



29 MARCH 1999

Meeting No 1289

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.55 pm on 29 March 1999 pursuant to Notice 5/1289 dated 25 March 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, Henry Tsang and Julie Walton.

At the commencement of business at 5.55 pm those present were:-

The Lord Mayor, Councillors Cotman, Greiner, Jahn, McDermott, Tsang 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.

Congratulations

At the commencement of the meeting of Council, the Chairman (the Lord Mayor) advised that Councillor Henry Tsang had been elected to the New South Wales Legislative Council at the State election held on Saturday 27 March 1999. The Chairman (the Lord Mayor), on behalf of Council, extended congratulations to Councillor Tsang on his achievement. Councillor Greiner joined the Chairman (the Lord Mayor) in offering congratulations to Councillor Tsang.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor McDermott, seconded by Councillor Tsang -

That confirmation of the minutes of the Extraordinary Meeting of Council of 1 March 1999 and the Meeting of Council of 8 March 1999 be deferred to a later stage of the meeting.

Carried.

ITEM 2. PITT STREET MALL (S00-7806)

FILE NO:

DATE: 29/3/99

MINUTE BY THE LORD MAYOR

To Council:

The block of Pitt Street between King Street and Market Street (now known as Pitt Street Mall) was closed to traffic in 1987 in order to create a shopping mall. The Mall was created by a partial road closure, rendering a public road in effect "a pedestrian only" zone, with special access for Centrepont and the Imperial Arcade.

Since that date, there has been difficulties in managing and policing the use of the Mall by unauthorised vehicles. The result is:

1. There is conflict between vehicles entering the Mall and pedestrians.
2. The volume of vehicles detracts from the aesthetics of the Mall as a shopping/pedestrian area.
3. Council's Pitt Street mall co-ordinator has advised that a significant volume of vehicles accessing the Mall are not necessarily servicing properties located on the Mall.
4. A number of service vehicles using the Mall are servicing buildings, which have alternative loading arrangements.

Under the Local Government Act, Council is restricted to using the various traffic signs prescribed under the Traffic Act, the use of which in the manner prescribed by the Act is not suitable for the Mall. The effect of this is that Council cannot properly regulate traffic in the Mall.

Council has attempted to unsuccessfully restrict the hours in which the Mall is open to traffic, by only allowing access for deliveries between 6.00 am and 10.00 am. Delivery access to Centrepoint and Imperial Arcade is allowed at any time except between 12 noon and 2.00 pm. After 10.00 am bollards located at the King Street end of the Mall are activated to prevent all vehicles entering the Mall from King Street after that time. These restrictions have assisted with the proper management of the Mall but have not overcome all the problems referred to above.

I believe the situation in the Pitt Street Mall has remained unsatisfactory for a long period of time and Council must strengthen its legal position so as to be able to properly manage the Mall.

I fail to see why it is not possible to restrict vehicle access to the Mall to between say 9.00pm and 8.00am. After all, European cities have no difficulty doing this.

Accordingly, it is important that Council take immediate action to ensure the proposed closure of the Mall as a road is advertised, and negotiate delivery arrangements with the potentially affected parties that are in the public interest.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 29 March 1999, on Pitt Street Mall, it be resolved that -

- (A) Council approve the closure of all of the Pitt Street Mall and take steps to ensure that the proposal is advertised under Section 35 of the Roads Acts and any other relevant legal instrument;
- (B) the General Manager be directed to take all necessary action to pursue the closure and to negotiate, in consultation with the Lord Mayor, alternative delivery arrangements for potentially affected retailers;

- (C) the General Manager be delegated authority to take all necessary steps to effect the closure including the necessary application to the Minister for Roads under Section 34 of the Roads Act.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 29 March 1999, on Pitt Street Mall, it be resolved that -

- (A) Council approve the closure of all of the Pitt Street Mall and take steps to ensure that the proposal is advertised under Section 35 of the Roads Acts and any other relevant legal instrument and that the owners and tenants of retail properties be individually notified and the Transport Workers' Union also be notified;
- (B) the General Manager be directed to take all necessary action to pursue the closure and to negotiate, in consultation with the Lord Mayor, alternative delivery arrangements for potentially affected retailers;
- (C) authority be delegated to the General Manager to take all necessary steps to effect the closure including the necessary application to the Minister for Roads under Section 34 of the Roads Act;
- (D) proposed arrangements for the closure of the Pitt Street Mall be the subject of a special briefing of Councillors once negotiations are well advanced.

The motion was carried on the following show of hands -

Ayes (6) - The Chairman (the Lord Mayor), Councillors Cotman, Greiner, Jahn, Tsang and Walton

Noes (1) - Councillor McDermott.

Motion carried.

ADDITIONAL MATTERS FOR COUNCIL

FILE NO:

DATE: 29/3/99

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its Meeting on 29 March 1999 are Memoranda by the General Manager on -

- (A) Staff Matters; and
- (B) 1999 Sydney Festival.

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

ITEM 3A. STAFF MATTERS

FILE NO: P03-00580
DATE: 29/3/99

MEMORANDUM BY THE GENERAL MANAGER

To Council:

A number of contracts with our Executive staff are coming to a conclusion. John Kass was appointed in 1997 and his three-year contract is drawing to a conclusion. After discussions with John, it is my intention to renew his contract for a further three-year period. This will extend John's contract to April 2002. I believe Mr Kass has performed well in his role and it is my obligation to consult with Council on employment matters.

