1 to 5.7, inclusive, be adopted.

Carried.

The Committee recommended the following:-**INVESTMENTS HELD BY COUNCIL AS AT 30 SEPTEMBER 1999 (AO2-00360)****5.1**

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 1 November 1999, on Investments Held by Council as at 30 September 1999, it be resolved that the report be received and noted.

Carried.

SEPTEMBER 1999 - QUARTER 1 BUDGET REVIEW (S00-5638)**5.2**

That arising from consideration of a report by the Senior Management Accountant to the Finance, Properties and Tenders Committee on 1 November 1999 on the September 1999 - Quarter 1 Budget Review, it be resolved that Council:-

- (A) note the Quarter 1 forecast showing an operating surplus of \$20.4M;
- (B) note the Quarter 1 forecast for capital works of \$53.1M which remains unchanged from the original adopted budget;
- (C) note the Quarter 1 forecast for plant and assets of \$7.6M which remains unchanged from the original adopted budget; and
- (D) authorise income and expenditure in line with the forecast as detailed in "Attachment A" to the subject report.

Carried.

GST BUSINESS PLAN (S009833)**5.3**

That arising from consideration of a report by the Policy, Planning and Projects Accountant to the Finance, Properties and Tenders Committee on 1 November 1999 on the GST Business Plan, it be resolved that:-

- (A) Council note the contents of the GST Business Plan shown at "Attachment A" to the subject report;
- (B) representations be made by Council to the Federal Treasurer to have parking meter fees and other regulatory charges and licence fees included in the Division 81 Treasurer's Determination as GST free supplies;
- (C) a report be submitted to Council on the impact of GST on annual fees already determined for the 1999/2000 year, which are levied in the current year and apply beyond 1 July 2000; and
- (D) Council consider the implication of GST on its fees and charges for the period 2000/01, as part of its budgetary process.

Carried.

Closed Meeting

At 5.42 pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provision of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 5.4, 5.5 and 5.6 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 5.4, 5.5 and 5.6 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

Note: Item 5.7 was dealt with by the Finance, Properties and Tenders Committee in open session prior to the meeting being closed to the public.

PURCHASE OF A 25 TONNE PAYLOAD ARTICULATED DUMP TRUCK FOR ALBERT STREET WASTE MANAGEMENT CENTRE – APPROVAL TO ACCEPT TENDER (S008987)**5.4**

That arising from consideration of a report by the Fleet Support Officer, to the Finance, Properties and Tenders Committee on 1 November 1999, regarding the purchase of a Dump Truck for the Albert Street Waste Management Centre, it be resolved that Council award the contract to HBH Equipment Pty Ltd for the supply and delivery of one Volvo A25C Articulated Dump Truck at a cost of \$258,212.00.

Carried.

PURCHASE OF ONE APPROXIMATELY 35 TONNE LAND FILL COMPACTOR FOR ALBERT STREET WASTE MANAGEMENT CENTRE – APPROVAL TO ACCEPT TENDER (S008988)

5.5

That arising from consideration of a report by the Fleet Support Officer, to the Finance, Properties and Tenders Committee on 1 November, 1999 regarding the purchase of a Land Fill Compactor for the Albert Street Waste Management Centre, it be resolved that Council award the contract to G.C.M. Agencies Pty Ltd for the supply and delivery of one Tana 36 at a cost of \$520,000.00.

Carried.

GRAFFITI REMOVAL TENDER (SOO8475/1)

5.6

That arising from consideration of a report by the Executive Project Manager, City Care Strategy Group to the Finance, Properties and Tenders Committee on 1 November 1999, on Graffiti Removal Tender, it be resolved that -

- (A) Council accept Techni-Clean's tender and appoint them to deliver the Graffiti Removal Service in accordance with the tender;
- (B) Council's attorney be appointed to finalise and execute contract documentation;
- (C) comprehensive geographic based information, dissected as appropriate, be collated monthly and reported to Councillors quarterly;
- (D) a report on the performance of the contract is to be provided to Council by March 2000; such report to detail associated costs and to include proposals to extend the contract to cover the whole of the City of Sydney area; and
- (E) consideration is to be given to providing for daily inspections throughout the whole of the City during the Olympic Games and Paralympic Games periods.

Carried.

Q1 - FIRST QUARTER REPORT 1999/2000

5.7

That arising from consideration of a report by the General Manager to the Finance, Properties and Tenders Committee on 1 November 1999, it be resolved that Council note that Councillors have been advised of the results of the quarterly review of operations in the first quarter of the financial year - 1 July 1999 to 30 September 1999.

Carried.

ITEM 6. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 1 NOVEMBER 1999

PRESENT

Councillor Fabian Marsden
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 6.13 pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee as he was overseas.

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.29 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Coulton -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 1 November 1999 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following:-

ENHANCING HUMAN SERVICES IN ULTIMO AND PYRMONT - HUMAN INFRASTRUCTURE STRATEGY 1999-2003 (P04-00413/3 Pt 1-2)

6.1

That arising from consideration of a report by the Senior Project Manager - City Service Development to the Community Services, Small Business and Tourism Committee on 1 November 1999, on Enhancing Human Services in Ultimo and Pyrmont - Human Infrastructure Strategy 1999-2003, it be resolved that Council note the proposed consultation and implementation schedule for the Ultimo Pyrmont Human Infrastructure Strategy 1999-2003 as follows, subject to provision being made for a workshop to be held between 7 and 18 December 1999 -

Activity	Due Date
Council consideration	
Community Services, Small Business and Tourism Committee consideration	1 November 99
Full Council consideration	8 November 99
Final community consultation	
‣ Public exhibition (various venues) – open	15 November 99
‣ Pyrmont Information Session	7 December 99
‣ Ultimo Precinct Committee	8 December 99
‣ Public comments close	17 December 99

Activity	Due Date
Strategy finalised and implemented	
‣ Compilation/analysis of comments	31 December 99
‣ Printing of addendum (if necessary)	14 January 2000
‣ Community Services, Small Business and Tourism Committee consideration	1 st meeting 2000
‣ Full Council consideration	1 st meeting 2000
‣ Implementation committee established	end January 2000
‣ Managing agencies/partners to prioritise actions and set timeframes	End February 2000
‣ Implementation	2000 to 2003

Carried.

ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 1 NOVEMBER 1999**PRESENT**

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 6.30 pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee as he was overseas.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

Councillor Coulton left the meeting of the Planning Development and Transport Committee at 8.08 pm during discussion on Item 7.8, returning at 8.14 pm during discussion on Item 7.13.

Councillor Greiner left the meeting of the Planning Development and Transport Committee at 8.05 pm during discussion on Item 7.8, returning at 8.09 pm during discussion on Item 7.8.

Order of Business

The Planning Development and Transport Committee resolved, in accordance with Clause 12 (2) of the Local Government (Meetings) Regulation 1999, 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:

12. Development Application: Farmers & Graziers Woolstore - 372-428 Wattle Street, Cnr Jones & Macarthur Streets, Ultimo
4. Use of City of Sydney's Street Safety Camera Program in Relation to Major Events
1. Progress Report on Development Applications
2. Draft Master Plans for Blackwattle and Rozelle Bays and Glebe Island and White Bay - Submission to Department of Urban Affairs and Planning Under Sydney Regional Environmental Plan No 26

3. Section 82A Review of Determination of Development Application: Pacific Power Building 201-217 Elizabeth Street, Sydney
5. Section 96(2) Application: George Patterson House and Tank Stream Building, 248-252 George Street, Sydney
6. Development Application: George Patterson House and Tank Stream Building, 248-252 George Street, Sydney
7. Development Application: Department of Urban Affairs and Planning Referral: St Patrick's Site, 129-135 Harrington Street, The Rocks
8. Submission on Development Application for the Former Government Printing Office Building, 390-422 Harris Street, Ultimo - Referral from the Department of Urban Affairs and Planning
9. Development Application: 339-345A Sussex Street, 68 Liverpool Street, 198-202 Day Street & Corner of James Street, Sydney
10. Development Application: 184-196 Elizabeth Street, Sydney (Wentworth House) - Award of Heritage Floor Space
11. Integrated Development Application: Monte Paschi House, 73 York Street, Sydney - Award of Heritage Floor Space
13. Development Application: Olympic Signage -265-273 George Street, Corner of Margaret Street, Sydney

Motion moved at the Meeting of the Planning Development and Transport Committee on 1 November 1999

During discussion on Item 7.4 - Use of City of Sydney's Street Safety Camera Program in Relation to Major Events, it was moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Project Manager Street Safety Camera Program to the Planning Development and Transport Committee on 1 November 1999 in regard to the use of the Street Safety Camera Program for major events, it be resolved that -

- (A) approval be given to use the Street Safety Camera Program for the purposes of city management during the hours of 2.00 pm on 31 December 1999 and 9.00 am on 1 January 2000; and
- (B) approval be given for the New South Wales Police Service and City management to have an officer each stationed in the Street Safety Camera Control Room during the hours of 6.00 pm on 31 December 1999 and 12.00 pm on 1 January 2000.

The Planning Development and Transport Committee subsequently decided, with the concurrence of the mover and seconder of the motion, that consideration of Item 7.4 be deferred until the meeting of Council on 8 November 1999.

The meeting of the Planning Development and Transport Committee concluded at 8.15 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Ho -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 1 November 1999 be received, and the recommendations set out below for Items 7.1 to 7.13, inclusive, be adopted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

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

7.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 1 November 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

DRAFT MASTER PLANS FOR BLACKWATTLE AND ROZELLE BAYS AND GLEBE ISLAND AND WHITE BAY - SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING UNDER SYDNEY REGIONAL ENVIRONMENTAL PLAN NO.26 (S009657)

7.2

That arising from consideration of a report by the Senior Strategic/Residential Planner to the Planning Development and Transport Committee on 1 November 1999, on the Draft Master Plans for Blackwattle and Rozelle Bays and Glebe Island and White Bay, it be resolved that Council endorse the submission on the Draft Master Plans for Blackwattle and Rozelle Bays and Glebe Island and White Bay, as at Attachment A to the subject report and forward it to the Department of Urban Affairs and Planning for their consideration.

Carried.

SECTION 82A REVIEW OF DETERMINATION OF DEVELOPMENT APPLICATION: PACIFIC POWER BUILDING 201 - 217 ELIZABETH STREET, SYDNEY (D/99/00424 Part 1)

7.3

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 1 November 1999, in relation to a Section 82A review of Development Application D99-00424 made by JBA & Berkhout for the site at 201 – 217 Elizabeth Street, Sydney known as the Pacific Power Building for alterations and additions to the existing premises including refurbishment and increase of existing commercial space, construction of a new cafe with mezzanine level, construction of lightweight metal and glass roof over northern courtyard, reconfiguration of existing floor layouts and upgrading of courtyards and facades, it be resolved that consent be granted subject to the following conditions -

Conditions of Consent

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No99/00424. dated 15 June 1999 and Redevelopment of Ground and Lower Ground Levels, Pacific Power Building prepared by JBA & Berkhout Urban Planning Consultants, dated June 1999 and drawings numbered:

Job No.	Drawing No.	Plan
981132	DA002 Revision 02	Ground Floor Plan Lower Ground Floor Plan
981132	DA003 Revision 02	Level 1 Roof Plan
981132	DA004 Revision 01	Section A-A Section B-B
981132	DA005 Revision 01	Section C-C
981132	DA006 Revision 01	South Elevation North Elevation
981132	DA007 Revision 01	East Elevation West Elevation

prepared by Spowers Architects dated May 1999 and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Spowers Architects dated May 1999.

Note:

- (a) 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.

