



16 AUGUST 1999

Meeting No 1295

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.50 pm on 16 August 1999 pursuant to Notice 11/1295 dated 12 August 1999.

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PRESENT

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

Councillors - Christopher Cotman, Kathryn Greiner, Graham Jahn, John Emmet
McDermott, and Julie Walton.

At the commencement of business at 5.50 pm those present were:-

The Lord Mayor, Councillors Cotman, Greiner, Jahn, McDermott, and Walton.

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

The Hon Councillor Henry Tsang MLC extended his apologies for his inability to attend the meeting of Council as he was overseas.

Moved by Councillor McDermott, seconded by Councillor Greiner -

That the apology from Councillor Tsang be accepted and leave of absence from the meeting be granted.

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Walton, seconded by Councillor McDermott -

That the minutes of the Council Meeting of 26 July 1999, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

At this stage of the meeting the Chairman (the Lord Mayor) advised that he would be circulating a Minute by the Lord Mayor on City Improvements Program at a later stage of the meeting.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

There were no Memoranda by the General Manager at this meeting of Council.

ITEM 4. MATTERS FOR TABLING

There were no annual reports or correspondence at this meeting of Council.

ITEM 5. REPORT OF THE PLANNING COMMITTEE - 9 AUGUST 1999

PRESENT

Councillor Graham Jahn
(Chairman)

Councillors Christopher Cotman, Kathryn Greiner, John Emmet McDermott, The Hon Henry Tsang MLC and Julie Walton.

At the commencement of business at 6.09 pm, those present were -

Councillors Cotman, Greiner, Jahn, McDermott and Walton.

Councillor Tsang arrived at the meeting of the Planning Committee at 6.14 pm at the commencement of discussion on Item 5.2.

At 6.49 pm, at the conclusion of discussion on Item 5.3, it was

Moved by Councillor Jahn, seconded by Councillor Walton -

That consideration of Item 5.4 be deferred to the end of the meeting of the Planning Committee to enable the matter to be dealt with in closed session.

Carried.

At 7.06 pm, during discussion on Item 5.4, the Planning Committee resolved to close the meeting to discuss matters concerning litigation.

At 7.33 pm, at the conclusion of discussion of the confidential aspects of this matter, the meeting of the Planning Committee was reopened to the public.

When the meeting was reopened to the public, the Chairman announced the resolution of the Planning Committee in relation to Item 5.4.

The meeting of the Planning Committee concluded at 7.35 pm.

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Cotman -

That the Report of the Planning Committee of its meeting of Monday 9 August 1999 be received, and the recommendations set out below for Items 5.1, 5.2 and 5.4 be adopted, with Items 5.3 and 5.5 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT NO. 12: HERITAGE FLOOR SPACE PROVISIONS (S008451)

5.1

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Committee on 9 August 1999, regarding Draft Amendment No. 12 to Central Sydney Development Control Plan 1996, it be resolved that the Council:

- (A) endorse Draft Amendment No. 12 to Central Sydney Development Control Plan 1996 as shown in Attachment A as circulated, and as further amended, at the meeting of the Planning Committee; and
- (B) authorise the Lord Mayor to make drafting changes to Draft Amendment No. 12 to Central Sydney Development Control Plan 1996, as a result of any further requirements of the Central Sydney Planning Committee.

Carried.

STATUS REPORT ON DEVELOPMENT APPLICATION: 589-593 GEORGE STREET SYDNEY (SUNLORD) (D1999/00423)

5.2

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 9 August 1999, in relation to Development Application D99-00423 made by Starray Pty Ltd for the site at 589-593 George Street Sydney for a mixed use commercial/residential development (podium and tower form) comprising a 26 storey residential tower fronting Eagar Street (133 units), and 8 storey commercial podium fronting George Street, a 5 level basement car park (162 spaces) and a through site link (George Street to Eagar Street), it be resolved that -

- (A) conditions favourable to an approval be prepared for the meeting of Council on 16 August 1999;
- (B) substitute finishes for the office glazing and the Eagar Lane podium building, reflecting the comments made at the meeting of the Planning Committee, be submitted by the applicant prior to this meeting;
- (C) conditions relating to a traffic management plan be incorporated in such approval;

- (D) a condition relating to the architectural roof feature be incorporated, such that the final approval for the architectural roof feature be delegated to the General Manager, subject to design development drawings about the structure, its impact on the back lighting and the glow level being to the satisfaction of the Director City Development.

Carried.

Note: Ms Julie Bindon, Mr Kim Ong and Mr Ross Nettle addressed the meeting of the Planning Committee on this matter.

(Note - This item was dealt with by Council as Item 12 on the Business Paper.)

PART "B" - DETERMINED BY PLANNING COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Committee recommended that Council note that Items 5.3 and 5.5 were determined by the Planning Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 76-78 LIVERPOOL STREET, SYDNEY (D99-00272)

5.3

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Area Planning Manager to the Planning Committee on 9 August 1999, in relation to Development Application D99-00272 made by Conybeare Morrison & Partners for the site at 76-78 Liverpool Street, Sydney to undertake conservation works and request an award of Heritage Floor Space, it be resolved that consent be granted subject to the following conditions:-

Conditions of Consent

Schedule 1A

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D1999/00272 dated 28 April 1999, the Conservation Plan prepared by Conybeare Morrison & Partners, dated January 1999 and revised on 28 June 1999, the Maintenance Program prepared by Conybeare Morrison and Partners dated 26 July 1999 and drawings numbered 98065-DA01(A), 98065-DA02(A) & 98065-DA03(A) prepared by Conybeare & Morrison & Partners dated 27 April 1999 and as amended by the following conditions:

- (2) The proposed stone cladding to the façade of the building may encroach by approximately 50mm over the boundary of the allotment. Prior to occupation of the building, a final Survey report detailing the encroachment must be submitted to Council for approval.

HERITAGE

- (3) The Conservation Plan shall be amended to remove the last sentence/dot point on page 19, to be replaced by the following sentence: "Intrusive elements should be eliminated and replaced with more sympathetic materials and treatment at the earliest appropriate opportunity."
- (4) 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.
- (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 and reconstruction.
- (6) The applicant is to commission experienced tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (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) Further design details must be provided regarding reconstruction of the Liverpool Street façade (at ground level, including new window details), the new entry lobby and integration of required BCA works into the fabric of the building. These details shall be provided, and be to the satisfaction of the Director City Development, prior to the release of the Construction Certificate.
- (9) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. The strategy shall 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 and be submitted for approval and completed prior to the registration of Heritage Floor Space (HFS).

- (10) All conservation work shall be carried out as detailed in the Conservation Plan prepared by Conybeare Morrison and Partners (as updated on 28 June 1999) and all cyclic maintenance (up to 12 month periods) identified in the Maintenance Program prepared by Conybeare Morrison and Partners (dated 26 July 1999) shall also be carried out prior to registration of the HFS award. The Conservation Architect overseeing the work shall certify that all conservation and relevant maintenance work has been completed in accordance with the Conservation Plan, Maintenance Program and approved plans. Further, the work shall be to the satisfaction of the Director City Development prior to the registration of the Heritage Floor Space awarded in this consent.
- (11) As contained in the Maintenance Program, intrusive office partitioning and suspended tile ceilings shall be removed and original arches exposed and made good upon tenancy changes on all levels of the building.

AWARD OF HERITAGE FLOOR SPACE

- (12) The owner may be awarded 1720 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 in accordance with the Conservation Plan prepared by Conybeare Morrison and Partners, dated January 1999 and updated 28 June 1999 and the Maintenance Program prepared by Conybeare Morrison and Partners, dated 26 July 1999; and
- (ii) limit any future development of the site to the total area of the conserved building (1695sqm).
- (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 1720 sqm 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.

SECTION 61 CONTRIBUTION

- (13) Certification of the total cost of the development is to be submitted to Council prior to the issue of a Construction Certification under the Environmental Planning and Assessment Act 1979. Should the total cost of the development exceed \$200,000 a contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:-

Amount of Contribution

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

Payment

- (b) Payment shall be by bank cheque made payable to the City of Sydney.
- (c) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

BCA

- (14) The development shall be in accordance with the recommendations of the draft BCA Audit report dated 1 June 1999 prepared by Trevor Howse & Associates, subject to the following modifications:
- (a) Access for disabled persons must be provided to the lift lobby. Details of the proposed alterations to provide suitable access must be submitted to the Director City Development prior to the commencement of work.
- (b) A mechanical exhaust system to the lift shaft is not approved. An automatic air pressurisation system must be provided to the lift lobby to comply with AS 1668. A relief vent must be also provided to the lift shaft.

REMOVAL OF GRAFFITI

- (15) 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

- (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.

CARE OF BUILDING SURROUNDS

- (17) 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

- (18) 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.

Schedule 1B

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

DESIGN MODIFICATIONS

GLAZING

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (20) Prior to the removal of any significant building fabric or furnishings from the site, 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 site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 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.

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.
- (22) Prior to the 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 of 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (23) 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

- (24) 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.

USE OF APPLICANCE OF A HIGHLY INTRUSIVE NATURE

- (25) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

CONSTRUCTION DURING THE OLYMPICS

- (26) 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

- (27) 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.