The other issue we need to consider in context, is the employment of senior staff and the timelines concerned. The current situation is:-

Cliff Haynes	contract completion date ...	30 April, 2001
Bill Tsakalos	contract completion date ...	3 December, 1999
Sue Puckeridge	contract completion date ...	31 December, 2000
Tony McGee	contract completion date ...	30 April, 2001

We discussed in May 1997, the desirability of maintaining my staff through the busy and important period ahead. This has been achieved to date after a major changeover in 1996/97 and has been a topic of discussion between senior staff and myself.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 29 March 1999, on Staff Matters, it be resolved that Council offers no opposition to the extension of the employment contract of Mr Kass for a further three-year period.

(SGD) GREG MADDOCK
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 29 March 1999, on Staff Matters, it be resolved that Council offers no opposition to the extension of the employment contract of Mr Kass for a further three-year period.

Carried unanimously.

Declaration of Interest

Prior to discussion on Item 3B, the Chairman (the Lord Mayor) declared that both he and the General Manager had an interest in this matter in that they are both members of the Board of the Sydney Festival Limited. The Chairman (the Lord Mayor) took part in discussion and voting on this item.

ITEM 3B. 1999 SYDNEY FESTIVAL (S00-4305)

FILE NO:

DATE: 29/3/99

MEMORANDUM BY THE GENERAL MANAGER

To Council:

The Festival this year is summarised in the attached paper from the Director, Mr Leo Schofield. The City of Sydney is one of the three owners of the event, along with the State Government and Channel 9. We contributed \$650,000 in cash plus in kind support to the event and joint production.

Financially this year's event will not meet its budget projections as set out in the report from the Director. This is largely due to the \$740,000 box office shortfall. He outlines the reasons for the budget performance and the lessons to be learnt in projecting for the coming year. The Board, on which the City has two representatives (the Lord Mayor and the General Manager), has had extensive discussion with the festival staff in regard to the operating performance for this year and future years. A Finance Sub-Committee, chaired by the General Manager, has been established to oversee financial planning and systems. Both Channel 9 and the State Government also provide representation on the new sub-committee. The final accounts for the '99 Festival will not be ready until later this year but it is considered prudent to provide financial assistance at this time because of cash flow and financial reasons.

I propose that Council authorise up to \$150,000 as a payment from the 1998/99 budget to meet the shortfall. Discussions have been held with Channel 9 and the State Government in regard to their contributions, but these had not been received at the time of writing this report.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 29 March 1999, on 1999 Sydney Festival, it be resolved that Council authorises payment of an additional amount, up to \$150,000, from the 1998/99 budget to the Sydney Festival subject to the Lord Mayor and General Manager being satisfied of the contribution of the NSW State Government and Channel 9.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Tsang, seconded by Councillor Jahn -

That arising from consideration of a Memorandum by the General Manager to Council on 29 March 1999, on 1999 Sydney Festival, it be resolved that Council authorises payment of an additional amount, up to \$150,000, from the 1998/99 budget to the Sydney Festival subject to the Lord Mayor and General Manager being satisfied of the contribution of the NSW State Government and Channel 9.

Carried unanimously.

ITEM 4. MATTERS FOR TABLING

The following report had been received and was laid on the table:

Attorney General's Department of
New South Wales

Annual Report 1997-1998

The Council agreed that the report be received and noted.

Petition (D1999/00061)

At this stage of the meeting, Councillor Tsang tabled a letter from the management of the Hilton Hotel and a petition, signed by approximately 24 signatories, opposing any extension of trading hours or increase in capacity for the Sublime Nightclub at 248 Pitt Street, Sydney.

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

That the letter and petition be received and noted and drawn to the attention of the Director City Development and that if the Director City Development is inclined to favour an application for an extension of trading hours or an increase in capacity for the Sublime Nightclub, then the matter be referred to the Planning Committee for consideration.

Carried.

ITEM 5. REPORT OF THE PLANNING COMMITTEE - 22 MARCH 1999**PRESENT**

Councillor Graham Jahn
(Chairman)

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

At the commencement of business at 6.10 pm those present were:-

Councillors Cotman, Greiner, Jahn, McDermott and Walton.

Apology

Councillor Henry Tsang extended his apologies for his inability to attend the meeting of the Planning Committee owing to a prior commitment.

Moved by Councillor Jahn, seconded by Councillor Walton -

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

Carried.

Councillor McDermott left the meeting of the Planning Committee at 8.39 pm at the end of discussion on Item 4 and returned at 8.43 pm during discussion on Item 6.

Order of Business

The Planning Committee resolved, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order -

1. Progress Report on Development Applications
5. Development Application: 97-103 Pyrmont Bridge Road, Pyrmont (Corner Wattle Street and Wattle Crescent)
2. 1998 Annual Monitoring Report - Central Sydney Local Environmental Plan 1996
3. Central Sydney Development Control Plan 1996 (Draft Amendment No 5)
4. Development Application 32-36 Regent Street, Chippendale. Proposed Residential Apartment Building
6. Development Application: 93-105 Quay Street, Haymarket
7. Development Application: 7-9 Hackett Street, Ultimo
8. Development Application: Park Regis Building, 27 Park Street, Sydney - Special Signage (Independent Planning Consultant Report)

The meeting of the Planning Committee concluded at 9.27 pm.

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Greiner -

That the Report of the Planning Committee of its meeting of 22 March 1999 be received, and the recommendations set out below for Items 5.1 to 5.6, inclusive, and Item 5.8 be adopted, with Item 5.7 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

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

5.1

That arising from consideration of a report by the Manager Development to the Planning Committee on 22 March 1999, in relation to the Progress Report on Development Applications, it be resolved that -

- (A) the report be received and noted;
- (B) the Director City Development report through the Councillors' Information Service on the issues of extended trading hours and signage raised at the meeting of the Planning Committee.