SECTION 61 CONTRIBUTION

- (4) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
 - (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by bank cheque made payable to the City of Sydney.
 - (b) **Amount of Contribution**
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997".
 - (c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) For the developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

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

FLOOR SPACE RATIO

(5) The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the proposal must not exceed *12.18:1* 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 *47,485sqm*.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development. To the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (c) Prior to issue of a Construction Certificate 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 407 sqm of heritage floor space was allocated (purchased and transferred) to the development or that floor space in excess of 12.08:1 as specified in the Central Sydney Local Environmental Plan 1996. (*reviewed 1/11/99*)

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

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

FITOUT & USE OF TENANCIES

- (8) A separate development application must be submitted at the appropriate time for the specific use of each of the tenancies and new cafe to Park Street.

NOISE

- (9) 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 premise.
- (10) The use of the premises 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 in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) 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.

GLASS

- (11) The tower and cafe elevations must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

- (12) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

SIGNS

- (13) 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.
- (14) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

ALARM

- (15) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

TABLES & CHAIRS

- (16) Tables and chairs (whether or not they are associated with the proposed cafe) are not to be provided/located within the Park Street footway at any time.

PLANTER BOX

- (17) The proposed new planter box located in the north western corner of the site adjacent to the car park access ramp is to be deleted and the footway paving is to be made good to the satisfaction of Council. Details are to be submitted to the satisfaction of the Director City Development.

Schedule 1B

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

DESIGN MODIFICATIONS

- (18) The design of the building shall be modified as follows:
 - (a) The existing *northern* concrete barriers to the car park entrance and exit ramp is to be demolished and to be replaced with glazing and stainless steel handrails, the same finishes as proposed for the upgrade works.

The existing southern concrete barriers shall be similarly refurbished, if and when the adjoining owner consents to the subject works.

Note: The requirement to refurbish the southern car park ramp is not linked to the approval of a Construction Certificate for the premises.

(reviewed 1/11/99)

- (b) The cafe 'service area' is to be relocated and access doors provided on the eastern elevation to enable easy access and flow through to the undercover area.
- (c) *Deleted (reviewed 1/11/99)*
- (d) The northern cafe and adjoining boundary wall are to be relocated 1 metre to the south to ensure adequate clear footway width for existing and future volumes of pedestrian circulation.
- (e) The reduction in floor space in achieving the requirements of Clause (18)(d) is not to be added to the development in another location.
- (f) The planter box in Castlereagh Street be shortened in length so that its northern extremity does not lie beyond the lines of the escalators shown on Plan No DA002.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 (*unless stated otherwise*).

PUBLIC ART

- (19) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (20) The following requirements apply:-
 - (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.

- (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.

- (vii) The retention and repair of any existing serviceable stone gutters.
- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (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.

MODEL

- (21) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, two accurate 1:500 scale models of the approved development must be submitted to Council (one for the City Model and one for the City's Exhibition Space).

Notes:

- (a) The models are to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.
- (b) The model must be amended to repeat any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

DISABLED ACCESS

- (22) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

REFLECTIVITY

- (23) 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.

PAVING MATERIALS

- (24) 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.

LANDSCAPING OF THE SITE

- (25) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems;
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

STORMWATER AND DRAINAGE

- (26) Certification that stormwater will be disposed from the site in accordance with Council's standard requirements shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.
- (27) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC UTILITY SERVICES

(28) To ensure that public utility authorities are advised of the development:

- (a) *Deleted (reviewed 1/11/99)*
- (b) The applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, 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.
- (c) Documentary evidence is to be submitted to and approved by the Certifying Authority confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

(29)

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - (i) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an “Alternative Solution” must be submitted to the Certifying Authority.

SANITARY FACILITIES

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

DESIGN OF FOOD PREMISES

(31)

- (a) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council’s Ventilation Code.
- (b) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of either:
 - (i) the Certifying Authority with the construction certificate application, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
 - b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- (ii) the Principal Certifying Authority prior to the commencement of the work, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
 - b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note

- (iii) Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.
- (32) Without passing through another sole occupancy unit every occupant of a storey or part of a storey must have access to at least two exits in accordance with D1.2(g) of the Building Code of Australia.

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (33) 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 Interim Policy for Temporary Protective Structures.
 - (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.

WASTE MANAGEMENT

- (34)
- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority 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 the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, 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, excavation and construction 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.
 - 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 contacts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

- (e) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

USE OF MOBILE CRANES

(35) 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 shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CONTROL OF VERMIN

- (36) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

CERTIFICATION OF MECHANICAL VENTILATION

- (37) 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 prior to commencement of any mechanical services work.
 - (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).

- (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (d) 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;
- (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, 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;
- (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (38) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (iii) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
- (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (v) Council reserves the right to randomly audit any structural documentation.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) 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'.
- (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

CONSTRUCTION DURING THE OLYMPICS

- (40) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

LOADING AND UNLOADING DURING CONSTRUCTION

- (41) The following requirements apply:-
 - (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) 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.
 - (c) 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.

STREET TREES

- (42) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

PUBLIC WAY

- (43) 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.

CLEAN WATERS ACT

- (44) To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.
- (45) 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.

USE OF MOBILE CRANES

(46) 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 shall not be delivered to the site prior to 7.30am without the prior approval 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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (47) 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 shall be submitted to Council if it was not the PCA.
 - (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (48) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (49) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.
 - (50) 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.
 - (51) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
 - (52) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
 - (53) 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 (Form 10 of the Environmental Planning and Assessment Regulation 1998) 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.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) 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.
 - (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (f) Council reserves the right to randomly audit any structural documentation.
- (54) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (55) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (56) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (57) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (58) The emergency lighting system shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (59) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.

- (60) The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.
- (61) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (62) Any alterations to the existing sprinkler installation shall comply with the requirements of Specification E1.5 of the Building Code of Australia. A certificate from a competent person shall be submitted to the Principal Certifying Authority certifying compliance with this requirement.
- (63) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.
- (64) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (65) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (66) To the extent that the provisions of this Notice of Determination are inconsistent with the previous Notice of Determination dated 24 August 1999, the provisions of this Notice replace the earlier Determination and shall prevail. (Additional condition as a result of review 1/11/99.)

Schedule 2

Prescribed Conditions

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.

Carried.

Note - The Planning Development and Transport Committee requested the Director City Development to convene a meeting between the applicant and the owner of the land on which the affected ramp is located to deal with the issue of privacy.

USE OF CITY OF SYDNEY'S STREET SAFETY CAMERA PROGRAM IN RELATION TO MAJOR EVENTS (S002128)

7.4

That consideration of this matter be deferred until the meeting of Council on 8 November 1999.

Carried.

(Note - This matter was also considered at the meeting of the Priorities and Outcomes Committee held on Tuesday 2 November 1999. The report of that Committee meeting follows.)

SECTION 96 (2) APPLICATION: GEORGE PATTERSON HOUSE AND TANK STREAM BUILDING, 248-252 GEORGE STREET, SYDNEY (D1998/05350)

7.5

That consideration of this matter be deferred until the meeting of Council on 8 November 1999.

Carried.

Note - This matter was dealt with by Council as Item 9 on the Business Paper.

Note - Mr David Brown, Mr Mathew Palavidis, Mr Warren Bradey and Mr Ashley Muldoon addressed the meeting of the Planning Development and Transport Committee on Item 7.5.

PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 7.6 was determined by the Planning Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: GEORGE PATTERSON HOUSE AND TANK STREAM BUILDING, 248-252 GEORGE STREET, SYDNEY (D1999/00660)

7.6

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 1 November 1999 in relation to Development Application D1999/00660 made by Justin John Enterprises Pty Ltd for the site at 248-252 George Street, Sydney for use of part of the building as a Gaming Room, it be resolved that consent be granted subject to the following conditions -

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 1999/00660 dated 1 September 1999 and Statement of Environmental Effects prepared by City Plan Services Pty Ltd dated September 1999, and drawings numbered 99145-A30/C and 99145-A62/C dated 18 August 1999 and 31 August 1999 respectively, both prepared by Whiting Architecture and Interiors, and as amended by the following conditions:

TIME LIMIT ON USE

- (2) The use must cease after a period of three (3) years from the date of consent. A further development application may be lodged before the expiration of the consent for Council's consideration of the continuation of the use. Should a further development application be lodged, the applicant is to consider alternative locations either below or above George Street level, for the gaming room.

RESTRICTION ON USE

- (3) This development consent shall be read in conjunction with the development consent for D1998/05350 (as amended). Should there be an inconsistency between the development consent for D1998/05350 and this development consent, this development consent shall take precedence.
- (4) The door in the north west corner of the site shall only be used for fire egress purposes, with all other access to and egress from the gaming room via the main bar.
- (5) At no time is the use of the gaming room to be independent of the use of the main ground floor use of the premises as a hotel.

REMOVAL OF GRAFFITI

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

NO SPRUIKERS OR AMPLIFIED NOISE

- (7) 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 premise.

NOISE

- (8) The use of the premises 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 in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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.

PATRON BEHAVIOUR

- (9) The Management shall 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 shall be responsible for the control of noise and litter generated by patrons of the premises and shall 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.
- (10) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area)
- (11) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

CARE OF BUILDING SURROUNDS

- (12) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

SIGNS

- (13) 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. The design of any proposed sign shall be such that the gaming room may not reasonably be perceived as being separate from the main hotel use.
- (14) Any future external signage for the gaming area shall only be ancillary to an identification sign for the premises, as an under-awning sign or other sign acceptable to the Council.

HOURS OF OPERATION

- (15) The hours of operation are regulated as follows:
 - (a) The hours of operation of the gaming room shall be restricted to between 10.00am to 1.00am, seven days a week.

- (b) Notwithstanding (a) above, the gaming room may operate between 1.00am to 3.00am, seven days a week, for a trial period of one year from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.

A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.

AREA TO BE PROVIDED FOR PUBLIC TELEPHONE

- (16) The owner/s must provide, free of cost, an area for the installation of one public telephone. The area must be furnished with one public telephone (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider. This telephone shall be accessible for use by persons with a disability and be available for public use during the normal opening hours of the premises. Details shall be approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 or prior to commencement of the use.

NO AUTOMATIC TELLER MACHINES TO BE INSTALLED

- (17) No automatic teller machines (ATM) shall be installed in the gaming room.

Schedule 1B

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

RECEPTACLES FOR CIGARETTE BUTTS

- (18) Provision must be made outside the entrance/s to the building for an adequate number of receptacles for the disposal of cigarette butts. The design of the receptacle/s must be approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: The emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

ACCESS FOR PEOPLE WITH DISABILITIES

- (19) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

SANITARY FACILITIES

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

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (21) 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 prior to commencement of any mechanical services work.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red

- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, 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;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (22) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) 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 making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

CONSTRUCTION DURING THE OLYMPICS

- (23) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

NO OBSTRUCTION OF PUBLIC WAY

- (24) 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.

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

OCCUPATION CERTIFICATE TO BE SUBMITTED

- (25) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

DOOR, SHUTTER, GRILLE INSTALLED IN A PATH OF TRAVEL

- (26) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.

SPRINKLER SYSTEM NOT TO BE IMPAIRED

- (27) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.

MECHANICAL VENTILATION COMPLETION AND PERFORMANCE CERTIFICATE TO BE SUBMITTED

- (28) 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 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.

Note:

Council reserves the right to randomly audit any mechanical ventilation documentation.

FIRE SAFETY CERTIFICATE TO BE SUBMITTED

- (29) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.

ALARM TO BE FITTED WITH TIMING DEVICE

- (30) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

VENTILATION SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

- (31) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

CONTRACT REQUIRED FOR REMOVAL OF TRADE WASTE

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

Carried.

Note - Mr Justin Hemmes and Mr Brendan Bennett addressed the meeting of the Planning Development and Transport Committee on this matter.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: ST PATRICK'S SITE, 129-135 HARRINGTON STREET, THE ROCKS (O1999/00065)

7.7

That consideration of this matter be deferred until the meeting of Council on 8 November 1999.

Carried.

Note - This matter was dealt with by Council as Item 10 on the Business Paper.