- (28) 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.
- (29) 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 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

- (30) 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.
- (31) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (32) Prior to the issue of the Occupation Certificate, a certificate must be submitted to the Principal Certifying Authority to certify that all ceilings in the building have a 60 minute resistance to the incipient spread of fire;
- (33) 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 no the PCA.

Note:

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

- (34) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (35) 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:-

- (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.
- (d) 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.
- (e) Council reserves the right to randomly audit any structural documentation.

SCHEDULE 2

The relevant prescribed conditions within the Environmental Planning and Assessment Act Regulations 1994 also apply to this development.

Carried.

At 6.49 pm, it was resolved that Item 5.4 be deferred to the end of the meeting of the Planning Committee to enable the matter to be dealt with in closed session.

**DEVELOPMENT APPLICATION: 56-60 FOSTER STREET, SURRY HILLS.
(EDWARDS & CO BUILDING) (D99-00088)**

5.5

Moved by Councillor Walton, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 9 August 1999, in relation to Development Application D99-00088, made by Michael Vail for the Edwards and Co Building at 56-60 Foster Street for repair and maintenance works to a heritage item and an award of Heritage Floor Space, it be resolved that consent be granted subject to the following conditions:-

SCHEDULE 1A

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D99-00088 dated 9 February 1999 and the Conservation Plan prepared by Brian McDonald and Associates, dated 6 January and 27 April 1999 and as amended by the following conditions:
- (2) The existing uses within the development are to be documented and certified by the applicant and submitted to Council and to the Workcover Authority for approval prior to any registration of Heritage Floor Space.
- (3) The Conservation Plan, dated 6 January and 27 April 1999, prepared by Brian McDonald and Associates is to be amended as follows:-
 - (a) An interpretation policy and strategy shall be submitted to the satisfaction of the Director City Development in order to assist with understanding the original uses of the building.
 - (b) Policy No 6 shall be reworded to make its meaning clear and the word "exterior" shall be deleted.
 - (c) It shall be noted in the Conservation Plan that the building did not have internal walls except around the lavatories.
 - (d) It shall be noted in the Conservation Plan that the existing basement can continue to be used as car parking on the basis that there no requirement to extend the retail into that space.
 - (e) If the foyer is reworked at some future time, the access to the basement shall be also redesigned so that the ability to have direct access to the street is restored.

- (f) It shall be noted in the Conservation Plan that the roof and the basement level are restricted in what may be developed by the potential impact of the significant exterior of the building.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 5.04:1 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 1393.9 sqm.
 - (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).

AWARD OF HERITAGE FLOOR SPACE

- (5) The owner may be awarded 415 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 of the site to the total area of the conserved building, which has a FSA of 1393.9 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 415 sqm 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.

BUILDING HEIGHT

- (6)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 44m (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).

CONSISTENCY OF DRAWINGS

- (7) 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.
- (8) The proposed works are 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 Central Sydney Heritage LEP 1992. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.

EXTERNAL LIGHTING

- (9) 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.
- (10) A separate development application must be submitted at the appropriate time for the specific use of Level 1.

NOISE

- (11) 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.

SCHEDULE 1B

STORMWATER AND DRAINAGE

- (12) 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.

SCHEDULE 1C

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (13) 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.
- (14) 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

HOURS OF WORK AND NOISE

- (15) 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 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days 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

- (16) 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.

CONTROL OF VERMIN

- (17) 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.
- (18) 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

- (19) 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.

HISTORIC MARKER

- (20) 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.

Carried.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

Closed Meeting

At 7.06pm, the Planning Committee resolved -

That the meeting be closed to the public in accordance with the provisions of Section 10A (2)(g) of the Local Government Act 1993 to discuss Item 5.4 on the agenda as this matter comprised discussion of matters concerning litigation;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter 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 matter and the circumstances of communications.

Item 5.4 was then dealt with by the Planning Committee while the meeting was closed to the public. Item 5.4 was subsequently dealt with by Council in open session.

**DEVELOPMENT APPLICATION: 647-649 GEORGE STREET SYDNEY
(D1999-00224)**

5.4

That consideration of this matter be deferred until the meeting of Council on 16 August 1999.

Carried.

Note - This item was dealt with by Council as Item 6 on the Business Paper.

Note - Correspondence from Makinson & d'Apice dated 2 August 1999 and from Claude Neon dated 9 August 1999 was circulated to members prior to the meeting of the Planning Committee.

Note - Mr Richard d'Apice and Mr Ken Browning addressed the meeting of the Planning Committee on this matter while the meeting was still open to the public.

ITEM 6. DEVELOPMENT APPLICATION: 647-649 GEORGE STREET SYDNEY (D1999-00224)

Moved by Councillor Jahn, seconded by Councillor McDermott -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 9 August 1999, in relation to Development Application D99-00224 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, it be resolved that consent be granted, 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:

REMOVAL OF THE BILLBOARD AFTER 1 YEAR

- (2)
 - (a) The billboard, the side and rear cladding and the lighting outriggers 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 be taken to imply that such application will necessarily be approved.

APPROVED SIGN

- (3) The approved general advertising display (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.

USE OF SIGN

- (4) At no time is the intensity, period of intermittency and hours of illumination of the general advertising display and associated structure to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- (5) The general advertising display and associated structure shall not flash.

- (6) 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

- (7) 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

- (8) 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.
- (9) 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

- (10) 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.
- (11) The proposed message or sign is not to protrude beyond or exceed the area of the existing billboard area.

Carried.

ITEM 7. DEVELOPMENT APPLICATION: SYDNEY SQUARE AND TOWN HALL ARCADE VOID, GEORGE STREET SYDNEY (D99/00294)

Moved by Councillor Jahn, seconded by Councillor Cotman -

That arising from consideration of a report by the Director City Development to Council on 16 August 1999, regarding a development application for Sydney Square and Town Hall Arcade Void Area, George Street, Sydney, it be resolved that consent be granted subject to the following conditions -

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the Development Application No. 1999-00294 dated 6 May 1999, Heritage Impact Statement titled "Town Hall Arcade Modification" dated May 1999 prepared by Godden Mackay Logan and architectural drawings numbered ASK 587, ASK 588, ASK 589, ASK 590 and ASK 591 dated 20 July 1999 prepared by the Buchan Group and as amended by the following conditions:

NO WORKS IN SYDNEY SQUARE

- (2) All landscaping works proposed within Sydney Square (such as the new paving and replacement of existing seating) are not approved and form no part of this consent.

Note: No objections are raised to the new balustrading and sandstone nob/base proposed, and a repaving of the landing area for the new stair.

ADJOINING RETAIL TENANCIES

- (3) A separate development application for use of adjoining tenancies is required, if a change of use is proposed.

NO MECHANICAL VENTILATION IN SYDNEY SQUARE

- (4) Sydney Square and the Town Hall void area shall not be used for the purposes of mechanical ventilation.

NO SIGNAGE IN SYDNEY SQUARE

- (5) Arising from the fact that the void is located within Sydney Square, an important civic space that is to be the subject of an upgrade, and the fact that the void is located between two highly significant civic and cultural heritage buildings, being St Andrews Cathedral and the Sydney Town Hall, the applicant shall not erect or cause to be visible any signage within the arcade void space or Sydney Square, other than directional signage which does not relate to commercial premises.

ARCADE SIGNAGE

- (6) Any proposed signage relating to arcade tenancies or signage related to the use of the void area shall be subject to a separate development application and the approval of Council.

SIGNS IN PUBLIC AREAS

- (7) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (8) The retractable awnings proposed shall not be used to display advertising messages of any kind.

PUBLIC ART

- (9) High quality artwork shall be provided within the development in publicly accessible locations in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. In this instance, retention and enhancement of the existing fountain and Eternity Symbol are acceptable means to comply with this condition. 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.

DESIGN DETAILS

- (10) Final details of the relocation of the plaque on the existing stair that interprets the burial ground under Sydney Square and reinstatement of the Eternity inscription are to be provided for the approval of Council (including review by Council's City Project Unit) prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (11) Where Sydney Square is disturbed it shall be made good in materials compatible with its existing landscape treatment.
- (12) The design details of the proposed works including all external finishes and colours (including glazing) must be in accordance with the materials schedule and sample board, and specifications prepared by the Buchan Group. A revised sample board and specifications must be submitted (including an A4 photograph of the sample board for Council's records) for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The revised sample board should also include a sample of the materials to be used in the proposed security gate and awning material. All materials used should be of a high quality and durable.

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.

DETAILS OF OUTDOOR FURNITURE TO BE PROVIDED

- (13) The design and type of all outdoor furniture, including tables, chairs, planters, umbrellas, etc shall be the subject of Council approval prior to the commencement of the use. The furniture must comply with the requirements of the Outdoor Cafe Policy 1996. In selecting the outdoor furniture, care should be taken to ensure that the design will not leave impressions or otherwise damage the pavement within the area.

USE OF OUTDOOR SEATING

- (14) A maximum of 24 tables and 96 chairs shall be located within the void area.