Carried.

1998 ANNUAL MONITORING REPORT - CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (S003607)

5.2

That arising from consideration of a report by the Specialist Research Planner, Planning Policy to the Planning Committee on 22 March 1999, in regard to 1998 Annual Monitoring Report - Central Sydney Local Environmental Plan 1996 submitted for the information of the Committee, it be resolved that -

- (A) the report be received and noted;
- (B) these reports be provided on an annual basis.

Carried.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (DRAFT AMENDMENT NO.5) (S004186)

5.3

That consideration of this matter be deferred until the meeting of Council on 29 March 1999.

Carried.

Note - This item was dealt with by Council as Item 7 on the Business Paper.

Note - Mr Stephen Durnford, Department of Local Government, and Mr Graham Wolfe, Housing Industry Association, addressed the meeting of the Planning Committee on Item 5.3.

DEVELOPMENT APPLICATION: 32-36 REGENT STREET, CHIPPENDALE. PROPOSED RESIDENTIAL APARTMENT BUILDING. (D98-05458)

5.4

That consideration of this matter be deferred until the meeting of Council on 29 March 1999.

Carried.

Note - This item was dealt with by Council as Item 8 on the Business Paper.

Note - The Planning Committee requested Council staff to confer further with the applicant regarding design issues.

Note - Professor Peter Webber, Ms Kerrie Kemp and Dr John Sivewright addressed the meeting of the Planning Committee on Item 5.4.

DEVELOPMENT APPLICATION: 97-103 PYRMONT BRIDGE ROAD, PYRMONT (CORNER WATTLE STREET AND WATTLE CRESCENT) (D98-05263)

5.5

That consideration of this matter be deferred until the meeting of Council on 29 March 1999.

Carried.

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

Note - The Planning Committee requested Council staff to prepare a suitably worded recommendation for refusal.

Note - Mr Ian Bailey, Mr Harry Sternberg, Mr Dan Brindle, Mr Robert McMahon, Mr Edward Hood and Mr Derek Bebbington of City West Housing Pty Ltd addressed the meeting of the Planning Committee on Item 5.5.

DEVELOPMENT APPLICATION: 93 - 105 QUAY STREET, HAYMARKET (D1998/05403)

5.6

That consideration of this matter be deferred until the meeting of Council on 29 March 1999.

Carried.

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

Note - The Planning Committee requested that an inspection of the site be arranged prior to the Council meeting on 29 March 1999.

Note - Mr Terry Byrnes addressed the meeting of the Planning Committee on Item 5.6.

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

The Planning Committee recommended that Council note that Item 5.7 was determined by the Planning Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 7-9 HACKETT STREET, ULTIMO (D1998/05432)

5.7

Moved by Councillor McDermott, seconded by Councillor Jahn -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 22 March 1999, in relation to Development Application D98/05432 made by Peter Trayhurn for the site at 7-9 Hackett Street, Ultimo for alterations and additions to the existing warehouse building to create two x two bedroom, 3 storey attached dwellings, 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. D1998/05432 dated 15 December 1998 and Statement of Environmental Effects prepared by Kevin Snell Architects, dated 8 December 1998 and drawings numbered DA1001/A and DA1201/D prepared by Kevin Snell Architects dated 10 December 1998, 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.

BUILDING HEIGHT

- (3)
 - (a) The height of the building, as defined in Sydney Regional Environmental Plan No. 26 - City West, must not exceed 8.3 metres. The height of the top of the roof including any structures erected or placed thereon (exclusive of flagpoles) must not exceed RL 27.25 (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.

RESIDENTIAL DEVELOPMENT

- (4) The following restrictions apply to residential development:
 - (a) The development must be for "residential development" as defined in Sydney Regional Environmental Plan No. 26 - City West, and must be for permanent accommodation and must not be used for the purposes of a hotel, apartment hotel, motel, serviced apartments, tourist accommodation or the like.
 - (b) All units 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 for residential development are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.

SECTION 94 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

(b) **Amount of Contribution**

The amount of the contribution shall be \$11,345.32.

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

(c) **Purposes for which Contribution Required**

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

(i) Open Space - 64%

(ii) Community Facilities - 9.5%

(iii) Roads and Associated Infrastructure - 26.2%

(iv) Administration - 0.3%

(d) **Certification of Contribution**

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

(e) **Timing of Payment**

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

(f) Indexing

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

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

AFFORDABLE HOUSING CONTRIBUTION

(6) The Affordable Housing Contribution is as follows :

- (a) In accordance with clause 59 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning (City West Office, Level 2, 137 Pymont Street, Pymont), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$3,903.40.
- (b) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quality Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, shall be submitted for the approval of Council, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.
- (c) Before the issue of a Occupation Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

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.

DEMOLITION/SITE RECTIFICATION

- (8) 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.

NOISE

- (9) 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. 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.

VENTILATION/COOLING/HEATING SYSTEMS

- (10) All air/handling, evaporative cooling, hot water, humidifying, warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991.
- (11) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (12) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

ARCHAEOLOGICAL INVESTIGATION

(13)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Schedule 1B

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

DESIGN MODIFICATIONS

(14) The design of the building shall be modified as follows:

- (a) The adjustable aluminium sun louvres on the front roof shall be replaced with the same corrugated roof sheeting for the balance of the roof.

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.

SYDNEY WATER CERTIFICATE

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

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

MODEL

- (16) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council.

Notes:

- (a) The model is 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.

STORMWATER AND DRAINAGE

- (17) 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.