PART "B" (CONTINUED) - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 7.8 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

SUBMISSION ON DEVELOPMENT APPLICATION FOR THE FORMER GOVERNMENT PRINTING OFFICE BUILDING, 390-422 HARRIS STREET, ULTIMO – REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (099/00067)

7.8

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of the report by the Area Planning Manager to the Planning Development and Transport Committee on 1 November 1999 in relation to the Development Application DA No 197-09-99 for the refurbishment and extension of the former Government Printing Office Building at 390-422 Harris Street Ultimo, it be resolved that:-

- (A) the report by the Area Planning Manager be received and noted.
- (B) a submission in the form of that contained in Attachment D to the subject report be forwarded to the Department of Urban Affairs and Planning for its consideration in the assessment of the application.

Carried.

Note - Mr John Hutchinson and Mr Robin Graham addressed the meeting of the Planning Development and Transport Committee on Item 7.8.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: 339-345A SUSSEX STREET, 68 LIVERPOOL STREET, 198-202 DAY STREET & CORNER OF JAMES STREET, SYDNEY (D1999/00526)

7.9

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 1 November 1999, in relation to Development Application D99/00526 made by Crone Associates Pty Ltd for the site at 339-345a Sussex Street, 68 Liverpool Street, 198-202 Day Street, and corner of James Street for the construction of a new 14 level residential apartment and a 11 level serviced apartment building, basement car parking, two level retail including basement convenience retailing, it be resolved that consent be granted subject to the following conditions: -

SCHEDULE 1A

Approved Development, Contributions and Covenants

Schedule 1A

Approved Development, Contributions and Covenants

- (1) Development must be in accordance with Development Application No. D/99/526 dated 23/07/99 and The Statement of Environmental. Effects prepared by Crone Associates Pty Ltd, dated 23 July 1999 and drawings numbered 99029/A0101A, 99029/A0102C, 99029/A1101A, 99029/A1102A, 9929/A1105B, 99029/A1106C, 99029/A1107B, 99029/A1108B, 99029/A1111B to A11013B, 99029/A1119B to A1123B, 99029/A2001B, 99029/A2002C, 99029/A2003A, 99029/A2004B, 99029/A2005A to A2006A, 99029/A2201A, 99029/A2202B to A2205B, 99029/A2206A, 99029A2207B, 99029/A3001B to A3002B, 99029/A9001A to A9010A, and 99029/SKA2004A, prepared by Crone Associates Pty Ltd, dated October 1999 and as amended by the following conditions:
- (2) The applicant shall redesign the proposal to setback the northern building at least 500 mm from James Street, and to provide a widened footpath on the southern side of James street (in response to expected increased vehicular/pedestrian conflicts arising from the proposal), unless the applicant prepares an alternative scheme acceptable to the Sydney Traffic Committee, which improves pedestrian amenity and safety in James Street (by using measures such as a shared zone, altered traffic direction or the like) prior to the issue of a Construction Certificate.

- (3) The approval of the final detailing of the exterior design, including materials and finishes, is to be determined by a panel consisting of a representative of City Development, the Government Architect or his representative, and an independent architect, to ensure the quality of the finishes. This approval is to be obtained prior to the release of the Construction Certificate.
- (4) Any proposed naming of the development, which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.
- (5) A separate development application must be submitted at the appropriate time for the specific use of the areas identified and labelled as "Tenancy" on the Lower Ground Floor Plan (Drawing No. 99029/A 1106 Rev A.) and the Ground Floor Plan (Drawing No. 00029/A1107 Rev A).
- (6) The glass shop fronts must not be tinted, screened by blinds, obscured by signage curtains or the like or obscured.

SURRENDER OF CONSENT

- (7) The applicant shall surrender the existing consent given in Notice of Determination No. 44/85/0937 dated 26 May 1987, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development.

APPROVED DESIGN

- (8) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (9) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Crone Associates Pty Ltd dated 23 July 1999.

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.

FLOOR SPACE RATIO

- (10) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 8.98:1 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 17,453 sq. m.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(11)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 58.250 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

RESTRICTION ON RESIDENTIAL DEVELOPMENT

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

- (a) The accommodation portion of the building (levels 1 to 14) must be used as permanent residential and serviced apartments accommodation only, and not for the purpose of a hotel, motel, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 1 to 1-4 of the south building and level 12 of the north building, from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

SECTION 61 CONTRIBUTION

(13) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid for all components of the development (excluding the serviced apartments) in accordance with the following:

(a) **Cash Contribution Required**

- (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost (excluding the serviced apartment component), at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".
- (ii) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(c) **Timing of Payment**

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

RESTRICTION OF SUPERMARKET

(14) The part of the building that has been approved as supermarket/convenience retail (654 sq. m) and has been excluded from floor space for the purposes of calculating floor space ratio must be maintained as a supermarket.

(15) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary restrictive covenant to the effect that 654 sq. m of the building has been approved as basement supermarket/convenience retail, 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.

Note: The covenant will be noted on the database for Section 149 Certificates issued under the Environmental Planning and Assessment Act 1979.

ARCHEOLOGICAL INVESTIGATION

- (16) In the event that any further excavation is undertaken, the following conditions shall apply:
- (a) Should any historical relics be unexpectedly discovered on the site during excavation, 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.
 - (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

DEMOLITION/SITE RECTIFICATION

- (17) The following conditions apply to the development:-
- (a) Demolition or further excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of 500,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 500,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works that meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the above mentioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
 - j. 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, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

VEHICULAR SPACES

(18) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) A maximum number of 98 residential spaces;
 - (ii) A maximum number of 47 serviced apartment spaces;
 - (iii) A maximum number of 4 business/commercial premises spaces;
 - (iv) 7 service vehicle spaces;
 - (b) The equivalent of 4 car-parking spaces within the above allocation shall be provided for parking/storage of motorcycles and bicycles. A room containing a shower and change area must be provided close to the cycle racks.
 - (c) 1 car wash bay within the above allocation shall be provided, together with appropriate plumbing and drainage.
 - (d) 2 of the car parking spaces, required in (a) above, are to be for people with mobility impairment, in accordance with AS 2890.1.
 - (e) All spaces must be allocated and marked according to this requirement.
 - (f) If the development is to be strata subdivided, the car park layout must respect the above allocation.
- (19) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (20) 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.

- (21) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (22) All vehicles shall enter and leave the site in a forward direction.
- (23) All loading, unloading and other construction activities shall be accommodated on-site except that:
 - (a) If, during excavation, it is not feasible for loading and unloading to take place on the site, Council may consider the provision of a construction zone;
 - (b) 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;
 - (c) 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 specified period and certain hours of the day 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.

All costs of traffic management measures shall be borne by the applicant.

REPORTS TO BE COMPLIED WITH

- (24) The development shall be in accordance with the recommendations of the Development Application specialist reports:
 - (a) *STATEMENT OF HERITAGE IMPACT* – prepared by Graham Brooks and Associates Pty Ltd and attached as Section D;
 - (b) *AN ASSESSMENT OF THE WIND IMPACT OF THE PROPOSED DEVELOPMENT: FINAL REPORT* – prepared by Vipac Engineers & Scientists Ltd, dated July 1999 and numbered 241269-1, except for the following requirements: The applicant shall submit and have approved by Council proposals for the mitigation of wind impacts at the north-east and north-west corners of the intersection of Sussex and Liverpool Streets, prior to the issue of a Construction Certificate.
 - (c) *AN ASSESSMENT OF THE BUILDING ENERGY EFFICIENCY OF THE PROPOSED DEVELOPMENT* – prepared by Vipac Engineers & Scientists, dated July 1999 and numbered 241269-3.
 - (d) *AN ASSESSMENT OF THE REFLECTIVITY IMPACT OF THE PROPOSED DEVELOPMENT* – prepared by Vipac Engineers & Scientists, dated July 1999 and numbered 241269-2.

- (e) *TRAFFIC REPORT* – prepared by Masson Wilson Twiney Pty Ltd, Traffic and Transportation Consultants, dated June 1999;

REMOVAL OF GRAFFITI

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

RECEIVING DEVICE

- (26) For each form of transmitter, there shall be only one common receiving device installed on the subject development.

CARE OF BUILDING SURROUNDS

- (27) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

SIGNS

- (28) 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.

NOISE

- (29) The use of the premises 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 in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.

- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
- (f) 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 indoors sound level measurements.

Schedule 1B

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (30) Prior to the removal of the remnant facades to 339-345a Sussex Street and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to submit the following to Council, for deposit in the City of Sydney Archives:-
 - (a) Photographic documentation of the remnant facades, 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 2 copies of contact sheets 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 & 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.
- (b) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal of any building fabric or any demolition at the site.

PUBLIC ART

- (31) High quality artwork shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the artwork must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (32) The following requirements apply:-
 - (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval. The plan shall include proposals for the treatment of James Street (arising from Condition 2) and for the footpath areas around the site.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

*NB: Any sandstone kerbing, which needs to be removed during the course of construction of the proposed development, shall be identified on this plan. This kerbing must be stored by the applicant and reinstated as part of the completion of the project

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and, where required the resetting, of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.

- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (ix) The applicant shall provide smart poles along the Liverpool Street and Sussex Street.
- (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) The Public Domain Plan shall include a landscape plan for the park area adjacent the western boundary of the site, up to Harbour Street. This plan shall be prepared in consultation with Darling Harbour Authority's Manager, Development Property and Assets, and the Council's Manager Development. This plan shall set out proposals to landscape and generally improve the level of pedestrian amenity in this area, as well as relate the area to the use and covered plaza of the western portion of the proposed building on the site. The landscape plan shall also indicate proposal for the landscaping of the plaza area, the buildings podium level and the rooftop terrace areas. The landscape works shall be completed to the satisfaction of Council prior to the issue of the occupancy certificate.

ELECTRICITY SUBSTATION

- (33) The owner must dedicate to Energy Australia, should it require it, free of cost, an area of land adjoining the street alignment 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 under the Environmental Planning and Assessment Act 1979.

MODEL

- (34) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, two accurate 1:500 scale models of the approved development must be submitted to Council (one for the City Model and one for the City's Exhibition Space).

Notes:

- (a) The models are to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.

- (b) The model must be amended to repeat any further approvals under S96 (2) of the Environmental Planning and Assessment Act 1979, which affect the external appearance of the building.

NOISE REDUCTION

(35) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-

(i) In a naturally ventilated - windows closed condition:

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours) | 45dB |

(ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 45dB |
| b. | Living areas (24 hours) | 55dB |

(iii) Where a naturally ventilated windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

(iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours) | 46dB |

(b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

- (ii) The repeatable maximum $L_{Aeq(1 \text{ hour})}$ for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The $L_{Aeq(1 \text{ hour})}$ noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE

- (36) An application must be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been obtained is to be produced prior to issue of Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: You should make immediate application to Sydney Water for this Certificate to avoid problems in servicing your development. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

ACCESS FOR PEOPLE WITH DISABILITIES

- (37) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

AWNINGS

- (38) The awning/canopy must comply with the Draft City of Sydney Awnings Policy 1998.

CAR PARK ENTRY FINISH

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

PAVING MATERIALS

- (40) 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.
- (41) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

UNDER AWNING LIGHTING

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

CAR PARK AND SERVICE VEHICLE LAYOUT

- (43)
- (a) The layout plan of the car park 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 line marked.
 - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
 - (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

- (44) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC UTILITY SERVICES

- (45) To ensure that public utility authorities are advised of the development:
 - (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) The applicant is to negotiate with the public authorities (eg. Energy Australia, Sydney Water, Telstra Australia, 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.
 - (c) Documentary evidence is to be submitted to and approved by the Certifying Authority confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

ALIGNMENT LEVELS

- (46) The following shall be submitted to Council:-
 - (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
 - (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
 - (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.
- (47) 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 under the Environmental Planning and Assessment Act 1979. The Architect must give such Certification 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.

- (48) The following provisions apply to recycling areas:
 - (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
 - (b) The building must not 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.
 - (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.
- (49) A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.