- (15) All furniture shall be kept strictly within the boundaries of the area defined on the approved drawing ASK 587 (dated 20 July 1999).
- (16) All outdoor furniture and planting shall be maintained at all times in a physically sound and aesthetically acceptable condition to the satisfaction of Council.
- (17) No furniture or other structure shall be fixed to the void area floor, without the consent of Council.
- (18) The chairs should be able to be stacked or folded and stored, when not in use, in a furniture storage area provided for this purpose within the Town Hall Arcade premises.
- (19) The use of disposable tableware is not permitted at any time.

SECTION 61 CONTRIBUTION

- (20) 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 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.

ARCHAEOLOGICAL INVESTIGATION

(21)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- (g) Note: In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

RECEPTACLES FOR CIGARETTE BUTTS

- (22) Provision must be made within the void area for an adequate number of receptacles for the disposal of cigarette butts. Council must approve the design of the receptacle/s prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (a) Note: The emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (23) Prior to the removal of any significant building fabric or furnishings from the site, 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 site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 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.

DISABLED ACCESS

- (24) 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.

AWNING

- (25) The retractable awning must comply with the Draft City of Sydney Awnings Policy 1998.

HANDLING OF STORAGE AND WASTE MATERIALS

- (26) 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).
- (a) 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:

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

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

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

STRUCTURAL CERTIFICATION

- (28) 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:-
- (ii) Appropriate tertiary qualifications in Civil or Structural Engineering; and
- (iii) Corporate membership of the Institution of Engineers Australia or equivalent; and
- (iv) Evidence of relevant experience in the form of a CV/Resume;
- (v) Appropriate current professional indemnity insurance.
- (vi) 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.

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (29) 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.

USE OF MOBILE CRANES

- (30) 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.
- (31) 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.

- (32) To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (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.

CONTROL OF VERMIN

- (33) 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.

HOURS OF WORK AND NOISE

- (34) 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

- (35) 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.

USE OF APPLICANCE OF A HIGHLY INTRUSIVE NATURE

- (36) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.
- (37) 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 a Notice by Council to stop all work on site.

GLAZING

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

MATERIALS

- (39) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (40) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

REMOVAL OF GRAFFITI

- (41) The owner/manager of the site shall be responsible for the removal of all graffiti from the void space, arcade and immediate surrounds within 48 hours of its application.

NOISE

- (42) 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.
- (43) 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.

HOURS OF OPERATION

- (44) The hours of operation of any commercial use within the void area seating must be restricted to between 6.00 am to 7.00 pm Monday to Friday, and 8.00 am to 5.00 pm Saturday to Sunday inclusive.
- (45) Sydney Square (George Street level) shall not be used for the parking of any vehicles during construction.

- (46) The applicant shall submit for the approval of the Director City Development details of construction activity management for the period of 29 August 1999 until 12 September 1999 (inclusive), to ensure the use of Sydney Square for activities associated with Local Government elections is not compromised by construction activity associated with development of the site.

Carried.

ITEM 8. DEVELOPMENT APPLICATION: 201 - 217 ELIZABETH STREET, SYDNEY PACIFIC POWER BUILDING (D/99/00424)

Moved by Councillor Jahn, seconded by Councillor Walton -

That arising from consideration of a report by the Specialist Planner to Council on 16 August 1999, in relation to 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:-

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 |

| Job No. | Drawing No. | Plan |
|----------------|--------------------|------------------------------------|
| 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 12.24:1 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 47,685sqm.

(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 607sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 12.08:1 as specified in the Central Sydney Local Environmental Plan 1996.

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 concrete barriers to the car park entrance and exit ramps are to be demolished and are to be replaced with glazing and stainless steel handrails, the same finishes as proposed for the upgrade works.
 - (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) The ground floor glazing line along the perimeter of the existing building should be redesigned so as to express the face of the existing columns with at least 150mm depth of those column being external to the glass line.
 - (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.

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) 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 (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 contracts.
- (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".

Schedule 2

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

Carried.

ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 31 JULY 1999 (AO2-00360)

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

That arising from consideration of a report by the Management Accounting Officer to Council on 16 August 1999, on Investments Held by Council as at 31 July 1999, it be resolved that the report be received and noted.

Carried.

ITEM 10. JUNE 1999 - QUARTER 4 BUDGET REVIEW (S00-5638)

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

That arising from consideration of a report by the Senior Management Accountant, to Council on 16 August 1999, on June 1999 - Quarter 4 Budget Review, it be resolved that Council:-

- (A) note the draft year end results showing an operating surplus of \$55.1M;
- (B) note the draft year end expenditure on capital works of \$115.5M;
- (C) note the draft year end expenditure on plant and assets of \$5.3M; and
- (D) authorise income and expenditure in line with the results as detailed in Attachment A to the subject report.

Carried unanimously.

**ITEM 11. FORMER CSR SITE KNOWN AS JACKSONS LANDING,
PYRMONT - NAMING OF ROADS (S005895)**

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Land Information Officer, Customer Information, to Council on 16 August 1999, on Former CSR Site known as Jacksons Landing, Pyrmont - Naming of Roads, it be resolved that -

- (A) Council give approval in principle to the naming of:
- (i) the new road being constructed between Bowman Street and John Street east of Jones Street, Pyrmont as Cadigal Avenue;
 - (ii) the new road and pedestrian area being constructed along the alignment of Mount Street north of John Street as Mount Street Walk;
 - (iii) the new road being constructed on part of the former site of Harvey Street between Mount Street Walk and Harris Street as Harvey Street;
- (B) the applicant be advised that the City wishes to name the community road being constructed off the northern side of Bowman Street, extending easterly to Mount Street Walk providing access to the residential waterfront developments, as Chowne Street;
- (C) authority be delegated to the General Manager to finalise Council's obligations under the provisions of the Roads Act and Regulations, if required, if Council accepts ownership of the roads to be dedicated to the public.

Carried.

**ITEM 12. DEVELOPMENT APPLICATION: 589-593 GEORGE STREET
SYDNEY (SUNLORD) (D1999/00423)**

Moved by Councillor Jahn, seconded by Councillor Walton -

That arising from consideration of a report by the Specialist Planner to Council on 16 August 1999, in relation to Development Application D98-0000423 made by Starray Pty Ltd for the site at 589-593 George Street Sydney for a mixed use commercial/residential development (podium and tower form) comprising a 26 storey residential tower fronting Eagar Street (133 units), and 8 storey commercial podium fronting George Street, a 5 level basement car park (163 spaces) and a through site link (George Street to Eagar Street), 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. 1999/00423 dated 15 June 1999 and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants dated June 1999 (amended Statement of Environmental Effects received July 1999) and drawings numbered

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prepared by Brewster Murray Pty Ltd Architects and Interior Designers dated 27 July 1999 and as amended by the following conditions:

- (2) 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 Brewster Murray Pty Ltd Architects and Interior Designers dated 12 August 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.

- (3) 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 the safety of pedestrians or drivers.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 10.06:1 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 20,490 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development. To the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (5)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed 79 metres above ground level (RL 92.150 (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

- (6) The following restriction applies to buildings approved for residential use:
 - (a) The accommodation portion of the building (levels 3 to 26 of the residential tower) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.

- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of building levels 3 to 26 of the residential tower from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

SECTION 61 CONTRIBUTION

- (7) 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 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.

CONSISTENCY OF DRAWINGS

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

DEMOLITION/SITE RECTIFICATION

- (9) The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
- (i) a bank guarantee to be provided in the sum of 390,000 dollars as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed 390,000 dollars; and
- b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
- b. the existing building has been demolished; or
- c. the site has been excavated; or
- d. the structure has commenced to be erected;

- e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable 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.

ADJOINING BOUNDARY WINDOWS

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

VEHICULAR SPACES

(11) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 119 residential spaces;
 - (ii) 4 designated for use by people with mobility impairment in accordance with AS 2890.1;
 - (iii) 40 retail/restaurant/commercial premises spaces;
 - (iv) 4 courier spaces and 2 loading docks (7.6 × 3.6 metres wide) for service vehicle spaces located close to service entrance;
- (b) 1 car parking space for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
- (c) 1 car parking space for motorcycle parking must be provided.
- (d) 1 car wash bay with appropriate plumbing and drainage shall be provided and appropriately sign posted on basement level 1.
- (e) Each pair of stacked parking spaces shall be assigned to the same tenant.
- (f) All spaces must be allocated and marked according to this requirement.
- (g) If the development is to be strata subdivided, the carpark layout must respect the above allocation.

(12) 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.

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

ARCHAEOLOGICAL INVESTIGATION

(13)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

BUILDING NAME

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

SEPARATE DEVELOPMENT APPLICATION FOR RETAIL AND RESTAURANT USES

- (15) A separate development application must be submitted at the appropriate time for the specific use of all ground floor shops and the proposed first floor restaurant.

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

SIGNS

- (16) 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.

Schedule 1B

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

DESIGN MODIFICATIONS

- (17) The design of the building shall be modified as follows:
- (a) All proposed residential units shall comply with the Acoustic Privacy provisions of Development Control Plan 1996 (Amendment No. 5).
 - (b) The pergola structure on the level 16 terrace area shall be deleted and a suitable sun screen structure provided to adjoining units.
 - (c) The architectural roof feature shall be amended, subject to detailed design development drawings about the structure, taking into consideration its impact on backlighting and the glow level on adjoining residents.
 - (d) Pavement windows, constructed of a suitable quality material, shall be provided to the basement level of shop 1 within the boundary of the subject site.