ACCESS FOR TELECOMMUNICATIONS CARRIER

- (18) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

NEW LOADS ON EXISTING BUILDING

- (19) For alterations and additions to an existing building, a letter from an appropriately qualified practising structural engineer (NPER) shall be submitted to the Certifying Authority with the Application for a Construction Certificate. The letter must state that the existing structure is adequate to support the new loads and that the design of the alterations/additions will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

SANITARY FACILITIES

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

ALIGNMENT LEVELS

- (21) 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.

Schedule 1C

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

STRUCTURAL CERTIFICATION

(22) 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 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).

Repeat (a) and (b) for any revision, or staged submission of structural drawings.

(23) Prior to issue of an Occupation Certificate and/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 and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:

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

Notes:

An appropriately qualified practising structural engineer certifying shall have:

- (i) Tertiary qualifications in Civil or Structural Engineering.
- (ii) Corporate member of the Institution of Engineers Australia or equivalent OR listed on the National Professional Engineers Register NPER (Structural) if Compliance Certificate is issued.
- (iii) Appropriate current professional indemnity insurance.

Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (24) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (25) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition/excavation or construction on the site and must include details of:-
 - (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;

- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(26) 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, to the satisfaction of the Principal Certifying Authority****SITE NOTICE OF PROJECT DETAILS AND APPROVALS**

- (27) 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.

OCCUPATION CERTIFICATE

- (28) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) 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. An application form for an Occupation Certificate may be obtained from Council.

HOURS OF WORK AND NOISE

- (29) 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) 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) 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".

BUILDING WORK INVOLVING NOISY EQUIPMENT OF AN INTRUSIVE NATURE

- (30) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

CONSTRUCTION DURING THE OLYMPICS

- (31) 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.

ROUTE FOR CONSTRUCTION TRAFFIC

- (32) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.

LOADING AND UNLOADING DURING CONSTRUCTION

- (33) 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 construction, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (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.

NO OBSTRUCTION OF PUBLIC WAY

- (34) 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.

CONTROL OF RUN-OFF DURING CONSTRUCTION

- (35) 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.

APPLICATION FOR BARRICADE PERMIT FOR ENCLOSURE OF A PUBLIC PLACE (ROAD AND FOOTPATH) REQUIRED FOR CONSTRUCTION/BUILDING WORKS

- (36) 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.

CONSTRUCTION VEHICLES TO BE COVERED

- (37) 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 commencement of use, to the satisfaction of the Principal Certifying Authority

NUMBERING

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

ALTERATION TO FOOTWAY CROSSING REQUIRED

- (39) The applicant is responsible for the provision of vehicular footway crossings and is to reinstate the footpath where any existing crossings adjacent to the site are no longer required in accordance with the requirements to Council.

PHOTOGRAPHIC RECORD OF APPROVED PLANS

- (40) The approved development application and construction certificate (including subsequent modifications) drawings in an aperture card format on microfilm must be submitted for Council's Archives.

Carried.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: PARK REGIS BUILDING, 27 PARK STREET, SYDNEY - SPECIAL SIGNAGE (INDEPENDENT PLANNING CONSULTANT REPORT) (D1999/00092)

5.8

That consideration of this matter be deferred until the meeting of Council on 29 March 1999.

Carried.

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

Note - Mr Damien Rath, Cody Outdoor Advertising Pty Ltd, and Mr Ken Cook addressed the meeting of the Planning Committee on Item 5.8.

**ITEM 6. REPORT OF THE PROJECTS AND PUBLIC SPACES COMMITTEE
- 22 MARCH 1999**

PRESENT

Councillor Julie Walton
(Chairman)

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

At the commencement of business at 9.30 pm those present were:-

Councillors Cotman, Greiner, Jahn, McDermott and Walton.

Apology

Councillor Henry Tsang extended his apologies for his inability to attend the meeting of the Projects and Public Spaces Committee owing to a prior commitment.

Moved by Councillor Jahn, seconded by Councillor Walton -

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

Carried.

The meeting of the Projects and Public Spaces Committee concluded at 9.46 pm.

Report of the Committee

Moved by Councillor Walton, seconded by Councillor Tsang -

That the Report of the Projects and Public Spaces Committee of its meeting of 22 March 1999 be received, with Item 6.1 being dealt with as shown immediately following such item.

Carried.

The Committee recommended the following -

PETITION: PERMANENT SITE FOR ARTISTS IN THE CITY OF SYDNEY TO SHOW AND SELL THEIR WORK (S003956)**6.1**

That arising from consideration of a report by the Cultural Policy Officer, Cultural Affairs and Protocol, to the Projects and Public Spaces Committee on 22 March 1999, on the Petition for a Permanent Site for Artists in the City of Sydney to Show and Sell Their Work, it be resolved that approval be given to:

- (A) the designation of Belmore Park as the site for an Art Market;
- (B) the establishment and trial of an Art Market in Belmore Park for the sale, exhibition and demonstration of visual art and craft works;
- (C) the draft policy at Attachment A to the subject report, as amended at the meeting of the Projects and Public Spaces Committee, being reviewed in six months from implementation of the Art Market;
- (D) the facilitation of:
 - (i) procedural processes for the management of the Art Market;
 - (ii) the design and manufacture of an effective display system for use in the Art Market;
 - (iii) a program of performances to be held in conjunction with Art Market operations;
- (E) a review of the Art Market's progress six months after implementation; and it be further resolved that -
- (F) the expenditure on all aspects associated with the Art Market, including clause (D) above, be limited to \$150,000 (\$50,000 in the financial year 1998/99 and \$100,000 in 1999/2000), with the aim of moving towards being self-funding thereafter;
- (G) the necessary planning approvals be sought for the proposal.

Amendment. At the request of Councillor Cotman and by consent the motion was amended by the deletion of Clause (D)(i).