SANITARY FACILITIES

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

(51) 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 under the Environmental Planning and Assessment Act 1979. The Architect must give such Certification 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) Curriculum Vitae with your first Certification.

(52) The fire control room shall be relocated to comply with Specification E1.8 of the BCA96.

(53) The car park shall be fire separated from the loading dock having an FRL of 4 hrs in accordance with Specification C1.1 of the BCA96.

(54) Facilities for the disable shall be provided to the lower ground floor in accordance with Council's Access Policy and D3 of the BCA96.

- (55) That a designated path of travel shall be provided from the rear of the supermarket to the exit door on Day street. (Details shall be submitted).
- (56) The proposed gates at each end of the covered plaza shall be in accordance with D2.21 of the BCA96.
- (57) That egress from fire stairs 1,2,3&4 shall be relocated to comply with D1.7, or alternatively submit an alternate solution in accordance with Part A of the BCA96.
- (58) Disable access shall be provided to all retail tenancies in accordance with Council's Access Policy and Part D3 of the BCA96.
- (59) Smoke doors shall be provided to level 12 corridor in accordance with C2.14 of the BCA96.
- (60) Doors to the pool area shall swing in the direction of egress from the pool in accordance with A.S. 1926.
- (61) Two (2) means of egress shall be provided from all parts of the floor on levels 14 &15 in accordance with D1.2 of the BCA96.
- (62) That a hydrant booster pump and location shall be provided in accordance with Part E of the BCA96 and A.S. 2419
- (63) That light and ventilation shall be provided in accordance with Part F of the BCA96.

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (64) 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 *Interim Policy for Temporary Protective Structures*.
 - (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.

APPLICATION FOR SHORING AND ROAD OPENING

- (65) Prior to the commencement of any excavation of the building site and where shoring abuts the public way:-
 - (a) A Road Opening Permit is to be obtained from Council.
 - (b) Detailed shoring plans, associated documentation and certification are to be submitted to and approved by Council. Such documentation is to include:-
 - (c) Structural shoring plans in duplicate and a Certification form in Attachment C prepared and signed by an appropriately qualified practising Structural Engineer and repeated for each revision issued to Council.
 - (d) The nomination of an appropriately qualified practising Structural Engineer who is to:-
 - (e) Certify that upon completion of installation, the shoring complies with the certified plans and,
 - (f) Undertake a minimum of six-monthly inspections certifying continuing structural stability of the shoring by submitting a completed Section 2 of the Structural Certification form in Attachment C to Council.
 - (g) The nomination of an appropriately qualified practising geotechnical consultant who is to inspect and ensure a stable excavated site and public way and submit to Council:-
 - (h) A geotechnical report
 - (i) The proving and certification of the foundation material.
 - (j) A thorough survey of all utility services within the public way adjoining the site, the locations of such services are to be shown upon the shoring plans.
 - (k) Evidence of Council's acceptance of the shoring plans, documentation and certification is to be submitted to the Principal Certifying Authority prior to the commencement of any excavation of the building site.

Note: Council reserves the right to randomly audit any structural documentation submitted and either accept or reject the certification or part thereof and to randomly inspect the site.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (66) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition/excavation or construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.
- (67) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (68) 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 prior to commencement of any mechanical services work.
- (69) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (c) Supply Air Ducts, Shafts and Fans - Blue
 - (d) Return Air Ducts, Shafts and Fans - Pink
 - (e) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green

- (f) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (g) Mixing Boxes and Conditions - Yellow
 - (h) Fire Dampers and Electric Heaters - Red
 - (i) 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;
 - (j) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, 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;
 - (k) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
 - (l) 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:
 - (m) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
- (70) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
- (a) The relevant clauses of the Building Code of Australia (BCA);
 - (b) The relevant conditions of Development Consent;
 - (c) The Architectural Plans incorporated with the Construction Certificate; and
 - (d) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (e) Any other relevant report/s or documents. Specify on form S1A.
 - (f) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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.
 - (v) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (vi) 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.
- (71) Certification of Inspections is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (72) Council reserves the right to randomly audit any structural documentation.
- (73) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
 - (b) Borehole/test pit logs or inspection records;
 - (c) Field/laboratory test results;
 - (d) General geotechnical description of site;
 - (e) Recommended safe bearing values and likely settlements of foundation material;
 - (f) Recommendations for stability and protection of excavations;

- (g) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
- (h) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (i) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
- (j) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
- (k) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes: An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have: -

Appropriate tertiary qualifications in Civil or Geotechnical Engineering,
AND;

Corporate membership of the Institution of Engineers Australia or
equivalent; AND

Evidence of relevant experience in the form of a CV/Resume;

Appropriate current professional indemnity insurance.

An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Council reserves the right to randomly audit any geotechnical documentation.

WASTE MANAGEMENT

- (74) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.

- (75) 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. The Architect must submit such Certification or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (76) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - (c) Type and quantities of material expected from demolition and excavation;
 - (d) Name and address of transport company;
 - (e) Address of proposed site of disposal;
 - (f) Name/address of company/organisation accepting material;
 - (g) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (h) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (i) Material for disposal and justification of disposal.
 - (j) 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.
 - (k) All requirements of Waste Management Plans must be implemented during the construction 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 construction.

DESIGN OF FOOD PREMISES

- (77) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (78) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of either:
- (a) the Certifying Authority with the construction certificate application, ie.
 - (b) *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
 - (c) *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- (d) the Principal Certifying Authority prior to the commencement of the work, ie.
- (e) *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
- (f) *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note: Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

Schedule 1D

Conditions to be complied with during construction

LOADING AND UNLOADING DURING CONSTRUCTION

- (79) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.

- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

USE OF MOBILE CRANES

(80) 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 shall not be delivered to the site prior to 7.30am without the prior approval of Council.
- (d) 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.
- (e) To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected:-
- (f) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;

- (g) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (h) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.
- (i) 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.
- (j) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

CONTROL OF VERMIN

- (81) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

CONSTRUCTION DURING THE OLYMPICS

- (82) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (83) 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 shall be submitted to Council if it was not the PCA.
- (84) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (85) Prior to issue of an Occupation Certificate and/or prior to commencement of the use, the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

Note: It should be noted that this development being serviced apartments is not subject to a domestic garbage levy and therefore a domestic service will not be provided by Council.

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

Note: It should be noted that this development being serviced apartments is not subject to a domestic garbage levy and therefore a domestic service will not be provided by Council.

- (87) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.
- (88) 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.

NUMBERING

- (89) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (90) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.
- (91) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (92) 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 (Form 10 of the Environmental Planning and Assessment Regulation 1998) 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.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-

Appropriate tertiary qualifications in Civil or Structural Engineering,
AND;

Corporate membership of the Institution of Engineers Australia or equivalent; AND

Evidence of relevant experience in the form of a CV/Resume;

Appropriate current professional indemnity insurance.

- (93) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (94) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (95) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (96) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (97) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia. Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.
- (98) The emergency lighting system shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (99) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.

- (100) Any proposed electronic locking device shall be power energised to the locking mode and shall be deactivated to release upon direct or response power termination to the device to enable the door to be opened by single handed action in the direction of egress. An emergency switch/button, not contained in a protective enclosure, shall be provided in a conspicuous position in the lift lobby area adjacent to the subject door. The switch/button shall be available to deactivate the locking system by power termination in an emergency. A sign shall be provided to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) adjacent to the switch/button indicating its purpose. The locking device shall consist of an approved electronic door interlock system such that, in the event of fire being detected by the building's sprinkler system and smoke/thermal alarm system (including smoke detectors required in the mechanical ventilation system by AS 1668 (1991)), the locking system will be deactivated to release by the termination of power to enable the door to be opened by single-handed action in the direction of egress. The smoke detectors shall be provided on both sides of the security door, 1500mm from the centre of the door in the position described in Clause 5.7.5 of AS 1905.1 (1990).
- (101) Upon completion of work and prior to the operation of the security locking device and to the occupation of the subject tenancy, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate shall be submitted to Council if it was not the PCA.
- (102) The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.
- (103) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (104) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.
- (105) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.
- (106) Any tenancy door giving access to an exit shall be capable of being opened without a key from inside the tenancy in accordance with D2.21 of the Building Code of Australia.
- (107) All fully enclosed office/work areas not provided with natural ventilation shall be mechanically ventilated or air-conditioned in accordance with F4.5 of the Building Code of Australia and Council's Ventilation Code.

CERTIFICATION OF MECHANICAL VENTILATION

- (108) 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 prior to commencement of any mechanical services work.
- (109) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (c) Supply Air Ducts, Shafts and Fans - Blue
 - (d) Return Air Ducts, Shafts and Fans - Pink
 - (e) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (f) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (g) Mixing Boxes and Conditions - Yellow
 - (h) Fire Dampers and Electric Heaters - Red
 - (i) 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;
- (110) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, 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;
- (111) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

- (112) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (113) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (114) 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 shall 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.

- (115) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.
- (116) 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.
- (117) 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.
- (118) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (119) 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.

Carried.

Note - The amended, recommended conditions of consent were shown at Attachment A to the Report of the Planning Development and Transport Committee.

Note - Mr John Mageros addressed the meeting of the Planning Development and Transport Committee on Item 7.9.

PART "B" (CONTINUED) - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Items 7.10 and 7.11 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 184-196 ELIZABETH STREET, SYDNEY (WENTWORTH HOUSE) - AWARD OF HERITAGE FLOOR SPACE (D99-00350)

7.10

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 November 1999, in relation to Development Application D99-00350 made by Kenmax Pty Ltd for the site at 184-196 Elizabeth Street, Sydney for refurbishment and conservation work to the existing building, the addition of 10 hotel rooms at rooftop level and an award of Heritage Floor Space (HFS), it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D99-00350 dated 21 May 1999 and the Conservation Management Plan prepared by Orwell and Peter Phillips, Architects, dated September 1999 and drawings numbered as follows:-

- (a) HFS DA01, dated January 1999;
- (b) HFS DA02, dated January 1999;
- (c) HFS DA03, dated June 1999;
- (d) HFS DA04, dated June 1999;
- (e) HFS DA05, dated June 1999;
- (f) HFS DA06, dated January 1999;

prepared by Orwell and Peter Phillips, Architects, and as amended by the following conditions:

SURRENDER OF CONSENT

- (2) The applicant shall surrender the existing consent given in Notice of Determination No. D98-00050 dated 8 July 1998, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development.

HERITAGE CONDITIONS

- (3) The award of Heritage Floor Space (HFS) shall be reduced by the amount of floor space contained within the roof top addition to the building at 184-196 Elizabeth Street, Sydney (Wentworth House).
- (4) All conservation work shall be carried out as detailed in section 7.0 Policy Implementation of the Conservation Management Plan prepared by Orwell & Peter Phillips Architects, Revision 3, dated September 1999, and, outlined on drawings DA 01 – 06 dated January 1999. This conservation work must be carried out and approved by the Director City Development prior to any award of HFS.
- (5) 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.
- (6) The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building trades to advise on the conservation of the place and carry out any work required.
- (7) The proposed works are to be carried out in a manner that involves minimum demolition, alteration, or irreversible damage to significant fabric (not affected by the scope of work of the application) of the Wentworth House building. Particular care shall be taken to avoid damage to the significant fabric of the building during the carrying out of any electrical or plumbing works.
- (8) All fitments/fixtures attached to significant fabric must involve the least possible damage and interference with significant fabric. This work should be undertaken in consultation with heritage architect noted above.
- (9) Further design details shall be provided regarding the proposed security screens in front of the door to each retail shop to compliment the heritage significance of the existing building. Details shall be to the satisfaction of the Director City Development prior to the release of the Construction Certificate.