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.

RAIL ACCESS CORPORATION'S APPROVAL REQUIRED

- (18) The engineering design of the basement level car park is to be approved by the Rail Access Corporation prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for excavation and construction of the basement car park (including use of rock anchors and the like).

Note: In this instance the Rail Access Corporation's approval shall be written confirmation that the final engineering design for the basement car park is acceptable in respect to its existing and strategic operations in the locality.

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) Additional to the general requirements for the Public Domain Plan specified below, the following matters shall be satisfactorily addressed in the Public Domain Plan for the site:-
 - (i) Existing intact kerb and guttering used within the Eagar Lane and Eagar Street shall be removed from the site prior to demolition works commencing and reused within the public domain plan for the site. A schedule of the materials to be retained and reused must be lodged prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for any demolition works.
 - (ii) The kerb line to Eagar Street shall be set back to align with kerb line to the north.

- (iii) The materials to be used in and the design of the proposed thought site link from George Street to Eagar Lane and adjoining on-site paving works shall reflect and be sympathetic to the George Street paving materials to create a continuous sense of the public domain.
 - (iv) Details of traffic calming and management measures relating to the proposed through site link and vehicular access to Eagar Lane. The objective of these measures shall be to provide maximum pedestrian amenity and access to the ground level areas of the site.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

PUBLIC TELEPHONES

- (21) The owner/s must provide, free of cost, an area for the installation of public telephones. The area must be furnished with two public telephones (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider, but should be located at footpath level and should provide two square metres for each telephone. At least one telephone should be accessible for use by persons with a disability. The telephones must be available for public use during the normal opening hours of the building. Details shall be approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

- (22) 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.

ELECTRICITY SUBSTATION

- (23) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established or if an alternative arrangements for use of an adjoining substation is available evidence that use of this substation is acceptable in respect to Energy Australia's requirements. 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.

ACCESS FOR PERSONS WITH A DISABILITY

- (24) Access to the all areas of the premises shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (25) Four units shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".
- (26) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.
- (27) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy (as amended by the above conditions of consent). 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

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

STORMWATER AND DRAINAGE

- (29) 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.
- (30) 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.

ALIGNMENT LEVELS

- (31) 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.

VENTILATION/HEATING/COOLING SYSTEMS

- (32) The proposed shops and restaurant must, where the cooking or heating of food is proposed, provide a system of mechanical ventilation that is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system 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.

DESIGN OF FOOD PREMISES

(33)

- (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

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.

WASTE MANAGEMENT

(34) 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.

(35) 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. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.

- (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

SANITARY FACILITIES

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

PUBLIC UTILITY SERVICES

- (37) 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 (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.

COMPLAINE WITH BUILDING CODE OF AUSTRALIA

- (38) The following requirements of the Building Code of Australia shall be addressed in the building's design prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 :-
- (a) The proposed work shall be constructed in type "A" in accordance with Specification C1.3 of the Building Code of Australia.

- (b) The proposed carpark part of the building must be separated from the remainder parts being the retail section with the higher FRL prescribed in specification C1.1, in accordance with Part C2.8 of the BCA.
- (c) Similar to above, the proposed Gymnasium must be separated from the proposed storage rooms by including a public lobby providing safe egress to occupants.
- (d) Openings in external walls not complying with Parts C3.2 and C3.3 of the Building Code of Australia must be protected in accordance with part C3.4 of the BCA.
- (e) All materials, linings, and surface finishes to be used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (f) The proposed canopy located on the ground level over the proposed fire exits must not impair the fire-resistance so as to make the exits unusable in a fire, and does not constitute an undue risk of fire spread via the facade of the building.
- (g) The proposed Fire Control Room to address the performance requirements of Part E1.8 of the BCA.
- (h) Laundering facilities to address the performance requirements of Part F of the BCA;
- (i) The proposed Storage rooms (Class 7b) must be separated from the remainder of the building by 4 hour fire rated construction, in accordance with Specification C1.1 table 3.
- (j) Plant and equipment shall be separated from the remainder of the building in accordance with Part C2.12 of the Building Code of Australia. Details to be submitted with the Construction Certificate Application.
- (k) The proposed exhaust shafts are to comply with AS 1668.1. The proposed location must be at least 6.0 metres from the side boundaries of the allotment. Details to be provided for consideration.

Alternatively the applicant is to identify all of the non-compliances with the deemed-to satisfy provisions of the BCA and submit alternative solutions to the above mentioned issues. The following information must be provided:

- (i) Details of the performance requirements that alternative solution is intended to meet; and
- (ii) Details of the assessment methods used to establish compliance with those performance requirements.

CAR PARK AND SERVICE VEHICLE LAYOUT

(39)

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
- (c) The details 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.

Schedule 1C

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

WASTE MANAGEMENT

(40)

- (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 contracts.

- (d) 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.

CONTROL OF VERMIN

- (41) 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

- (42) 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.
- (43) 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.

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

- (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
- (c) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
- (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.

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

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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (45) 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

- (46) 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:-
 - (i) 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.
 - (ii) The nomination of an appropriately qualified practising Structural Engineer who is to:-
 - a. Certify that upon completion of installation, the shoring complies with the certified plans and,

- b. 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.
- (iii) 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:-
- a. A geotechnical report
 - b. The proving and certification of the foundation material.
- (iv) 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.
- a. 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(47) The following environmental protection measures are required:

- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;

- (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
- (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (48) 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.

CONSTRUCTION DURING THE OLYMPICS

- (49) 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.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (50) 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.

USE OF MOBILE CRANES

- (51) 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.

- (52) 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.
- (53) 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.
- (54) 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.
- (55) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

Schedule 1E

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

- (56) 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.

- (57) 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.
- (58) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (59) 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.

- (60) 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.

- (61) 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.
- (62) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (63) Future partitioning shall be designed so that access to all fire stairs from all areas including public areas is available at all times and so that not less than two exits shall be readily available at all times from every point on the floor including the lift lobby area. Lockable or security doors or partitioning preventing access to at least two exits from the lift lobby area will not be permitted.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (64) 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.
- (65) 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.

ALARMS

- (66) 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.

NOISE

- (67) 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.

RECEIVING DEVICE

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

REMOVAL OF GRAFFITI

- (69) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (70) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

USE OF THROUGH SITE LINK

- (71) The through site link from George Street to Eagar Lane shall be accessible to the public between the minimum hours of 6.00 am to 10.00 pm daily.
- (72) Signage shall be incorporated into the George Street and Eagar Lane entries of the through site link indicating public accessibility and the street to which the midblock connection links.
- (73) The use of tenancy spaces adjoining the through site link shall incorporate active uses such as shops, or restaurant uses and not uses such as commercial premises as defined in Schedule 1 of Central Sydney Local Environmental Plan 1996.

CARE OF BUILDING SURROUNDS

- (74) 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.

Schedule 2

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

Carried.

Order of Business

At this stage of the meeting, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, the Council resolved that the order of business be altered such that Items 15 and 16 of the Business Paper be brought forward and dealt with.

Closed Meeting

At 6.40 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 15 and 16 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 15 and 16 were then dealt with by Council while the meeting was closed to the public.

ITEM 15. SUPPLEMENTARY REPORT: CONVERSION OF MEN'S CONVENIENCE IN HYDE PARK NORTH TO A CAFE - TENDER NO. 9913: APPROVAL TO APPOINT CONTRACTOR (S000989)

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

That arising from a consideration of a supplementary report by the Project Manager, City Projects to Council on 16 August 1999, on the tender for the construction works for the conversion of the men's convenience in Hyde Park North to a café, it be resolved that:

- (A) Council decline to accept any tenders due to the tenders exceeding the available funds;
- (B) authority be delegated to the General Manager to enter into negotiations with the lowest tenderers on the approved reduction in scope, with a view to entering into a contract which meets the budget requirements;
- (C) authority be delegated to the General Manager to enter into a contract with the successful contractor;

- (D) authority be delegated to the General Manager to enter into a separate contract for improvements to the Nagoya Gardens precinct and for this work to be funded from the Parks Priority Upgrade budget.

Carried.

ITEM 16. THE CITY RECITAL HALL, ANGEL PLACE - EXPRESSIONS OF INTEREST FOR LEASING THE GROUND FLOOR RETAIL PREMISES (S008662)

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

That arising from consideration of a report by the Senior Property Manager to Council on 16 August 1999 on The City Recital Hall, Angel Place - Expressions of Interest for Leasing the Ground Floor Retail Premises, it be resolved that -

- (A) the results of the Expression of Interest to lease these premises be noted;
- (B) approval be given to the proposed leasing arrangements as set out in paragraph 10 of the subject report; and
- (C) authority be delegated to the General Manager to approve the finalised leasing arrangements for these retail premises having regard to the guidelines discussed at the meeting of Council.

Carried.