Motion, as amended by consent, carried.

**ITEM 7. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996
(DRAFT AMENDMENT NO.5) (S004186)**

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Research Planner to the Planning Committee on 22 March 1999 and to Council on 29 March 1999, on Draft Amendment No. 5 to Central Sydney Development Control Plan 1996, it be resolved that:

- (A) Council adopt Draft Amendment No. 5 to Central Sydney Development Control Plan 1996, as shown in Attachment A to the subject report, subject to the amendments made at the meeting of Council;
- (B) Council authorise the Lord Mayor to make any minor drafting changes to the Development Control Plan 1996 Draft Amendment No. 5 as a result of any further requirements of the Central Sydney Planning Committee;
- (C) the Director City Development be authorised to make further submissions to the Building Regulations Advisory Council consistent with this resolution.

Carried unanimously.

Extension of Time

During discussion on Item 7, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was -

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

That Councillor Greiner be granted an extension of time of two minutes to speak on this matter.

Carried.

**ITEM 8. DEVELOPMENT APPLICATION: 32-36 REGENT STREET,
CHIPPENDALE. PROPOSED RESIDENTIAL APARTMENT
BUILDING (D98-05458)**

Moved by Councillor Jahn, seconded by Councillor McDermott -

That arising from consideration of a report by the Area Planning Manager to the Planning Committee on 22 March 1999 and to Council on 29 March 1999, in relation to Development Application D98-05458 made by Dr Sivewright and Ms Kemp for the site at 32-36 Regent Street for demolition of the existing buildings at 32 and 34 Regent Street and retention of 36 Regent Street (the Dispensary building) and construction of a new eleven storey residential building, 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. D98-05458 dated 21 December 1998 and Statement of Environmental Effects prepared by G P Webber, dated December 1998 and drawings prepared by P G Webber referenced and dated as follows:

Basement Plan, Basement/Ground, Ground Floor and Level 1 dated 16/12/98

Level 2 and Level 3 dated 9/3/99;

Levels 4, 5, 6, 7, 8, 9, dated 16/12/98 ;

Levels 10, 11 and Roof dated 24/3/99;

West, South, East and North Elevations dated 24/3/99

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 submitted for the approval of Council prior to the issue of a Construction Certificate

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.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.701:1 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 2423.3m²sq m.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development.

- (c) The consolidated site shall not be entitled to transfer any development or floor space rights to another site in any form whatsoever, including the Award of Heritage Floor Space under Central Sydney Local Environmental Plan 1996; nor shall any increase be permitted to the amount of the existing floor space within the consolidated site. The site shall not be subsequently subdivided to achieve a separation of the heritage item from the residential building.

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 RL 53.5 (AHD). Any proposal to increase this height must be referred to the Planning Committee for consideration.
 - (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.

CONSERVATION AND HERITAGE

- (6) The work listed in the maintenance schedule of the Preliminary Conservation Plan prepared by Graham Brooks and Associates dated December, 1997, for the Former John Storey Memorial Dispensary, be undertaken to the approval of Council and under the supervision of a suitably qualified conservation expert prior to the issue of a Construction Certificate.
- (7) The proponent is to commission experienced trades persons(as appropriate) that are skilled in traditional building and engineering trades to advise on maintenance work to the Former John Storey Memorial Dispensary and carry out any work required to the approval of Council.
- (8) An interpretation strategy for the site is to be prepared and submitted for approval of Council that assists the public to understand the history and significance of the former John Storey Memorial Dispensary.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (9) The following restriction applies to buildings approved for residential use:
 - (a) The accommodation portion of the building (levels 2-11) 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 levels 2-11 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. All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

SECTION 61 CONTRIBUTION

- (10) 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.

CONSISTENCY OF DRAWINGS

- (11) 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.
- (12) The architect of the project as approved should not be changed without prior notice to Council.

STRATA PLAN

- (13) A separate application must be made to Council to approve any Strata subdivision in accordance with Section 37 of the Strata Titles (Freehold Development) Act, 1973.

DEMOLITION/SITE RECTIFICATION

- (14) 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 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 \$67,000 dollars as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed \$67,000 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.

VEHICULAR SPACES

(15) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 5 residential spaces;

- (ii) 1 business/commercial premises spaces;
 - (b) 1 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) All spaces must be allocated and marked according to this requirement.
 - (d) If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (16) 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.
- (17) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, new unapproved 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 avoid damage to the original fabric of the building during the carrying out of the internal fit out and any electrical or plumbing works.

ARCHAEOLOGICAL INVESTIGATION

- (18)
- (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:

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

BOUNDARY WINDOWS

(19) All windows adjacent to the North boundary of the site (facing Boston University) must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (a) **Note:** The covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition

REMOVAL OF GRAFFITI

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

RECEIVING DEVICE

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

EXTERNAL LIGHTING

- (22) 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.

BUILDING NAME

- (23) Any change to the name of the heritage building is to be subject to the approval of Council.
- (24) 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.

LOADING BAY

- (25) The existing loading dock must be maintained for use in connection with the proposed development.
- (26) All loading and unloading operations must be carried out via the rear entrance at all times.
- (27) 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

- (28) 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. 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.

BUILDING CODE OF AUSTRALIA

(29)

- (a) The proposed development is to address Part C of the Building Code of Australia (Fire Resistance).
- (b) The proposal is to address Part D of the Building Code of Australia (Access and Egress). Travel Distances, paths of travel, discharge of exits and access for persons with disabilities.
- (c) Any proposed required windows are to comply with natural lighting requirements of Part F4.2 of the BCA.
- (d) All openings in external walls must be protected in accordance with Part C of the BCA.
- (e) Alternatively, the proponent is to submit a report identifying all of the non compliances with the deemed to satisfy provisions of the BCA and their alternative solutions (as per Council Guidelines). Details required for assessment of Alternative Building Solutions must be in accordance with Council guidelines.