- (10) A Services Plan shall be provided prior to the release of the construction certificate to the satisfaction of the Director City Development. The services plan must indicate the manner in which intervention into significant fabric caused by new services has been minimised (such as reusing existing penetrations to significant fabric, bundling ducting together ducts to minimise the need for new penetrations, and, introducing new penetrations in less significant fabric). The Services Plan shall be accompanied by a Heritage Impact Statement.
- (11) Prior to and during the removal of any significant building fabric or furnishings from the site, and prior to the issue of a construction certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to submit the following to Council, for deposit in the City of Sydney Archives:-
- (a) Photographic documentation of the site and its context, and the exteriors and interior 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 2 copies of contact sheets 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 by 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;
- (12) 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.
 - (c) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
 - (d) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal or during the removal of any building fabric or demolition at the site.

AWARD OF HERITAGE FLOOR SPACE

- (13) The owner shall be awarded 2578 sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development on that part of the site occupied by the heritage building to the total area of the conserved building, namely 2083 sqm.
 - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
 - (d) The owner will only be registered as the owner of 2578 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.

On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

APPROVED DESIGN

- (14) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

SECTION 61 CONTRIBUTION

- (15) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
- (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.

- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".

- (c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (d) For the developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(e) **Timing of Payment**

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

CONSISTENCY OF DRAWINGS

- (16) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

RECEIVING DEVICE

- (17) For each form of transmitter, there shall be only one common receiving device installed on the subject development.

EXTERNAL LIGHTING

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

SEPARATE USE

- (19) A separate development application must be submitted at the appropriate time for the specific use of the ground floor shops.

SPRUIKERS

- (20) 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 premise.

NOISE

- (21) The use of the premises 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 in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) 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.
- (22) The glass shop fronts must not be tinted, obscured by signage, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

- (23) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

REMOVAL OF GRAFFITI

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

SIGNS

- (25) 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.

WINDOW CLEANING

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

Schedule 1B**Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority****PUBLIC DOMAIN PLAN**

- (27) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
- (c) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (d) Include specifications of the proposed works.
 - (i) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
 - (ii) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (iii) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (iv) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications.
 - (v) 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.
 - (vi) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (vii) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (viii) The retention and repair of any existing pavement lights.
 - (ix) The retention and repair of any existing serviceable stone gutters.

- (x) 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.
 - (xi) The provision of smart pole(s), (to be provided at the applicants cost).
 - (xii) 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.
- (28) The pavement lightwells in the footways adjoining the site must be upgraded and maintained according to the requirements of and to the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

GLAZING

- (29) All external glazing at ground floor level in the development must be clear and untinted.

UNDER AWNING LIGHTING

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

SANITARY FACILITIES

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

Schedule 1C

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (33) 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 *Interim Policy for Temporary Protective Structures*.
 - (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.
- (34) 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.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (36) 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.

CONSTRUCTION DURING THE OLYMPICS

- (37) Construction may take place during the period 1 September 2000 to 1 October 2000 in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

LOADING AND UNLOADING DURING CONSTRUCTION

(38) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) 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.

CONTROL OF VERMIN

- (39) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.
- (40) 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.

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

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

HISTORIC MARKER

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

NUMBERING

- (43) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.
- (44) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.
- (45) 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.
- (46) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.
- (47) 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 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.

Carried.

INTEGRATED DEVELOPMENT APPLICATION: MONTE PASCHI HOUSE, 73 YORK STREET, SYDNEY - AWARD OF HERITAGE FLOOR SPACE (D1999/00064)

7.11

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 November 1999 in relation to Integrated Development Application D1999/00064 made by Tower Holdings Pty Ltd for the site at 73 York Street, Sydney for conservation works and an award of heritage floor space, it be resolved that development consent be granted subject to the following conditions:

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) The approved works must be in accordance with Development Application No. 1999/00064 dated 3 February 1999 as detailed in the Conservation Plan prepared by Graham Brooks and Associates Pty Ltd, dated May 1999, as amended by the report "BCA Compliance Proposals and Heritage Analysis" prepared by Graham Brooks and Associates Pty Ltd and Building Safety Services Pty Ltd received by Council on 9 September 1999, correspondence and amended drawings dated 18 October 1999 from Graham Brooks and Associates Pty Ltd, and report "Alternative Solution Report – 73 York Street, Sydney" (Revision B) prepared by Building Safety Services Pty Ltd dated 14 October 1999, and as further amended by the following conditions:

HERITAGE

- (2) The applicant is to commission an experienced conservation expert to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation expert is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration and reconstruction.
- (3) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed Heritage Floor Space scope of works.
- (4) All conservation work shall be carried out as detailed in Section 7.0 of the Conservation Plan for Cassa Commerciale at 73 York Street prepared by Graham Brooks and Associates Pty Ltd dated May 1999. All conservation work must be completed and then approved by the Director City Development prior to the registration of the Heritage Floor Space award.
- (5) All maintenance work identified as '*Yearly Maintenance Work*' in Section 8.0 of the Conservation Plan for Cassa Commerciale at 73 York Street (prepared by Graham Brooks and Associates Pty Ltd. dated May 1999) shall be carried out to the satisfaction of the Director City Development prior to the registration of the Heritage Floor Space award.
- (6) The conservation expert (as noted in condition 2) is to certify that the approved conservation and maintenance works are carried out in accordance with the approved Conservation Plan, prior to the registration of the Heritage Floor Space award.
- (7) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, or irreversible damage to original fabric (not identified in the scope of work of the application) of the heritage item.

- (8) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site. It shall be completed and submitted for approval prior to the registration of Heritage Floor Space.
- (9) Any proposed investigations of industrial archaeological relics shall be undertaken by a suitably qualified archaeologist.

AWARD OF HERITAGE FLOOR SPACE

- (10) The owner may be awarded 1,707m² of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
 - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building.
 - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
 - (d) The owner will only be registered as the owner of 1,707m² of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
 - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

REPORT TO BE COMPLIED WITH

- (11) The development shall be in accordance with the recommendations of the "Conservation Plan" prepared by Graham Brooks and Associates Pty Ltd dated May 1999.

- (12) The development shall be in accordance with the recommendations of the "BCA Compliance Proposals and Heritage Analysis" report prepared by Graham Brooks and Associates Pty Ltd and Building Safety Services Pty Ltd received by Council on 9 September 1999, as amended by correspondence and amended drawings by Graham Brooks and Associates Pty Ltd dated 18 October 1999.
- (13) The development shall be in accordance with the recommendations of the "Alternative Solution Report" (Revision B) prepared by Building Safety Services Pty Ltd dated 14 October 1999.

BUILDING NAME

- (14) Any change to the name of the building is to be subject to the approval of Council.

SIGNS

- (15) 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.

EXTERNAL LIGHTING

- (16) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.
- (17) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1B

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

DESIGN MODIFICATIONS

- (18) Further design details shall be provided regarding:
 - (a) Reconstruction of the York Street facade at ground floor level;
 - (b) New entry lobby at the York Street entrance of the ground floor, including the repositioning of the stairs leading to the lift lobby and the stairs leading to the basement; and
 - (c) Integration of the new services, including fire protection systems and disabled toilets.

The details shall be submitted for the approval of the Director, City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, or where no Construction Certificate is required, prior to the commencement of work.

Schedule 1C

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

STRUCTURAL CERTIFICATION

- (19) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND

- c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (iv) Council reserves the right to randomly audit any structural documentation.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (20) 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 *Interim Policy for Temporary Protective Structures*.
 - (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.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (21) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) 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 making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

CONSTRUCTION DURING THE OLYMPICS

- (22) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

LOADING AND UNLOADING DURING CONSTRUCTION

- (23) The following requirements apply:-
 - (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If, during construction, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) 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.
 - (d) 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.

NO OBSTRUCTION OF THE PUBLIC WAY

- (24) 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.

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****UNOBSTRUCTED ACCESS TO BE MAINTAINED**

- (25) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.

ALL MATERIAL TO COMPLY WITH BCA

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

STRUCTURAL INSPECTION CERTIFICATE

- (27) 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 (Form 10 of the Environmental Planning and Assessment Regulation 1998) 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.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND

- c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) Council reserves the right to randomly audit any structural documentation.

SMOKE HAZARD MANAGEMENT

- (28) Fire doors separating the basement and ground floor levels of the building must be fitted with smoke seals to restrict the spread of smoke in the building.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- (29) The proposed water closet for persons with disabilities must be altered to comply with Australian Standard 1428.1.
- (30) Access from York Street to the wheelchair platform lift for use by persons with disabilities must comply with Australian Standard 1428.1 and be identified in accordance with D3.6 of the Building Code of Australia.
- (31) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

Schedule 2

Terms of Approval

Other Integrated Development Approvals

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

- (32) All works shall be in accordance with the policies and management recommendations in the Conservation Management Plan dated May 1999 by Graham Brooks and Associates and endorsed by the Heritage Council on 17 June 1999.

- (33) If any archaeological relics are uncovered during the course of the work, then works shall immediately cease in that area and the NSW Heritage Office shall be contacted. Depending on the possible significance of the relics an archaeological assessment and an excavation permit under the NSW Heritage Act, 1977, may be required before further works can be considered in that area.
- (34) An archival record shall be prepared including measured drawings as existing and an archival photographic record before, during and after the development, documenting changes to the heritage fabric and any significant fabric uncovered during the course of the works. The archival record shall be prepared in accordance with Heritage Council guidelines and copies lodged in the local Council's library.
- (35) Details of the proposed works shall be submitted with the Section 60 application to the Heritage Council for approval.
- (36) Design resolution and working drawings shall be finalised with the advice of a consultant experienced in the conservation of similar heritage items who shall ensure that work is in accordance with the Conservation Management Plan by Graham Brooks and Associates.
- (37) Work shall be superintended on site by a consultant experienced in the conservation of similar heritage items.
- (38) Under the Integrated Development provisions of the Environmental Planning and Assessment Act, a further application must be made for approval under Section 60 of the NSW Heritage Act, 1977, before works commence.

Carried.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

**DEVELOPMENT APPLICATION: FARMERS & GRAZIERS WOOLSTORE -
372 - 428 WATTLE STREET, CNR JONES & MACARTHUR STREETS,
ULTIMO (D1999/00349)**

7.12

That consideration of this matter be deferred until the meeting of Council on 8 November 1999.

Note - This item was dealt with by Council as Item 11 on the Business Paper.

Note - Mr John Hutchinson, Mr Robin Graham, Mr Richard MacKay and Mr Harvey Ord addressed the meeting of the Planning Development and Transport Committee on Item 7.12.

PART "B" (CONTINUED) - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 7.13 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: OLYMPIC SIGNAGE - 265-273 GEORGE STREET, CORNER OF MARGARET STREET, SYDNEY (D1999/00528)

7.13

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 1 November 1999, in relation to Development Application D99-00528 made by Eastview Australia Pty Ltd for the site 265-273 George Street, Sydney for the application of Olympic signage in the form of a graphic film applied to the glass of the podium level of the building, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

- (1) Development must be in accordance with Development Application No.D1999/00528 dated 23 July 1999 and information and drawings numbered DA-01-99 (Westpac Plaza Entrance on Margaret Street) & DA-02-99 (Westpac Plaza Building Wrap Version 2) dated 22 September 1999 prepared by Eastview Pty Ltd and as amended by the following conditions:

REVISED PLANS TO BE SUBMITTED

- (2) The signage shall be revised to only use the AOC logo. The full AOC designation shall be used where space permits. Revised plans shall be submitted to SOCOG for approval prior to works commencing on site.

TERM OF APPROVAL

- (3) The signage must be removed and the building/site reinstated by 20 December 2000.

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

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

WINDOW CLEANING & MAINTENANCE

- (6) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly during the term of this approval.
- (7) The owner/manager of the building shall ensure that the signage is maintained to a high standard for the term of this approval. In this regard, any damage or deterioration of the film must be repaired within 48 hours.
- (8) 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.

HOURS OF WORK AND NOISE

- (9) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (c) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

LOADING AND UNLOADING DURING CONSTRUCTION

- (10) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) 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.

- (c) 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.
- (11) During the installation of the signage 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.

Carried.