At this stage of the meeting, at 6.45 pm, the meeting of Council was re-opened to the public.

ITEM 2. CITY IMPROVEMENTS PROGRAM

FILE NO:

DATE: 17/8/99

MINUTE BY THE LORD MAYOR

To Council:

The City Improvements program in the last two to three years has produced a capital upgrade of public spaces, building and parks work of around \$320m. This has been funded from recurrent revenue with no new debt. In fact City debt has reduced in this period.

The capital works program has consisted of \$230.3m of budgeted works plus \$40m additional works approved in September 98. At least \$50m of work in kind has been added through projects such as the new Recital Hall, the Cathedral car park, the street furniture and smartpoles upgrade are facilities that have been provided by the private sector either as a planning offset or in response to a tender.

By any measure, this is a massive upgrade of the public domain in Sydney and has changed the style and character of our public spaces, our parks and produced a generation of new facilities in the City for residents, visitors and investors.

The contribution of the corporate sector has been significant in this regard both in value in kind and in corporate contributions. In corporate contributions (including the proceeds of Section 61 contributions, and the contracts with EnergyAustralia and Worldcom) over 98/99 and 99/2000 we have received approximately \$25m. These have been applied to works in George Street, Martin Place, Pitt Street, Market Street, Castlereagh Street and Park Street.

In addition in a number of areas development companies have been able to provide value in-kind whereby Streetscapes outside of their development have been upgraded at the developers cost, and standards approved by Council, eg, Multiplex at Park Street. The value of this contribution has been \$4.894m.

The companies who have made contributions will enter into Deeds of Agreement with the City and have these contributions listed at the appropriate council meeting. These companies will include:

- Commonwealth Bank
- Australian Growth Trust
- BT
- GIO
- Citibank
- Reserve Bank
- Lend Lease
- Coles Myer
- Gowings
- McDonalds
- The Grollo Group
- Multiplex Constructions (NSW)
- EnergyAustralia

This has been a significant contribution from corporate Sydney for the city upgrade program and a great example of partnership.

The remainder of the City Improvements Program has been funded from a variety of internal sources

| | |
|---------------------------|--------|
| ➤ Operation surpluses | 140.5m |
| ➤ Asset sales | 32.3m |
| ➤ Grants | 32.0m |
| ➤ Reserves | 24.5m |
| ➤ Corporate contributions | 25.2m |
| ➤ Other sources | 16.6m |
| | 271.0m |

This has been a significant contribution from corporate Sydney and one that should be appropriately acknowledged.

RECOMMENDATION:

That the minute of the Lord Mayor be endorsed.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That the Minute by the Lord Mayor to Council on 16 August 1999 on City Improvements Program be endorsed and the contributions listed in the attachment to the Minute by the Lord Mayor be tabled.

Carried unanimously.

Photographing of Council Meeting

At this stage of the meeting the Chairman (the Lord Mayor) pointed out to Council that a request had been received to take photographs at the meeting.

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

That permission be granted for photographs to be taken for the following period of no more than 10 minutes at the meeting of Council.

Carried.

ITEM 13. QUESTIONS ON NOTICE**RUBBISH BINS (S006649)**

1. By Councillor Greiner –

Question

Lord Mayor, I have received complaints from local residents regarding the non-existence of rubbish bins in Wilkinson Reserve, Pymont.

Can this matter be looked into as soon as possible with a view to the appropriate placement of bins in this park?

Answer by the Lord Mayor

The Deputy General Manager advises that –

“James Watkinson Reserve was transferred back to the City from the Harbour Foreshores Authority only last week following upgrading of the playground and lawn areas.

Instructions have since been issued to the maintenance service provider (Prestige McCallum) to install several litter bins in this park as a matter of urgency.”

FOOTPATH WIDENING PROGRAM (S006649)

2. By Councillor Greiner –

Question

Lord Mayor, an individual injured as a result of the footpath widening program has been pushed from pillar to post by both the Department of Public Works and Council denying responsibility.

How many other complainants have been treated in this way?

Why is Council refusing to accept responsibility for all the injuries caused by the streetworks program?

Answer by the Lord Mayor

The Deputy General Manager advises that –

“There is insufficient information to enable the Risk Management Section to identify this particular matter. However, if specific details of a particular incident, claim or individual are provided, the matter will be investigated.”

RISK MANAGEMENT ANALYSIS (S006649)

3. By Councillor Greiner –

Question

Lord Mayor, as a result of several letters and numerous verbal reports which I received regarding injuries sustained because of the footpath widening project, could Councillors please be provided with a risk management analysis of all the accidents which have occurred because of these works?

Answer by the Lord Mayor

The Deputy General Manager advises that –

“There is a Risk Management Database which records “Reports” where incidents are reported but no claim for compensation has yet been made, and “Claims” where an actual claim for compensation has been made.

The Database does not record where the City of Sydney is not the responsible body and a report or claim has been redirected to the appropriate authority eg Telecom, Sydney Water or Department of Public Works and Services.

Details can be obtained from the Database and will be reported in the Councillors’ Information Service.”

SYDNEY ORGANISING COMMITTEE FOR THE OLYMPIC GAMES (SOCOG) (S006649)

4. By Councillor Greiner –

Question

Lord Mayor, I understand the SOCOG building on Wattle Street has a sign indicating “Space available for rent”.

Was a DA required for this advertising sign and has one been submitted?

If so, has it been dealt with under delegated authority and by whom?

Answer by the Lord Mayor

The Director City Development advises that –

“There was an approval earlier this year for signage on this building. If the sign in question is a real estate sign it may not need a DA. I will arrange for enquiries to be made and if necessary for this site to be inspected. If any action is required I will address the matter and report in the Councillors’ Information Service.”

MUSEUM OF CONTEMPORARY ART (MCA) (S006649)

5. By Councillor Greiner –

Question

Lord Mayor, I understand the Premier Bob Carr has committed a \$750,000 grant to assist the MCA, one of Sydney’s major cultural institutions.

What plan have you devised to assist the MCA to resist insolvency in order to ensure the viability of this most important cultural facility?

Answer by the Lord Mayor

I am not aware that such a commitment has been made.

Discussions between the City, the MCA, the Government and the University of Sydney, are ongoing and relate to whether or not the City should have a long term relationship with the MCA. The matter will not be fully addressed nor finalised until well into the term of the next Council.

QUESTIONS WITHOUT NOTICE

There were no Questions Without Notice at this meeting of Council.

ITEM 14. NOTICES OF MOTION

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

FAREWELL

At this stage of the meeting the Chairman (the Lord Mayor) pointed out that this meeting of Council was the final meeting before the Council election and invited Councillors to address the meeting.

Farewell remarks from Councillors Walton, McDermott, Jahn and Cotman; and comments of appreciation from the Lord Mayor, Councillor Greiner and the General Manager, have been recorded - see following pages.

At 7.40 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 18 October 1999 at which
meeting the signature herein was subscribed.

FAREWELL SPEECHES

FAREWELL SPEECHES**The Chairman (the Lord Mayor):**

There are four councillors here tonight who have not nominated for re-election and therefore they will not be councillors after 11 September 1999. Two of those councillors have been here for eight years, Julie Walton and John McDermott, and two have been here for four years, Graham Jahn and Chris Cotman.

I would like to take this opportunity to express my appreciation to the four of them for their contributions over the periods they have been here. I think it is fair to say that this Council and the previous Council have worked well over the last eight years. I have said this before, that I think we have a very bright Council and that is one of the reasons why we are so successful. I compare this Council to various Councils that I have either participated in or observed in the last 20 years and I think it is fair to say that we do pretty well.

On a more personal level, I appreciate very much all the personal effort that everyone has put into their jobs and their enormous attention to the business of Council, particularly to Julie and Graham in their roles of chairing various committees. Also, my appreciation to John and Chris who have been equally conscientious and valuable in many respects. John, I owe you an enormous debt of gratitude for reading all those documents, as does Julie, but she not boast about it as much as you.

To the four of you, we wish you well. We hope that you remember your time in Council as one where you made a contribution and that you look back on it with some satisfaction. I think I can speak for the General Manager and all staff when I say thank you and wish you all the best for the future.

Finally, to Councillor Greiner, I would like to say farewell, but I am not sure that she won't be re-elected as a councillor at least. I acknowledge that the last four years have been interesting, but I thank you for your contribution.

I would like to invite councillors to say a few words, if they wish.

Councillor Walton:

It is hard to believe that tonight is my last meeting as a City of Sydney Councillor. I was elected, as most of you know, in September 1991, eight years ago. It now seems an appropriate time to reflect on some of the achievements and the lessons of those years.

FAREWELL SPEECHES

(Councillor Walton - continued)

The Lord Mayor will recall that, before the 1991 election, we committed ourselves to making the City a better place in which to live and work and to bring more residents in to the City. I think it can fairly be said that we did both of those things.

In 1991, I was one of only 7,000 or so residents within the ridiculously tight boundaries of the City of Sydney. Today, there are close to 21,000 residents in the City of Sydney. The Capitol Theatre was almost in ruins; it has now been restored. When we were elected, it was in poor repair and it had barely escaped demolition like the justly lamented Regent Theatre. It is now a wonderfully restored working theatre with a new fly tower which accommodates larger scale productions and it has demonstrably helped to revitalised the southern end of the City.