SIGNS

- (30) 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.

CARE OF BUILDING SURROUNDS

- (31) 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.
- (32) All air/handling, evaporative cooling, hot water, humidifying, warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991.

- (33) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (34) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

TREATMENT OF EXPOSED WALLS

- (35) The exposed wall(s) of the adjoining building(s) shall be treated with the approval of the adjoining owner(s) to a standard equivalent to the treatment of the street facade of the building, for the period that the walls are exposed.

Schedule 1B

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

DESIGN MODIFICATIONS

- (36) The design of the building shall be modified as follows:
 - (a) Delete all plant and structure above RL 53.5.
 - (b) 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.

SYDNEY WATER CERTIFICATE

- (37) An application must be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been obtained is to be produced prior to issue of Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (a) **Note:** You should make immediate application to Sydney Water for this Certificate to avoid problems in servicing your development. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

PUBLIC ART

- (38) 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.

LANDSCAPING OF THE SITE

- (39) 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) Detail of drainage and watering systems;
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC DOMAIN PLAN

- (40) 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.
- (ix) The provision of smart poles, if required (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

ELECTRICITY SUBSTATION

- (41) 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. 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.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (42) 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.
 - (c) Recording is to be carried out before commencement of work and after work as considered appropriate by a suitably qualified conservation expert.

MODEL

- (43) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council.

Notes:

- (a) The model is 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.

NOISE IMPACT ASSESSMENT REPORT

- (44) The following shall be submitted:
 - (a) A noise impact assessment report prepared by a qualified acoustic consultant shall be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable LAeq (1 hour) level will not exceed the following levels:-

- (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 46dB
 - b. Living areas (24 hours) 55dB
- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - a. The following repeatable maximum LAeq (1 hours) levels shall not be exceeding when doors and windows are shut and mechanical ventilation or air conditioning is operating:
 - b. Sleeping areas (night time only: 2200-0700) 38dB
 - c. Living areas (24 hours) 46dB
 - d. (These levels correspond to the combined measured level of external sources and the ventilation system operating normally).
- (c) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (d) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria.

CAR PARK AND SERVICE VEHICLE LAYOUT

(45)

- (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.

(46) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(47) 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.

STORMWATER AND DRAINAGE

(48) 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

- (49) 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.
- (50) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.
- (51) 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.

AWNINGS

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

CAR PARK ENTRY FINISH

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

PAVING MATERIALS

- (54) 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.

ACCESS FOR PERSONS WITH A DISABILITY

- (55) Access to the new residential building shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (56) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".
- (57) 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.

Schedule 1C**Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority**

- (58) 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 Attachments S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR Compliance Certificates (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:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A or by issuing a Compliance Certificate shall have:

- (i) Tertiary qualifications in Civil or Structural Engineering.
- (ii) Corporate member of the Institution of Engineers Australia or equivalent OR listed on the National Professional Engineers Register NPER (Structural) if Form 10 used.
- (iii) Appropriate current professional indemnity insurance.
- (iv) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.
- (v) Certification will also be required on completion of the building, prior to issue of an Occupation Certificate.

Note:

- (e) Certification of Inspection is also required prior to issue of the Occupation certificate, and/or prior to use see Schedule 1E conditions.

WASTE MANAGEMENT

(59)

- (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.

CERTIFICATION OF MECHANICAL VENTILATION

- (60) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (61) 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.

SHORING

- (62) 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:

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(64) 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 demolition/construction, to the satisfaction of the Principal Certifying Authority

HOURS OF WORK AND NOISE

(65) 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) 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) 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".
- (66) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

CONSTRUCTION DURING THE OLYMPICS

- (67) 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 MOBILE CRANES

- (68) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

(69) 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.

(70) 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.

(71) 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.

(72) Prior to the commencement of excavation, the applicant shall contact "Sydney One Call Services" on (02) 9806 0800 to ascertain the presence and type of underground utility services in the vicinity of the development.

CONTROL OF VERMIN

(73) 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.

(74) 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.
- (75) 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.
- (76) 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:

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

CONSTRUCTION PROGRESS CERTIFICATION

- (77) For the duration of the construction process a Construction Progress Certificate in the form of Attachment P1 shall be provided to Council on a three monthly basis to the effect that the construction work, including architectural detail, is in accordance with the approved development application drawings and conditions of development consent and the approved Construction Certificate drawings and specifications.

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

LOT CONSOLIDATION

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

HISTORIC MARKER

- (79) 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.

COMMEMORATIVE PLAQUE

- (80) The following is required:
- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
 - (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The approved plaque must be installed prior to Occupation.

NUMBERING

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

STREET NAME PLATE

- (83) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council.
- (84) 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 and a copy of the certificate with a microfilm set of the final drawings submitted to Council 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.

Notes:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1 or by issuing a Compliance Certificate shall have:
 - (i) Tertiary qualifications in Civil or Structural Engineering;
 - (ii) Corporate member of the Institution of Engineers Australia or equivalent OR listed on the National Professional Engineers Register NPER (Structural);
 - (iii) Appropriate current professional indemnity insurance.
- (b) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.