ITEM 8. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 2 NOVEMBER 1999

PRESENT

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

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 6.15 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

At 6.16 pm, the meeting was adjourned.

At 6.55 pm, at the resumption of the Priorities and Outcomes Committee, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

At 7.05 pm Councillor Coulton left the meeting at the conclusion of discussion on Item 3.

The meeting of the Priorities and Outcomes Committee concluded at 7.20 pm.

Report of the Committee

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the Report of the Priorities and Outcomes Committee of its meeting of Tuesday 2 November 1999 be received, and the recommendations set out below for Items 8.1 and 8.2 be adopted, with Item 8.3 being dealt with as shown immediately following that Item.

Carried.

The Committee recommended the following:-

GRAFFITI REMOVAL TENDER (S008475/1)

8.1

That arising from discussion at the Priorities and Outcomes Committee on 2 November 1999 on the Graffiti Removal Tender, it be resolved that:-

- (A) it be noted that this matter was also considered at the meeting of the Finance, Properties and Tenders Committee on 1 November 1999; and

- (B) the Executive Project Manager, City Care Strategy Group identify private property graffiti hot spots with a view to establishing graffiti removal arrangements with the owners of such private property.

Carried.

STREET LIGHTING PROGRAM

8.2

Arising from consideration of a Memorandum by the General Manager to the Priorities and Outcomes Committee on 2 November 1999 on the agreement with Energy Australia for the Installation and Maintenance of Smartpoles within the CBD, it be resolved that:-

- (A) the subject Memorandum by the General Manager be received and noted;
- (B) Council request the Priorities and Outcomes Committee to oversee the contracts, referred to in the subject memo by the General Manager, to ensure that provisions of the contract are being met; and
- (C) Council express concern about Energy Australia's ability to carry out the roll out program, particularly in the period of, and leading to, the Olympics, especially due to difficulties in pole supply from Goldspar.

Carried.

USE OF CITY OF SYDNEY'S STREET SAFETY CAMERA PROGRAM IN RELATION TO MAJOR EVENTS (S0002128)

8.3

That arising from consideration of a report by the Project Manager Street Safety Camera Program to the Planning Development and Transport Committee on 1 November 1999, in regard to the use of the Street Safety Camera Program for major events, it be resolved that:

- (A) approval be given for the draft amendments to the Street Safety Camera Program Protocols and Control Room Standard Operating Procedures, shown at Attachment A to the subject report;
- (B) approval be given to use the Street Safety Camera Program for the purposes of city management during the hours of 2:00 pm on 31 December 1999 and 9:00 am on 1 January 2000;
- (C) approval be given for the NSW Police Service to have an officer stationed in the Street Safety Camera Control Room during the hours of 6:00 pm on 31 December 1999 and 12:00 noon on 1 January 2000;
- (D) Council request the General Manager to report to Council by March 2000 on an assessment of the operation of the system in event mode; and

- (E) Council request the General Manager to prepare a report on a street safety camera program for the Olympic period; and a general policy for future major events, including a proposal for determining how an event will be deemed to be a major event.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Marsden -

That the motion be amended by the addition of the following new Clauses (F) and (G) -

- (F) all control room staff be trained in the operation of the major events procedures and protocols prior to their implementation;
- (G) the use of the Street Safety Camera Program during New Years Eve 1999 for the purposes of major events be audited by the Safe City Manager subsequent to New Years Eve 1999 and a report in its use provided to the Lord Mayor and Council.

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner

Motion carried.

ITEM 9. SECTION 96 (2) APPLICATION: GEORGE PATTERSON HOUSE AND TANK STREAM BUILDING, 248-252 GEORGE STREET, SYDNEY (D1998/05350)

Moved by Councillor Turnbull, seconded by the Chairman (the Lord Mayor) -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 1 November 1999 and to Council on 8 November 1999, in relation to the Section 96 (2) Application made by Multiplex Constructions (NSW) for the site at 248-252 George Street, Sydney, seeking to modify the development consent for D1998/05350, it be resolved that:

(A) the application be approved and the development consent modified as follows:-

(i) Addition of the following new Condition 118A:

“In addition to the hours of construction detailed in Condition 118 above, extended hours of construction and work on the development are permissible for a trial period of four weeks as follows:

- (a) All external works, including the operation of the tower crane, and loading and unloading of vehicles, must only be carried out between the hours of 7.00am and 9.00pm on Mondays to Saturdays inclusive, with no external work permitted on Sundays or public holidays.
- (b) Upon completion of the external shell of the building and the complete sealing of the building, internal works may, subject to the prior written approval of the Director City Development, be undertaken on a 24 hour, 7 days a week basis, subject to compliance with the noise criteria in Council’s “Code of Practice for Construction Hours/Noise within the Central Business District 1992” and subject to no pneumatic and mechanical percussion tools and equipment being used in Category 2 and 3 hours.
- (c) Prior to the commencement of the extended hours, the applicant shall lodge a performance bond with Council in accordance with Part II of the “Code of Practice for Construction Hours/Noise within the Central Business District 1992”, for the construction hours as outlined above.

The bond required to be lodged is \$139,000 being calculated at 1% of the value of the works to be undertaken. The bond shall be lodged prior to the commencement of extended working hours.

- (d) In addition, the applicant shall enter into a deed with Council which requires the applicant to rescind the consent for Category 2, 3 and 4 hours, if so requested by Council. The deed shall be prepared by Council's Solicitor upon receipt of a written request from the applicant. Such deed shall be prepared at full cost to the applicant and is required to be executed prior to the commencement of extended working hours at the site.

- (e) Continuous noise monitoring shall be undertaken by the applicant during the construction period in accordance with the “Code of Practice for Construction Hours/Noise within the Central Business District 1992”, and reports provided to Council at monthly intervals. Should the noise criteria specified in the “Code of Practice for Construction Hours/Noise within the Central Business District 1992” be breached, the Council will review the approved hours with a view to restricting the extended hours of construction.
- (f) The applicant shall ensure that the recommendations of the report “Proposed Establishment Hotel Development - Assessment of Construction Noise Impact for Category 2, 3 and 4 Hours” (99295/3006C/MC) prepared by Acoustic Logic Consultancy Pty Ltd, dated 23 August 1999, are complied with, as amended by this condition.
- (g) The applicant shall ensure that the lighting of the site, whilst any work is undertaken outside of the standard hours of construction, is such that at no time the intensity, hours of illumination or location of the lighting to cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting, shall be altered at the direction of the Council.”
- (h) The applicant shall prepare and submit to Council a Management Plan which addresses the orderly construction of the premises. In particular, the following issues shall be addressed in the Plan:
 - i. A consultative process involving the occupants of 2 Bond Street, 4 Bridge Street (Cliveden building), 244-246 George Street (The Metropolitan Hotel) and 5-11 Bridge Street (Burns Philp building), including the establishment and maintenance of a Neighbourhood Consultative Committee, to ensure that construction related impacts (including aural, visual and dust nuisance, shift times and movement of construction workers, and security management) from the premises are satisfactory.
 - ii. Compliance with Council’s “Code of Practice for Construction Hours/Noise within the Central Business District 1992”.
 - iii. Compliance with all conditions of development consent relating to the premises.

The extended hours of construction shall not commence until the above mentioned Management Plan is finalised and submitted to Council, and the prior written approval of the Director of City Development obtained.

- (B) Upon completion of the four week trial period, and subject to compliance with the “Code of Practice for Construction Hours/Noise within the Central Business District 1992”, the Acoustic Logic Consultancy Pty Ltd Report dated 23 August 1999, and any valid complaints received by Council, authority be delegated to the General Manager to determine any applications to maintain the extended working hours detailed in Condition 118A, on a monthly basis provided the performance standards are met to the satisfaction of the Director City Development.

Carried unanimously.

ITEM 10. DEVELOPMENT APPLICATION: DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: ST PATRICK'S SITE, 129-135 HARRINGTON STREET, THE ROCKS (O1999/00065)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Planner to the Planning Transport and Development Committee on 1 November 1999 and the Director City Development to Council on 8 November 1999, in relation to the referral from the Department of Urban Affairs and Planning of a Development Application from Grocon International for 129-135 Harrington Street, The Rocks, it be resolved that the submission at Attachment A to the subject report, as amended at the meeting of Council, be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration.

Carried.

Note - Item 11 had been deferred from an earlier stage of the meeting.

ITEM 11. DEVELOPMENT APPLICATION: FARMERS & GRAZIERS WOOLSTORE - 372 - 428 WATTLE STREET, CNR JONES & MACARTHUR STREETS, ULTIMO (D1999/00349)

Moved by Councillor Turnbull, seconded by the Chairman (the Lord Mayor) -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 November 1999 and to Council on 8 November 1999, in relation to Development Application D99-00349 made by Meriton Apartments Pty Ltd for the site at 372-428 Wattle Street, Ultimo, Farmers & Graziers Woolstore Building for use of Lot 338 as commercial office space, it be resolved that consent be granted subject to the following conditions:-

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.99/00349 dated 21 May 1999 and Use of Lot 338 Strata Plan 58945 as Commercial Office – Farmers & Graziers Woolstore prepared by Meriton Apartments Pty Ltd, dated May 1999 and drawings numbered 2BA04,

2BA05, 2BA06 prepared by Meriton Apartments Pty Ltd dated 5/6/96 and as amended by the following conditions:

PREVIOUS CONSENT

- (2) The use of the premises shall comply with Notice of Determination No Z96-00417 dated 11 October 1996 and subsequent amendments.

HERITAGE REQUIREMENTS

- (3) The proposed change of use is to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the original fabric of the existing building which is listed as a Heritage Item in SREP 26 – City West. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fit-out and any electrical or plumbing works.
- (4) The historic machinery within Lot 338 must continue to be managed and maintained in accordance with the Industrial relics Maintenance Plan, dated 1998, prepared by Godden Mackay Pty Ltd.
- (5) Prior to occupation and use of the premises, the machinery is to be supplemented with an interpretative display and interpretative signage strategy. This is to include an information sign relating to each machine, written text and graphic explanation of the operation of the machines as a component of the Farmers & Graziers Woolstore process. Details are to be submitted to the satisfaction of the Director City Development.
- (6) In order to retain the industrial character of the space and to minimise the impact upon the significant fabric, partitions should not be physically attached to masonry walls or to machines, no false ceiling should be installed and no penetrations to the existing building are permitted.
- (7)
 - (a) Public access is to be available to the historic machinery on all three levels of Lot 338, on not less than 3 separate occasions per year involving a minimum of four (4) days. This access is to be arranged in association with existing heritage and community events such as Sydney Open (Historic Houses Trust), Heritage Festival (National Trust), Local Government Week, and in consultation with the Ultimo Precinct Committees. This public access is to include guided tours, research groups and is to be supervised to ensure minimal damage occurs to the machinery.
 - (b) Details of the proposed dates of the open days for the first year are to be provided prior to occupation and subject to the approval of the Director City Development. Thereafter, proposed dates for open days are to be submitted by the owner annually, prior to the end of January, for the approval of the Director City Development.

- (c) The foyer of the building, containing items of historic interest, shall be made available for public access concurrently with the public guided tours of the historic machinery in Lot 338.
 - (d) The windows at ground level of Lot 338 shall not be screened with blinds, curtains or the like in order that the machinery be visible from the public way, at all times.
 - (e) Public access is to be made available to the premises, allowing interested parties and local community groups access to the historic machinery (subject to obtaining prior owner's consent). Owner's consent for such access is not to be unreasonably withheld.
 - (f) The existing rear wall of the premises on Levels 3 and 4 adjacent to the interior access corridor is to be redesigned to incorporate windows which will provide additional visual access points to the historic machinery; final details of the windows to be determined by the Director City Development.
 - (g) An appropriate alternative solution for the fire rating of the commercial premises shall be submitted for approval and approval obtained prior to the issue of a Construction Certificate. Such solution shall minimise the impact upon the heritage fabric of the building and shall eliminate the requirement for any false/suspended ceiling. Details shall be submitted for the approval of the Director City Development.
- (8) A copy of the open day dates approval shall be referred to the Historic Houses Trust, Heritage Council and National Trust of Australia on an annual basis, after approval by Council.