In our time, a new city plan was developed, taking as its starting point the importance of providing a high quality public domain - the streets, the parks and the public places that are open to everyone. That ought not sound revolutionary, but the protection of sunshine in the city parks by the imposition of height controls was greeted with the outraged response, "If people want sunshine, they can go to the beach."

The Heritage LEP similarly was finally gazetted, after years of arduous argy bargy, in 1992 and was resisted strenuously by a voting member of the Central Sydney Planning Committee, who described the list of heritage buildings it contained as the "satanic verses". So, on those two sides of city planning, we have in fact made great gains, great improvements against great odds.

In the field of the services we provide, the City's community centres have been dramatically upgraded, having seen little investment since the 1930s and 1940s when they were originally built. The John Street Community Centre, the Ultimo Community Centre and Library and the King George V Centre are all products of the eight years from September 1991 to now.

There are some other big projects which everyone knows about like the restoration of Customs House, the soon to be completed Recital Hall and, of course, Cook and Phillip Park with its wonderful, accessible, central aquatic centre. But I would like to mention specifically some of the smaller scale improvements that, to my mind, play a huge role in making the City a better place in which to live and work.

I argued for some time that the lighting in the City had to be improved, specifically, that it needed to address the question of safety. Traditionally, lighting standards have been developed by road engineers to ensure that drivers can see other vehicles and they can see pedestrians on the carriageway. Those standards did not concern themselves with whether one pedestrian could see the facial features or expression of another pedestrian from a distance, which is psychologically essential for perceptions of safety. The City of Sydney is now in the forefront of the development of standards for lighting and the work done for the City will, I hope, find its way into the Australian Standard. I would like to thank Bill Tsakalos particularly for taking up the

FAREWELL SPEECHES

(Councillor Walton - continued)

cudgels on that, getting specialist advice and seeing it through to the Australian Standard. I hope that will continue when I am gone.

The park benches in Hyde Park are another one of those little things that, to me, make a big difference. They were the result of a particular process of public consultation and feedback. We put 13 separate kinds of park benches on the avenue leading to the Archibald Fountain and we asked all the potential users to test them for their comfort and for their appeal. The people's choice was also the winner in terms of durability and ease of maintenance. It was very clear to me that people really relished the opportunity to have their say and I hope there is more of that done in the next term.

In the second term of my time here, we began to come to grips with the care and maintenance of the City - cleaning, graffiti removal, the care of trees and gardens. I won't be around for the third term, but I hope that this focus continues and gathers momentum.

I should, of course, say that we made some mistakes. Our first term was something of a learning curve and we rode into more than the occasional storm. There are two memories that I don't think time will ever erase for me. One, Lord Mayor, is your election as Lord Mayor, which can only be described as a moment of "high drama". No-one knew until the absolutely last instant what the result would be - the gallery was packed - and we both have to thank the brave and principled stand taken by Randolph Griffiths on that occasion for the opportunity to achieve what we have achieved.

The next thing that I won't ever forget is the attempt by the then State Government to dismiss this Council on the flimsiest and most transparent of pretexts in 1993. The escape of Council from that particular trap is an amazing story, as you know. I won't ever forget turning on the radio the morning after that attempt failed in the Parliament to hear the Minister, Gerry Peacocke, describe his esteemed Premier, Mr Fahey, as having a mind like a soup plate - broad and shallow.

Having survived against the odds, I recall that you, Lord Mayor, Elizabeth Farrelly and I decided it was time, and we could afford, to take a deep breath, reflect and document what it was we were aiming to achieve and how we intended to go about it. We sat down around Elizabeth Farrelly's garden table one Sunday afternoon and we said, "What is it that most encapsulates what it is we are aiming to achieve for the City?" and we came up with the term "Living City". We said: that's it, that's what we are aiming to achieve, we want a living city.

FAREWELL SPEECHES

(Councillor Walton - continued)

This is a title that had a couple of meanings on different levels. One, of course, was the reference to there being more residents, a critical mass of residents, in the city. It also refers to the fact that a city cannot live unless it is a diverse city. We did not want to see a city, like most North American cities, which degenerates into a monoculture, a forest of office towers, and nothing else and which dies at 6 o'clock. You would not dream of walking around the streets of most of those cities because (a) they would probably think you were crazy or (b) they would arrest you for loitering with intent.

Diversity was the central theme of "Living City". I think it was the right thing to pursue and I think it will stand the test of time. Oddly enough, having published that document, I came upon a book by Jane Jacobs called "The Death and Life of Great American Cities" which gave the six or seven rules for a great city that will sustain itself and be prosperous in the long term. Jane Jacobs said in 1961 that the secret was diversity. I had not read that before we wrote this. I know you still have a copy on your desk, Lord Mayor, which I hope you will get time after the election to really absorb. But the fact is that we were all Jacobean and we didn't know it. I don't for a moment resile from that. I think it was the right tack to take and I think it has delivered a much better city than the one that we found when we arrived.

As I say, we had a few troubles in the first term. It wasn't always easy. While a lot of people called us paranoid, the fact was that a lot of people really were plotting against us.

We went on after "Living City" to "Accessible City", which showed how we intended to make it easier for people to move around within and to get to our living city. There were a lot of particular initiatives in that and I would say that, just like "Living City", the vast majority of them have been fulfilled. I think I can honestly say that in those documents we said what we meant and we meant what we said. As a result, we left the City in a better state than the state in which we found it.

That is all I have to say about what we have done, why we have done it and how pleased I am to have been a part of it. I also, of course, have to acknowledge that we didn't do it alone. We did it with the huge assistance of our staff, one of whom I have mentioned already. I would also like to mention John Kass and his planning team who were singularly devoted to getting the city plan up. Peter Romey, who won't be with us for much longer, deserves special mention for his part in the development of the Heritage LEP.

FAREWELL SPEECHES

(Councillor Walton - continued)

There are a lot of staff - and I hope to say goodbye to each one more individually at some sort of function later on - but I would mention Brian Porman, who is no longer with us, but who I think very much had a handle on how those little things matter a great deal; John McInerney, our former city planner; Hamish McNulty, who has taken up where Brian Porman left off with some of these City Care issues; Richard West and the Transport and Access Unit; Peter Adams who preceded him; Graham Hutton and all the Secretariat staff who have looked after us so well over the last eight years; my own staff, particularly Terry Fairclough. I would also say that we have had the assistance of some really good colleagues, whether they agreed with us or they didn't, and I thank them all on both sides of this table, but I especially want to mention Councillor Elizabeth Farrelly, Councillor Randolph Griffiths, Councillor Henry Tsang and, in this last term, Councillor Graham Jahn whose assistance and wisdom on matters of planning have been just wonderful.

I will miss Councillor McDermott's jokes. I always found him good humoured, serious about what he did, and someone you could rely on to do some of those boring bits of reading that do go with the job. Councillor Cotman has been a great addition to the Council and I think it's a great shame that he is not doing another term. I think it is a great shame that Councillor Jahn is not as well.

I think eight years has been about right for me. I am happy to say a fond farewell to all of you. My thanks also to Sue Puckeridge and Cliff Haynes and thank you especially to the Lord Mayor and the General Manager.

Councillor McDermott:

Lord Mayor, I was not going to say anything tonight because I wanted to keep my usual reticent approach to life, but it was Councillor Walton who suggested at a meeting two or three weeks ago that we ought go out with a bang rather than a whimper. This will be my attempt at a bang, I suppose, but it won't be a very loud one.

I read a famous article by a law reviewer who retired and had before him the alternatives of retiring quietly and going into a corner, sucking his thumb and saying boo or writing an article about his retirement and about law reviews in general. He opted against sitting in a corner and saying boo and wrote this scurrilous article about all law reviewers which was full of raspberries of one sort and another. I thought that is probably the way to go out, but I have resisted both extremes on that temptation. I won't suck my thumb in a corner or elsewhere and I won't issue raspberries - at least, not only raspberries.

Being in that mood, I certainly wouldn't mention that the name "Living City" was used by the city authorities in both Barcelona and Melbourne before it was used in Sydney.

FAREWELL SPEECHES

(Councillor McDermott - continued)

There are some raspberries, as far as I am concerned, about the eight years in this Council. I think East Circular Quay was a disaster. I enjoy discussions about East Circular Quay because I always take the first possible opportunity to tell people that I voted against it and some of the reasons why.

I think there is another disaster that has not been highlighted as well as it might be. That is the assumption in the City that there is a conflict between pedestrians and traffic and that it is necessary that you must take an ideological view either that you support the pedestrian or you support the motor vehicle. I simply don't think that is the case.

I think that - particularly with the possibilities of undergrounding which were highlighted in the article put together recently by John Kass and others - we are starting to learn that we can avoid that conflict by going underground; that you don't have to have as your starting point that you either take the side of the pedestrian, which I think has happened recently with the footpath widening, or the motor vehicle and make things, on an ideological basis, as far as I can see, as hard as possible for the motor vehicle.