OFF SITE WORK REQUIRED

- (85) The applicant shall relocate the electric light pole(s) in the public way adjacent to the development, prior to construction of the development to the satisfaction of the Principal Certifying Authority. The cost of removal or relocation of any electric light pole(s), required as a consequence of the development is to be borne by the applicant.
- (86) The applicant is responsible for the provision of vehicular footway crossings and is to reinstate the footpath where any existing crossings adjacent to the site are no longer required in accordance with the requirements of Council and the Roads and Traffic Authority.
- (87) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.
- (88) The walls and ceilings of the vehicular entry, visible from the street shall be finished in high quality materials. No service ducts or pipes are to be visible.
- (89) The approved development application and construction certificate (including subsequent modifications) drawings in an aperture card format on microfilm must be submitted for Council's Archives.

- (90) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) 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. An application form for an Occupation Certificate may be obtained from Council.
- (91) 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 and a copy of the certificate with a microfilm set of the final drawings submitted to Council 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.

Notes:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1 or by issuing a Compliance Certificate shall have:
 - (i) Tertiary qualifications in Civil or Structural Engineering;
 - (ii) Corporate member of the Institution of Engineers Australia or equivalent OR listed on the National Professional Engineers Register NPER (Structural);
 - (iii) Appropriate current professional indemnity insurance.
 - (b) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.
- (92) 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). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA.

Note:

- (a) Council reserves the right to randomly audit any mechanical ventilation documentation.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

(93) 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, prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or use of the premises.

- (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

(94)

- (a) All land titles within the development site comprising 32-36 Regent Street must be consolidated into one lot in a Registered Plan. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Building Certificate, Certificate of Occupation, or Certificate of Compliance, as applicable.
- (b) The consolidated site shall not be entitled to transfer any development or floor space rights to another site in any form whatsoever, including the Award of Heritage Floor Space under Central Sydney Local Environmental Plan 1996; nor shall any increase be permitted to the amount of the existing floor space within the consolidated site. The site shall not be subsequently subdivided to achieve a separation of the heritage item from the residential building.

Carried.

ITEM 9. DEVELOPMENT APPLICATION: 97-103 PYRMONT BRIDGE ROAD, PYRMONT (CORNER WATTLE STREET AND WATTLE CRESCENT) (D1998-05263)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Planner to the Planning Committee on 22 March 1999 and to Council on 29 March 1999, in relation to Development Application D98-05263 made by City West Housing Pty Ltd for the site at 97-103 Pyrmont Bridge Road, Pyrmont for demolition of the existing building and construction of a new 6-8 level residential building, containing 57 affordable housing units, it be resolved that:

(A) consent be refused for the following reasons:-

- (i) The proposed development is inconsistent with Sydney Regional Environmental Plan No. 26 – City West, in that the planning principle for the Ultimo-Pyrmont Precinct and the Residential-Business zone objective to achieve a high quality residential environment and character are not met.

- (ii) The proposed development fails to comply with Division 6 of Sydney Regional Environmental Plan No. 26 – City West in that it fails to maintain an appropriate curtilage and setting for the heritage listed Sydney Water Pumping Station.
 - (iii) The height and density of the proposed development exceeds the height limit of 21 metres and floor space ratio of 3:1 in Sydney Regional Environmental Plan No. 26 – City West (Draft Amendment No. 8).
 - (iv) The proposed development is inconsistent with Clause 18 of Sydney Regional Environmental Plan No. 26 – City West (Draft Amendment No. 8) which states that residential development is not to be located or designed so that the amenity within the zone is adversely affected to a level considered inappropriate due to excessive noise or odour or any other similar environmental impact from an adjoining use.
 - (v) The floor to ceiling height of the apartments within the proposed development fail to comply with the amenity provisions of Draft Urban Development Plan (1998 Update).
 - (vi) The proposed development relies on borrowed light and ventilation from the curtilage of the Sydney Water Pumping Station and has failed to secure adequate legal rights over the adjoining land to permanently secure this amenity.
 - (vii) The proposed development fails to provide an acceptable scale relationship with neighbouring development and fails to provide ground level activity to both Wattle Street and Wattle Crescent.
 - (viii) Any development on the site should not be considered until a Master Plan or Urban Development Plan has been prepared, exhibited and adopted by the Department of Urban Affairs and Planning for the block bounded by Wattle Street, Wattle Crescent and Pymont Bridge Road.
 - (ix) The applicant has failed to demonstrate that the Roads and Traffic Authority has no objections to the proposed development and its requirements have been satisfied.
 - (x) The proposed development is not in the public interest.
- (B) the applicant and the Department of Urban Affairs and Planning be advised that the entire street block, bounded by Pymont Bridge Road, Wattle Street and Wattle Crescent, should be the subject of a comprehensive Master Plan prior to any further consideration of individual development applications for portions of the block, and that Council believes that the achievable yield on these sites, having regard to urban design considerations, will be substantially less than the maximum allowable under the SREP 26 given the current height limit for this site.

Carried unanimously.

**ITEM 10. DEVELOPMENT APPLICATION: 93 - 105 QUAY STREET,
HAYMARKET (D1998/05403)**

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Director City Development to the Planning Committee on 22 March 1999 and to Council on 29 March 1999, in relation to Development Application D98-05403 made by Ricky Development Pty Ltd for the site at 93 - 105 Quay Street, Haymarket for the demolition of the existing structure and the erection of a residential development incorporating a retail space at street level and construction of a 16 storey residential development comprising 120 apartments and associated basement car parking for 132 cars, it be resolved that the application be refused for the following reasons:-

- (A) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 2.3.7 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the side and rear setback requirements.
- (B) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 6.1.3 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the Lightwell and Internal Courtyard requirements.
- (C) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 6.1.18 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the storage area requirement for each unit.
- (D) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 5.4 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the delivery and service vehicles requirements.
- (E) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Central Sydney Development Control Plan 1996 the car park and plant equipment located adjacent to the southern boundary of the site will have an adverse impact upon the amenity and outlook of the units.
- (F) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 2.1 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the Building to Street Alignment requirements.
- (G) Pursuant to Section 79C(a) (b) & (e) of the Environmental Planning and Assessment Act 1979 the proposal is not in the public interest.
- (H) the proximity of mechanical plant on adjoining property including air conditioning and car park exhaust units;
- (I) light disturbance from adjoining car parks.