REPORT TO BE COMPLIED WITH

- (9) The development shall be in accordance with the recommendations of *Farmers & Graziers Woolstore No.1 – Industrial relics Management Plan, August 1998, Godden Mackay Heritage Consultants, Farmers & Graziers Woolstore No.1- Heritage Impact Statement, 5 July 1999, Godden Mackay Logan.*

SEPARATE DA

- (10) A separate development application must be submitted at the appropriate time for the specific use and fit-out of the commercial premises.

CARE OF BUILDING SURROUNDS

- (11) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the tenancy shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

SIGNS

- (12) 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) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

BCA REQUIREMENTS

- (14) Access for disabled persons, is to be provided at the main Ground Floor Level entrance, and details are to be submitted to Council prior to commencement of fit out works.
- (15) All moving parts of the machinery, which may be a danger to persons, are to be rendered non moving, or are to be protected from access, unprotected floor openings are to be likewise guarded, and a report from Workcover, in relation to O H & S, is to be submitted in this regard.
- (16) Final details of the Modified Sprinkler System, are to be submitted with the proposed fit out details for the occupancy, and must make particular reference to the means of protection of all proposed non enclosed timber beams and columns and artefact machine installations.
- (17) That compliance shall be given to the provisions of the Local Government Act 1993, the Local Government (Approvals) Regulation 1993 and the Building Code of Australia.
- (18) That an automatic fire and smoke detection and alarm system complying with the requirements of AS 3786, and Specification E2.2a of the Building Code of Australia shall be installed throughout the building.
- (19) That portable fire extinguishers shall be provided, at each level of the occupancy to the requirements of E1.6 of the Building Code of Australia.
- (20) That during the course of construction fire fighting equipment shall be provided in accordance with E1.9 of the Building Code of Australia.
- (21) That hose reels complying the E1.4 of the Building Code of Australia shall be capable of reaching all points on all levels of the occupancy. Details shall be submitted for approval prior to installation.
- (22) That areas which are structurally isolated from general floor areas shall be provided with separate fire fighting equipment.
- (23) That all doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door details shall be submitted to Council for consideration and approval prior to installation.

- (24) That exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (25) That a system of emergency lighting shall be installed throughout the occupancy in accordance with E4.2 and E4.4 of the Building Code of Australia, and is to allow for illumination of all areas which may be shaded by machinery locations.
- (26) That services passing through a floor, outside the tenancy, shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (27) That where penetrations for air ducts are formed in walls that are required to have a fire resistance rating the openings so formed shall be protected by fire dampers or fire doors in accordance with A.S.1668.
- (28) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code", and where it provides balustrade or under window sill protection, it shall be certified to be in accordance with the relevant loading codes.

HOURS OF CONSTRUCTION

- (29) Building work in connection with the proposed development shall only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, and no work shall be carried out on Sundays or public holidays. The approved hours for building work shall be prominently displayed within public view on the site.

OBSTRUCTION OF PUBLIC WAY

- (30) During building work the public way shall not be obstructed by building materials, refuse skips or in any way whatsoever.

SECTION 94 CONTRIBUTION

- (31) A contribution under section 94 of the Act shall be paid in accordance with the following:

- (a) **Cash Contribution Required**

- In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.

- (b) **Amount of Contribution**

- The amount of the contribution shall be \$49,068.80.

- Note: The contribution will be indexed annually, see paragraph (f) below.

(c) Purposes for which Contributions Required

The contribution is required, and shall be held and applied in accordance with the Act and the “Ultimo Pymont Contributions Plan 1994”, for the purposes, and in the proportions, set out as follows:-

- (i) Open Sapce - 64%
- (ii) Community Facilities - 9.5%
- (iii) Roads and Associated Infrastructure - 26.2%
- (iv) Administration - 0.3%

(d) Certification of Contribution

Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the “Ultimo-Pymont Contributions Plan 1994” (if applicable) shall be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(e) Timing of Payment

The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be made payable to the City of Sydney by bank cheque. (Personal or company cheques will not be accepted).

(f) Indexing

The contribution rate in “Ultimo Pymont Section 94 Contributions Plan 1994” will be adjusted in accordance with clause 19 of the Plan being not less than annually.

If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

Amendment moved by Councillor Greiner, seconded by Councillor Ho -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 November 1999 and to Council on 8 November 1999, in relation to Development Application D99-00349 made by Meriton Apartments Pty Ltd for the site at 372-428 Wattle Street, Ultimo, Farmers & Graziers Woolstore Building for use of Lot 338 as commercial office space, and arising from the considerable heritage importance of Lot 338, 372-428 Wattle Street, Ultimo (Farmers and Graziers Woolstore Building), it be resolved that consideration of this matter be deferred for consideration of the following:-

- (A) that a consultative committee, under the direction of the Director City Development, with representatives from the Ultimo Precinct Committee and Meriton Apartments Pty Limited, be formed before the next Council meeting;
- (B) that arising from discussions within the consultative committee, a strategic plan of management be put forward which would ensure that Lot 338 remain as retail space and consequently be permanently accessible to the public;
- (C) that Meriton Apartments Pty Limited acknowledge the uniqueness of the Farmers and Graziers Woolstore Building and, as a consideration to the community and in recognition of the profits that Meriton Apartments Pty Limited have made within the Ultimo/Pymont community, they reduce the cost of the sale of Lot 338 to allow for the establishment of a retail facility, such as a coffee shop; and
- (D) that Council provide seeding funding for the establishment of a pictorial historical display of Ultimo/Pymont to be permanently exhibited at Lot 338, 372-428 Wattle Street.

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Greiner and Ho

Noes (4) - The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull

The motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull

Noes (2) - Councillors Greiner and Ho

Motion carried.

ITEM 12. DEVELOPMENT APPLICATION: PANGAS HOUSE, 15-17 HUNTER STREET, SYDNEY (D99-00218)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to Council on 8 November 1999, in relation to Development Application D99-00218 made by Cavastowe Pty Limited for the site at 15-17 Hunter Street, Sydney for the partial demolition of the existing 3-storey heritage building, the retention of the facade and construction of a new 37 level retail and residential building, it be resolved that the application be refused on the following grounds:-

- (a) The proposal does not comply with the provisions of the Central Sydney Local Environmental Plan 1996 which requires compliance with the urban design principles and provisions of Central Sydney Development Control Plan 1996;
- (b) The proposal is contrary to the provisions of LEP 1992 – Conservation of Heritage Items in that the retention of the façade in its context and relationship to the proposed new development does not retain the architectural integrity or three dimensional appearance of the heritage item or maintain its significance.
- (c) The proposal is contrary to the provisions of LEP 1992 – Conservation of Heritage Items in that the form, scale, design and appearance of the development is detrimental to the character and setting of heritage items in the vicinity.
- (d) The proposal is contrary to the provisions of the Central Sydney Development Control plan 1996 in that it fails to comply with the objectives and provisions relating to building to the street alignment, appropriate street wall heights, street frontage setbacks and side and rear setbacks, external design and appearance and internal amenity provisions to the detriment of the character and appearance of the streetscape and city scape and the future residential amenity of occupiers of the building.
- (e) The proposed residential units have poor residential amenity and do not comply with the minimum requirements of DCP 1996 in relation to access to light and air, outlook, size and internal design of individual units and access to appropriate servicing and waste removal facilities.
- (f) The proposed development is contrary to the provisions of the Central Sydney Local Environmental Plan 1996 – draft amendment No 8 - Urban Form.

Schedule 3

Terms of Refusal

Other Integrated Development Approvals

The Terms of Refusal for Integrated Development as advised by the Heritage Council of New South Wales are as follows:

- (A) The Heritage Council State Heritage Register Committee gives notice of its intention to consider removing SHR No. 704, the item known as Pangas House, 15-17 Hunter Street, Sydney from the State Heritage Register.

Carried.

Adjournment

During discussion on Item 13 the meeting of Council adjourned at 6.33 pm for a period of five minutes.

At the resumption of the meeting of Council at 6.38 pm those present were -

The Lord Mayor, Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

ITEM 13. SECTION 82A REVIEW OF DA DETERMINATION: 647-649 GEORGE STREET SYDNEY (D1999/00224)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner in relation to a request for a Section 82A Review of the original determination of Development Application D1999/00224 made by Claude Neon (Aust) Pty Ltd for the site at 647-649 George Street, Sydney to display an illuminated vinyl skin general advertising display on the existing structure for a period of one year on the subject building, it be resolved that consent be granted to the development application, subject to the following conditions: -

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No 1999/00224 dated 6 April 1999 and the Statement of Environmental Effects prepared by Steven Layman, dated March 1999 and drawing number 40068 prepared by Claude Neon dated 3 March 1999 and as amended by the following conditions:
- (1A) To the extent that the provisions of this Notice of Determination are inconsistent with the previous Notice of Determination dated 26 August 1999, the provisions of this Notice replace the earlier Determination and shall prevail.

REMOVAL OF CLADDING

(2)

- (a) The side and rear cladding must be removed prior to 31 October 2000.
- (b) A separate development application is to be submitted for any future signage or advertising structure on the then remaining structure. This condition ought not to be taken to imply that such application will necessarily be approved.

(2A) Without limiting the right of the Applicant to apply to Council from time to time for approval to use the subject site for other forms of advertising, the Applicant shall make reasonable endeavours to obtain clients who wish to use the site for a skeleton neon sign on the existing A-frame structure with cladding removed. Such reasonable endeavours shall not require the Applicant to sustain any significant financial detriment compared with the returns available from other forms of advertising on the site.

APPROVED DISPLAY NOT TO BE CHANGED

(3) The approved general advertising display (including any element or detail of that design, materials, finish or colours) must not be changed without the approval of Council.

ILLUMINATION OF DISPLAY

(4) At no time is the illumination of the advertising display to contain a flashing or alternating relay mechanism or to be of such magnitude as to have a detrimental effect on residential amenity in the neighbourhood. Light spillage shall also be controlled to the reasonable satisfaction of Council.

ADVERTISING DISPLAY AND ASSOCIATED STRUCTURE TO BE SECURE AND NOT CAUSE IRREVERSIBLE DAMAGE TO THE BUILDING

(5) The general advertising display and associated structure is to be erected/supported in a secure manner for safety purposes and its installation is not to involve measures that would cause irreversible damage to the building.

HOURS OF WORK AND NOISE

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

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) 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 making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

LOADING AND UNLOADING DURING CONSTRUCTION

- (7) The following requirements apply:-
 - (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) 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.
 - (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES AND FOOTPATHS

- (8) All street trees and Council's footpath shall be protected at all times during construction. Any tree or portion of the footpath, which is damaged or removed during construction, shall be replaced, to the approval of Council and the Principal Certifying Authority.

USE OF MOBILE CRANES

(9) 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 shall not be delivered to the site prior to 7.30am without the prior approval of Council.

Carried.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 8/11/99

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 8 November 1999 is a joint report by the Director City Development and the Acting Senior Urban Designer on 'Attorney's General' Site, Hospital Road, Sydney - Submission to the Department of Urban Affairs and Planning in Response to Exhibition of Urban Design Opportunities Study.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

**ITEM 20. 'ATTORNEY'S GENERAL' SITE, HOSPITAL ROAD, SYDNEY.
SUBMISSION TO THE DEPARTMENT OF URBAN AFFAIRS AND
PLANNING IN RESPONSE TO EXHIBITION OF URBAN DESIGN
OPPORTUNITIES STUDY (S009259)**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Director City Development and the Acting Senior Urban Designer, to Council on 8 November 1999, on the Urban Design Site Opportunities for the Attorney's General Site, it be resolved that Council endorse the submission on the Urban Design Site Opportunities which forms Attachment A to the subject report and forward the submission to the Department of Urban Affairs and Planning for their consideration.