The thing that has concerned me most, more than East Circular Quay and more than this ideological view with regard to vehicular and pedestrian traffic, is the loss of democracy in this Council over a period. When I came here, we had too many items at committees - there can be no question about that. But it settled down to a stage where we had about four times as many items come before us as come before us now. I simply think there are far too few items coming before us. I don't mean before John McDermott; I mean before the assembled representatives of the democracy in the City - of the people who have a right to know what is going on in the City and see what is going on. There are far too few. There are far too many of those committees in exile, like the Look of the City Committee, which make decisions worth millions of dollars about flowers that don't bloom and things of that nature. I think that is a very sad thing.

I would like to make some personal remarks about my time as a councillor. One of my regrets would be, at a personal level - and you can call these gooseberries, if you like, instead of raspberries - that I haven't had as much time as I would like just spending with constituents, be they the residents in particular or the constituents in the corporate area. I think one learns a great deal and does ones job better by virtue of that contact and finding out what they want. One has to be very careful about the way one goes about that sometimes. The constituents in the City, be they the ordinary residents or the ordinary corporate people, are a great resource and we ought make more use of that resource.

FAREWELL SPEECHES

(Councillor McDermott - continued)

That, of course, highlights the fact that being a councillor on this Council is an extremely expensive hobby. You have been kind enough, Lord Mayor, to highlight the fact that I read a lot of these papers that come before us. I do. It takes a great deal of time. It has taken me away from my professional life far more than I would prefer and it has taken me away from my family more than I would prefer.

I would think in the City of Sydney in the long term it would be a good thing if councillors were recompensed to some greater extent for what they do, provided they can demonstrate that they are spending their time at Council and on Council work. I did suggest at one point that we ought benchmark what we do and test ourselves against those benchmarks and perhaps be remunerated on some basis that reflects that. This is obviously a disinterested comment because no such form of evaluation could relate to me in the future. I do think it is something that definitely could be looked at.

The good things: nearly becoming Lord Mayor in 1991 wasn't one. It was close. Lord Mayor, I expected you to win that vote. The person who was allegedly on the same team as me who made that possible has already been mentioned. Councillor Walton mentioned him as one of the people on her side. That is where he sat and, unfortunately, that is where he sat before we went to the polling booth.

I have enjoyed the introduction of some of the changes in the City, some of which I pressed for some time. I do not take credit for the Exhibition Space at Customs House, but I did bring back Phillippe Robert's suggestion from Paris some years ago and it was finally introduced. The cameras in George Street, again, I do not take credit for them - that was originally suggested in Melbourne - but I pressed for some time before there was any enthusiasm behind that. The sale of the Kens site was another example. So it was nice to see those things happen.

The thing that I have enjoyed most in one way is not all significant, but it is certainly part of the idea of a living city. I asked a Question on Notice at, I think, my first Council meeting about footpath cafes and I asked why they didn't proliferate in the City. There were at that stage three; we now have several hundred. They have made the City a very different place in a very obvious way. They are very enjoyable. The people who use them enjoy them, the shopkeepers enjoy them, they have added to the coffers in this Council and they have certainly added huge amounts to some of the businesses. So I took some pleasure from that.

I took pleasure from being in this Council at the time I was. It was a time of great change. It was a time when the Government and the legislature made that easier than it otherwise might have been. It was the time of the Olympics and I think we all got something special out of that period that we would not have had if we had been here at another time.

FAREWELL SPEECHES

(Councillor McDermott - continued)

I have not enjoyed the times when I have been tempted to indulge in rowdier debate or more fractious debate than I would prefer. I think that is regrettable, whether it involves me or anybody else, and it is something we could do better without. I have not enjoyed the times when one has criticised the content of reports that officers have brought to this Council and other people have interpreted that as being criticism of the officer who prepared the report. That has never been so in my case and it has never been my intention. You can criticise the idea or the concept without criticising the individual who puts it forward, but the system occasionally forces that on you.

What I have enjoyed - and you referred earlier tonight to the financial results we have had this year, Lord Mayor - is the level of co-operation that has taken place at this Council on that issue and the amount of turnaround we have achieved in that area. You will remember as I do, Lord Mayor, how, when I indicated I was going to support something you put forward to Council, you became very nervous. This was because, throughout the first year and a half, whenever you and I agreed on anything, the Councillors weren't certain you were right but they were damn sure I was wrong and they voted against it. We somehow grew beyond that.

I think we have achieved great things in the area of reform. We came from a long way back. We thought that corporate support was in excess of 40 percent of the budget and it should have been down to 20 percent, but we are right there now. We are almost on the benchmark, 20.1, and I think in those areas we have achieved a lot.

Like yourself, Lord Mayor, I have had experience in other places and I agree that the last two Councils have been very good. I think, of the two, this is considerably the better one. We have had good officers. I think we have reached the stage where they were good last time, but they are better this time. I know they work hard and they are very conscientious and I certainly wish all the officers all the best for the future.

I wish my colleagues here all the best for the future. Lord Mayor, I don't know where you will be sitting next time, but I trust that you will enjoy it. We have had our moments one way and another, but we have co-operated on a lot. What the press does not often realise is, like tonight, on 99 percent of things we co-operate and there are only a few on which we disagree.

All in all, I have enjoyed the eight years. I have enjoyed the company of my colleagues. I thank you all. I thank all the officers. Thank you linesmen. Thank you ball boys.

FAREWELL SPEECHES

Councillor Jahn:

Lord Mayor, I was not going to say anything at all but, since a final word is emerging as the pattern, I only want to say one thing - except for thanking everybody, of course - and that is about the current issue of Chinatown needing a "fair go". It is very pertinent, in this our last meeting, and it reminds me of something very special. I would like to say these comments to those councillors who are staying on, and those councillors who are thinking of joining Council. Whatever the final make-up will be, my parting words are these.

Chinatown is not the financial district of the City. It is part of the Ultimo Precinct. It was defined in the 1970 Sydney Strategic Plan as the Ultimo Precinct and this has not changed. To sell out Chinatown now is to kick the Ultimo residents in the teeth, because there is no geographic differentiation between Chinatown and Ultimo, and in planning terms there will not be a differentiation either. Other areas of the City have reduced height limits for very good reasons. Look at the whole length of Clarence Street, for example, Wentworth Avenue and lower Surry Hills. What about them? Surely they need a "fair go" too.

Our setback controls would actually prevent high rise above 45 metres on most of the blocks in the area to a building of about 10 metres deep, a tiny sliver, a wall-like building, useless as an office building. And, if it were high rise, it would only be residential - and surely residential to the highest bidding developers that we all know too well operate in the southern end of the City. That is, of course, except for two sites - one land holding in Dixon Street (and we all know who owns that) and the Trades Hall and Labor Council site (and we all know who owns that).

High rise towers, even residential, would remove about 50 percent of ground floor space for servicing the building. Loading docks, car park entrances, substations and fire escapes all account for about 50 percent of small high rise tower plans at ground floor level, which means the active floor space at street level in Chinatown will be halved.

There are areas of the CBD which some now regard as dead - and I wonder why. Think of the rear of Macquarie Tower, or Governor Phillip, street addresses on Phillip, Bridge and Hunter Streets, where there are simply no active uses because the building's own servicing is built to the boundary. Obviously, if some active presentation is made to one street elevation, the other street behind will be killed, lost, which we see right now.

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(Councillor Jahn - continued)

Chinatown redevelopment will require amalgamation of sites if such a thing were to go ahead, with the wholesale demolition of buildings, the dislocation of all the tenants for years at a time, and the re-tenancing of those buildings after \$50million has been spent and all the rates have increased. The dramatic re-evaluation of property values will require totally new tenants to re-enter those buildings. Gone will be the food vendors that we know, the herbal clinics, the fresh food stores, that will be gone, because the jewellery stores, the coffee shops and the duty free stores will be the ones that can pay the increased rents.

Chinatown will not die; it will be assassinated.

Lord Mayor, your resistance to the politicisation of Chinatown and your stubborn determination not to sell out to either of those parties I mentioned reminds me why I came on board.” too.

Councillor Cotman:

I somehow missed hearing either the bang or the whimper the other day at the function, so I am entirely unprepared for this, but I would like to say a few things.

I joined Council because I thought Council needed to have knowledge from the property industry, an industry which I had served for over 25 years in the City of Sydney. I certainly hope that since being here I have served this Council and its stakeholders primarily. I have brought with me that knowledge from the property industry which, I believe, on occasions has made our decisions more efficient and more realistic in terms of implementation.

Coming from the industry that I have served for a long time, I found one of the most pleasing parts of my Council role was on the Planning Committee. In no small way was this due to the amalgam of skills and knowledge of that Committee and, primarily, in no small way was this due to our Chairman, Graham Jahn, for which I offer a particular thank you. I think there are many, many, many occasions where the decisions, both as a group and led by Graham, were tremendously beneficial to this City. In fact, Graham, in some ways you probably made my mind up not to do another term on Council because I assumed that, when Kathryn Greiner wins, she would probably give me the Planning Committee and I can see how much time you put into it.