Carried.

Note - Councillor Greiner left the meeting of Council at 6.42 pm during discussion on Item 20 and did not return.

QUESTIONS ON NOTICE**GOLDSPAR (S006649)**

1. By Councillor Greiner -

Question

Lord Mayor, I have received correspondence from Goldspar Australia Pty Limited concerning reconciliation of monies owed to this company.

1. Is it true that Council's reconciliation of 9.2.99 shows payments to Goldspar suppliers of \$283,151.03 from the net amount due to Goldspar?
2. Does the reconciliation prepared by Council on 4.5.99 show that \$294,044.97 was again deducted from the amount owing to Goldspar?
3. Has Council deducted the same amount or similar amounts thereof from the amounts of money owed to Goldspar? If so, why?
4. Why did Council pay monies directly to Goldspar suppliers?
5. Is this usual practice for Council and external sub-contractors?
6. If an oversight has been committed, has this already been corrected?

Answer by the Lord Mayor

The Director Legal and Secretariat advises that -

- “1. On 9 February 1999, as part of the expert determination, Goldspar recognised the amounts it had received from Council as at 30 November 1998. The total amount of \$2,455,292.35 included payments to Goldspar, and payments made to Goldspar's suppliers. The total of the payments to suppliers was recognised as being \$283,151.03. These amounts were formally embodied in the determination.
2. The reconciliation of 4 May 1999 does not show \$294,044.97 as being again deducted. The expert determination recognised that Goldspar had received payments totalling \$2,455,292.35. In the period between 30 November 1998 and 3 May 1999, Council continued to pay monies to Goldspar and to its suppliers. In the reconciliation of 4 May 1999, Council simply updated the figures to reflect the additional amounts paid. This is not a “deduction”. Any other approach results in a double payment to Goldspar.

3. Council has not “deducted the same or similar amounts”. The expert stated an overall amount payable, and recognised that part of the overall amount had been received by Goldspar. Unfortunately, as the City had not stopped paying Goldspar, the information before the expert was out of date. The amounts paid were simply updated from the totals as at 30 November 1999 to the totals as at 3 May 1999.
4. Goldspar asked for payments to be made to their suppliers. The City satisfied Goldspar’s request.
5. It is not “usual practice” for the City, it is quite common for contractors to ask for cheques to be drawn in a particular way. Otherwise the contractor may experience the frustration of cheque clearance time and unnecessary bank charges.
6. As there has been no oversight there is nothing to correct. Council staff have in fact gone to the length of verifying that every cheque made to Goldspar has been collected and presented to the bank. There is no doubt as to the total amount which the expert determined and there is no doubt as to the amount which Goldspar have received.”

SPRING FLOWERS (S006649)

2. By Councillor Greiner -

Question

Lord Mayor, the city celebrated the arrival of Spring by the placement on city footpaths, walkways and plazas, of flower boxes and flowers, both of which received favourable comment.

I understand the overall cost of this project was \$1 million.

Could Council please be provided with a breakdown on the exact cost of the planter boxes, the materials and their construction, as well as the cost of the actual plants, and the supplier from which they came.

Could you also please indicate where the planter boxes are currently being stored?

Answer by the Lord Mayor

The Director City Projects advises that -

“Citywide Service Solutions with John Patrick Landscape Architect and Floriana were engaged for the provision of design, supply, installation and maintenance of the Spring 1999 and Summer 2000 floral displays. The negotiated tender amount was \$975,000.

The planter boxes were fabricated from galvanized sheet-metal perforated and bronze paint finished at a cost of \$559 each and \$464,529 total. The plants were supplied in 200mm pots at a cost of \$6.50 each pot with 4 plants per pot. The allocation for flower supply, care, maintenance and replacement was \$337,875 total. The allocation for container setout and removal, plant setout, removal and disposal of material, and design, project management, and disbursements was \$172,596 total.

The plants were supplied direct by Floriana, Keysborough, Victoria.

The planter boxes are currently stored at the Bay Street Depot.”

ALCOHOL FREE ZONES (S006649)

3. By Councillor Greiner -

Question

Lord Mayor, I have received complaints from premises in Campbell Street concerning itinerants lying drunk in the doorways of their shops and offices. Apparently the Police are unable to move them on as this is not an alcohol free zone.

Will Council support the community in establishing an alcohol free zone for that part of Campbell Street which is located within the City of Sydney boundary?

Answer by the Lord Mayor

I understand that the legislation does not enable Council to declare an alcohol free zone over public roads. We can only do that over community land, for example, parks.

However, I have asked the General Manager to see if there is any other way in which Council can assist, and to implement action where appropriate.

ACCORD WITH HOTELS (S006649)

4. By Councillor Greiner -

Question

Lord Mayor, could you please inform Council of the list of hotels with whom Council has an accord for managing patrons and their behaviour?

Answer by the Lord Mayor

There are approximately 70 licensed premises on the list, and this number is increasing. I have asked the General Manager to let Councillors have the names of those premises, through the Councillors' Information Service.

POSTCODES (S006649)

5. By Councillor Greiner -

Question

Lord Mayor, I have been approached by several businesses in and around Central Railway whose postcodes were altered to Surry Hills approximately 18 months ago.

They are requesting assistance in having their postcode returned to Sydney 2000 as opposed to Surry Hills 2010.

Could Council liaise with Australia Post to assist these businesses in regaining their original postcode?

Answer by the Lord Mayor

Which businesses are you referring to?

COOK AND PHILLIP PARK (S006649)

6. By Councillor Greiner -

Question

Lord Mayor, a newspaper article recently suggested there was a concern regarding the health of the trees in Cook and Phillip Park.

Could you confirm if this is true? If so, what steps are being undertaken to remediate the problem?

Answer by the Lord Mayor

I am not aware of the newspaper article to which you refer. Perhaps you could provide a copy to me and to the Director City Projects.

Nor am I aware of any deterioration in the health of any of the existing trees in Cook and Phillip Park since the project commenced. On the contrary the health of the fig trees along Boomerang Walk has clearly improved.

QUESTIONS WITHOUT NOTICE

LITTLE HAY STREET (S009528)

1. By Councillor Ho -

Question

Lord Mayor, I am concerned about heavy vehicles causing damage to the brick paving in Little Hay Street. Will relevant staff members investigate the state and maintenance of this street?

Answer by the Lord Mayor

Yes, the General Manager will have this matter investigated.

LIGHTING, SUSSEX STREET AND DIXON STREET (S009528)

2. By Councillor Ho -

Question

Lord Mayor, can a meeting with the property owners be arranged to discuss the installation of light fittings in Sussex Street and Dixon Street?

Answer by the Lord Mayor

We have discussed this issue and I have agreed that the Director City Projects and I will inspect the lighting within the next couple of weeks. The Deputy Lord Mayor is welcome to join us if she wishes.

DIXON STREET SCULPTURE (S009528)

3. By Councillor Ho -

Question

Lord Mayor, are we going to have a bilingual plaque erected at the tree sculpture in Dixon Street?

Answer by the Lord Mayor

The sculpture has been officially opened and presumably there is a plaque for it. I am happy for it also to be in Chinese. I will ask the Director City Projects to respond.

Director City Projects

There has been a delay in fabricating the plaque which is in both Chinese and English.

Answer by the Lord Mayor (continued)

Councillor Ho, a plaque in both Chinese and English will be installed within the next two weeks.

TRAFFIC LIGHTS, HAY STREET AND SUSSEX STREET JUNCTION (S009528)

4. By Councillor Ho -

Question

I am concerned with the phasing of the lights at the intersection of Sussex Street and Hay Street and ask that this matter be reviewed.

Answer by the Lord Mayor

I will ask the Director City Development and the Manager Transport and Access to review the signalling and speak further with you on this matter.

ITEM 15. NOTICES OF MOTION

There were no Notices of Motion at this meeting of Council.

Closed Meeting

At 6.50 pm, the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 16 to 19, inclusive, and Item 21 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 16 to 19, inclusive, and Item 21 were then dealt with by Council while the meeting was closed to the public.

ITEM 16. ADAPTIVE REUSE OF HYDE PARK NORTH MEN'S TOILETS FOR A CAFÉ - PROPOSED LEASING ARRANGEMENTS (S007609)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Senior Property Manager to Council on 8 November 1999 on the Adaptive Reuse of Hyde Park North Men's Toilets for a Cafe - Proposed Leasing Arrangements, it be resolved that -

- (A) the results of the Expressions of Interest to lease be noted;
- (B) a lease of the premises be granted to Espressino Pty Ltd and Italbros Pty Ltd on the basis of their leasing submission as detailed in paragraph 13 of the subject report;
- (C) authority be delegated to the General Manager to finalise the leasing arrangements and execute lease documentation for this matter.

Carried.

Declaration of Interest

Prior to discussion on Item 17, the General Manager declared an interest in this matter in that his daughter is a student at St Andrew's School.

ITEM 17. 51 DRUITT, SYDNEY - RENEWAL OF LEASE OF PART OF THE GROUND FLOOR TO CREDIT UNION SERVICES CORPORATION AUSTRALIA LTD (L02-00863)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Senior Property Manager to Council on 8 November 1999 on 51 Drutt Street, Sydney - Renewal of Lease of part of the Ground Floor to Credit Union Services Corporation Australia Ltd, it be resolved that a new lease be granted for a term of 3 years from 1 May 1999 at a commencing rental of \$203,910.00 per annum gross.

Carried.

ITEM 18. CORPORATION BUILDING - TENDER FOR REFURBISHMENT WORKS (S003280)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Project Manager City Projects to Council on 8 November 1999, on Corporation Building: Tender for Refurbishment Works, it be resolved that:

- (A) Council reject all tenders;
- (B) authority be delegated to the General Manager to enter into negotiations with tenderers to:
 - (i) provide information requested in the tender;
 - (ii) negotiate contract terms with a view to withdraw all qualifications;
 - (iii) reduce the scope of work to bring the tender within the Project Budget identified in Paragraph 19 of the subject report;

- (C) authority be delegated to the General Manager, having resolved matters referred to in Clause (B) to his satisfaction, to enter into a contract with that contractor whom the General Manager is satisfied can carry out and complete the project within the Project Budget identified in Paragraph 19 of the subject report;
- (D) Council allocate additional funds from the General Contingency to the Project Budget as identified in Paragraph 19 of the subject report.

Carried.

ITEM 19. PHILLIP PARK CHILDCARE CENTRE: TENDER FOR CONSTRUCTION (S009400)

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Deputy Director City Projects to Council on 8 November 1999, on Phillip Park Childcare Centre: Tender for Construction, it be resolved that Council adopt the strategy proposed by the tender evaluation panel as follows:

- (A) accept the tender of Commercial Building Group for the works at \$2,057,369.00;
- (B) authority be delegated to the General Manager to enter into a contract with Commercial Building Group for the works;
- (C) allocate an additional \$10,000 from the General Contingency to the Project Budget to achieve those sums indicated in Paragraph 20 of the subject report.

Carried.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 8/11/99

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 8 November 1999 is a confidential report by the Deputy Director City Projects on Smartpole™ Procurement: Results of Negotiations.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

**ITEM 21. SMARTPOLE™ PROCUREMENT: RESULTS OF NEGOTIATIONS
(S009712)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Deputy Director, City Projects to Council on 8 November 1999, on Smartpole™ Procurement: Results of Negotiations, it be resolved that -

- (A) Council split the contract and award two tenders for the supply of Smartpoles™ to LaMER and Streetscape Projects in accordance with Paragraphs 15 and 16 of the subject report including the awarding of the spare parts supply to LaMER;
- (B) authority be delegated to the General Manager to determine the final details of the order to be placed with each supplier;
- (C) authority be delegated to the General Manager to enter into a Supply Contract with Streetscape Projects and LaMER, in accordance with Clause (A) above.

Carried unanimously.

At 6.55 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 29 November 1999 at which
meeting the signature herein was subscribed.