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(Councillor Cotman - continued)

I also would like to point to some of the issues that the whole of Council dealt with which I particularly enjoyed. This was particularly in the change of the culture of the organisation and the change in the financial efficiency of the organisation. While saying that, I would like to thank Greg Maddock because he was enormously instrumental in backing up the unanimous view of the Councillors that things had to change and he was able to implement those changes in an extraordinarily efficient way. I thank you enormously because, one of the things in which I take great pride, I think you were instrumental in achieving. Obviously, all of your staff backed you to the hilt in that major change. Particularly early in this Council, we were involved intimately in those changes.

I believe that one of the other things that has happened during this period in Council is that we seemed to deal with other statutory authorities of the State Government in a more mature way. I think too often in the past the statutory authorities used their State Government weight to push the City around. When I first came to Council, Wynyard Park was probably a pretty good example of that. Thanks to you, Lord Mayor, and you, General Manager, I think we salvaged something very beautiful out of what was looking like a disaster. The Park now is not perfect - I would like the SRA monolith in the middle to be about a quarter of the size it is - but the green space around it has been tremendously improved by the activities of Council officers and you, Lord Mayor, representing us to the other instrumentalities and I thank you for it.

The alternative to that is the Conservatorium. I can't go without a fleeting kick at that. I have been against it from day one. I have been against it every day since. I well remember at the Central Sydney Planning Committee - and I think you meant it at the time, Lord Mayor, but I hope you have seen the error of your ways - you said to me, "Chris, it's not that bad," and I said, "Sorry, Lord Mayor, it is atrocious." I think it has only gotten worse as the enormous bulk excavation has gone around that building. I am extremely disappointed in that. Perhaps at the end of the day some compromises will be made.

Finally, I would like to make a small comment about some of the other issues. Probably when I came to Council I didn't see social issues as being quite as important as I now see them. Whether it is part of the Living City or whether it is part of the next Council's plans, I would like to see social issues continue to be part of this Council's "paddywhack" and in fact have more money put into it. I think this has been forced upon us by things like the Richmond Report. Well meaning as they were, they seem to have put many disturbed people back into the community and the City seems to act as somewhat of a honey pot for these people. Parts of our City have major problems with alcohol, health issues and other social issues. Whether we like it or not, the City must continue to play a role in these areas. I think anybody who underestimates the unbelievable health crisis that we have coming in the future, through HIV and through the various hepatitis strains, is kidding themselves. Any level of Government that does not pay attention to it is putting its head in the sand.

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(Councillor Cotman - continued)

The other one I would like to mention is the drug initiative. Again, I am not one who believes that this is necessarily a Local Government initiative. However, I think the Capital City Mayors are probably right in recognising that capital cities are particular focuses of drug problems and any lead that we can take towards sensible drug reform, particularly in legislative form, is to be welcomed. I hope people continue to approach those initiatives with an open mind and, with the health, the safety and the social welfare of the whole community at heart, perhaps we will see some way out of the intractable problems.

On a final note, thank you very much to the staff. I have enjoyed my time here. I hope I haven't been overly critical in some of my comments. They were never intended as personal comments. They were intended as trying to get to the nub of difficult issues.

Lord Mayor, I hear you read that prayer every time we come into this meeting. The prayer means a lot to me and I hope this Council will be blessed in the future. Peace be with you.

The Chairman (the Lord Mayor):

Although you are not departing, Councillor Greiner, would you like to say a few brief words?

Councillor Greiner:

Thank you, Lord Mayor. I do want to add my thanks to my colleagues, in particular, to John McDermott and Chris Cotman, whose support and help have been absolutely invaluable. I will miss their contributions enormously. I shall miss Councillor McDermott's capacity to read his Council papers and his legal papers at the same time. I have tried over the last four years to emulate that without any success. I thank you for your wisdom and your knowledge of local government issues. To my colleague, Councillor Cotman, I thank him for his support and energy in the last four years we have been together on Council. He brought to the table, as you saw, tremendous compassion and understanding about his fellow man and wove that with a very solid understanding of the commercial interests of this City, not only as they impact upon the business sector, but as they impact upon the residential sector.

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(Councillor Greiner - continued)

Lord Mayor, working with your colleagues has been an extreme pleasure. I do not think you realise how much contribution Councillor Walton and Councillor Jahn and, in his own way, in absentia, Councillor Tsang, brought to this Council. Councillor Walton in fact rescued you on more than one occasion. I would like it placed on public record that I think her contribution in the last eight years has been outstanding. I know that the residents of Millers Point, in particular, and all those who worked with her on the Traffic Committee and throughout the City will miss that contribution. I think it would be remiss if that were not recorded.

Councillor Jahn, I would also like to thank you enormously for your huge energy and effort as Chairman of the Planning Committee. The most enjoyable time for me, as I look back over the last four years, has been the Planning Committee. It has been politically free. It has been, I felt, six people trying to achieve the very best for the City. A lot of that was due to your guidance and I thank you for it. I think as a practitioner in your own right, the amount of time that you have given this Council has really been above and beyond the call of duty.

Lord Mayor, we have always enjoyed our stoushes. I look forward to being with you on another Council. I add my thanks to the General Manager who I believe has shepherded this Council through its financial growth and through a very difficult period of its development. Through you, General Manager, thank you to your staff whose response and whose advice have always been freely and willingly given - perhaps not always swiftly - and who have also been generous with their time.

My comments are really to say thank you to our colleagues for all of their effort and all of their energy. We are, at the end of the day, only caretakers of the public realm; that is all we are. I think that they can leave this Council table and leave this Council Chamber knowing that their contribution has been more than significant; it has been enormous, to the betterment of the public realm, and I thank them.

The Chairman (the Lord Mayor):

General Manager, would you like to say something?

General Manager:

Thank you, Lord Mayor. I do remember coming here three and a half years ago and being interviewed by these seven people, so it seems to me quite another experience to be standing here saying farewell to some of you in that sense.

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(General Manager - continued)

But it is the end of the Council cycle and it certainly has been a very productive four years. I would personally like to congratulate the Lord Mayor and acknowledge his performance and his crucial role in seeing through what has been achieved over the last four years. It would be remiss if I did not put that first on behalf of the staff.

For the councillors who are departing, I really hope that you take a lot of pride and satisfaction because - I have been in this game for 25 years, a bit like Chris - it is simply the best Council I have worked for without a doubt. I hope you take a lot of pride and satisfaction in what has been achieved. I take John's point, I think it is a spectacularly under-remunerated occupation, it is particularly intensive and it soaks up your time. But I hope, in a life sense, you take a lot of satisfaction and skills out of what has been achieved in this forum. I think you have achieved a lot and you should be proud of your contribution.

On behalf of the staff, in a sense we service the Council, we watch you closely, we judge you harshly - probably much the same in return - but I think there is no doubt from the staff that we mark you very highly as a Council that has achieved some really fundamental reforms. I think the Lord Mayor attested to some of the results which would stand proudly next to any local council or any state government in the whole of Australia. The results really are that good and it starts at this table and it starts at the Lord Mayor. I just hope that you take pride and satisfaction from your contribution. I hope you have a very good time off Council and I hope that you don't write letters to the editor criticising us in the future!

On behalf of the staff, I want to thank you for your kind words and look forward to a very positive ongoing relationship.

The Chairman (the Lord Mayor):

Just to conclude, my intention was to make comments about the departing councillors. In that sense, I haven't spoken about Henry, who is not here. The Deputy Lord Mayor, Henry Tsang, has been with us for eight years. He has filled in on numerous civic occasions, always very unselfishly. He is quite renowned for his generosity, always willing to assist and become involved. I would like to put on the record that I very much appreciated his time as Deputy Lord Mayor, the assistance that he has given me and the contribution he has made to Council. We wish him well as a member of the Legislative Council. He came here when he wasn't honourable and he left honourable!

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(The Chairman (the Lord Mayor) - continued)

My final comment relates to Greg Maddock and the staff. I had not intended to talk about you and the staff, Greg, but I suppose I should just in case I move on. A comment was made earlier that the staff we have now are better than the ones we had four years ago. There has been a lot of challenges, there has been a lot of creative tension floating around, but I think that the organisation has, at the end of the day, delivered. That is a huge credit to you, Greg, your ability to respond to the call that you are a representative of the Council rather than just a leader of the staff - which you obviously are as well. You have done that in spades. You have implemented what Council required and done so extremely effectively. There are so many issues that we haven't had to worry about. One of the reasons, John, that not as much as comes to Council is because Greg has dealt with a lot of it very effectively. Great credit to you, Greg, and great credit to all the staff.

Sue Puckeridge, who sits on my left, I thank her for all her work. John Kass for his patience, his good work and his wisdom; that man will go to heaven. Bill Tsakalos will probably go to heaven for a different reason, but he also has persevered up to his knees in rubble and streetscapes. Cliff Haynes, who forever has been nice to everyone, even under duress - the man can't help himself - he is very nice and has a huge corporate memory. The absent director, Tony McGee, performs miracles in absentia all the time, but his spirit is with us.

Finally, to the Secretariat for all their work, Graham, Jenny, Lyndal and the others; to Peter Morton and the staff in the Office of the Lord Mayor, who do a lot more than people realise to make sure we march forward.

Thank you everyone. To the media, as far as those in this room go, they have been fair and reasonable.