Amendment moved by Councillor Tsang, seconded by Councillor Walton -

That the motion be amended by the deletion of Clauses (A) to (I) and the substitution of the following new Clauses (A), (B) and (C) -

- (A) The Applicant be requested to revise the design of the proposed development at 93 - 105 Quay Street, Haymarket, with particular attention to the following issues:
- (1) the proximity of mechanical plant on adjoining property including air conditioning and car park exhaust units;
 - (2) light and noise disturbance from adjoining car parks.
 - (3) the amenity of the lower units adjacent to the lobby stairwell between the two towers be improved with particular emphasis upon the inadequate light and ventilation access to habitable rooms;
 - (4) the provision of more functional and private courtyard areas;
 - (5) the light-well is to be redesigned in accordance with the provisions of the Central Sydney DCP Clause 6.1.3;
 - (6) the proposal is to be redesigned to comply with the storage area requirement for each unit;
 - (7) the proposal is to be redesigned providing adequate off-street parking for delivery and service vehicles;
 - (8) redesign to improve the street alignment eliminating the proposed recess to the Quay Street frontage.
- (B) Authority be delegated to the General Manager to determine the application subject to the submission of plans to the Director City Development which satisfactorily address (1) - (6) above within 21 days.
- (C) Should satisfactory plans not be received within 21 days, authority be delegated to the General Manager to determine the matter having regard to the deficiencies of the development.

The amendment was lost on the following show of hands -

Ayes (3) Councillors Cotman, Tsang and Walton

Noes (4) The Chairman (the Lord Mayor), Councillors Greiner, Jahn and McDermott.

The motion was carried unanimously.

ITEM 11. DEVELOPMENT APPLICATION: PARK REGIS BUILDING, 27 PARK STREET, SYDNEY - SPECIAL SIGNAGE (INDEPENDENT PLANNING CONSULTANT REPORT) (D1999/00092)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by Planning Workshop Australia to the Planning Committee on 22 March 1999 and to Council on 29 March 1999, in relation to Development Application D99-00092 made by Cody Advertising Pty Ltd for the site at 27 Park Street, Sydney for erection of one internally illuminated general advertising wall signboard, it be resolved that consent be refused for the following reasons -

- (A) the location, scale and design of the proposed internally illuminated sign will detrimentally affect the visual amenity of the area, particularly at night time;
- (B) the proposed sign degrades the character of the area and does not complement the architecture of the building to which it is attached;
- (C) the proposed internally illuminated sign will degrade the residential building to which the sign is attached and will significantly diminish the quality of the public domain in the vicinity of the sign;
- (D) the approval of such a sign would create an undesirable precedent for other "special sign" applications which do not consider the site specifics of their locale and the building to which they are attached;
- (E) the sign will add visual clutter to the streetscape;
- (F) approval is not in the public interest.

Carried unanimously.

ITEM 12. REVIEW OF DETERMINATION OF DEVELOPMENT APPLICATION: 18-24 SUSSEX STREET, SYDNEY (D1998/05177)

Moved by Councillor Walton, seconded by Councillor Cotman -

That arising from consideration of a report by the Manager Development to Council on 29 March 1999, in relation to the review of the determination of Development Application D98-05177 for the 24 hour use of the ground, first and second floors of Moreton's Hotel and the adjacent Beer Garden, at 18-24 Sussex Street, Sydney - "Moreton's on Sussex", it be resolved that -

- (A) authority be delegated to the Lord Mayor to determine the application having regard to consideration of -
 - (i) a six month trial period;

- (ii) a three hour extension of existing trading hours for Friday and Saturday nights only;
 - (iii) any such extension of trading hours to apply to the hotel only, not the beer garden;
 - (iv) strict conditions to apply to bookings, with no provision for “rave” parties;
- (B) the applicant may apply for a continuation of any extended trading hours at the end of any trial period granted and any such application is to be submitted to Council for consideration.

The motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Cotman, Jahn and Walton

Noes (3) - Councillors Greiner, McDermott and Tsang

Motion carried.

Note - The Licensee of the Hotel, Mr David Rothschild, indicated his agreement to withdraw his appeal in the Land and Environment Court against Council’s refusal of the previous application.

**ITEM 13. DEVELOPMENT APPLICATION: AMP TOWER (CENTREPOINT),
184-190 PITT STREET, SYDNEY (D1999/00117)**

Moved by Councillor Jahn, seconded by Councillor Cotman -

That arising from consideration of a report by the Specialist Planner to Council on 29 March 1999, in relation to Development Application D1999/00117 made by the Travis McEwen Group for the site at 184-190 Pitt Street, Sydney for alterations and additions to the podium level for an entertainment facility and a wall sign, it be resolved that -

- (A) 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.1999/00117 dated 18 February 1999 and Statement of Environmental Effects (Centrepont Cinema and Associated Facilities, 184-190 Pitt Street, Sydney) prepared by Travis McEwen Group Pty Ltd, dated February 1999 and drawings numbered

DD00/D dated 16/2/99

DD03/K dated 16/2/99

DD04/G dated 16/2/99

DD05/F dated 16/2/99

DD07/H dated 5/3/99

DD08/D dated 16/2/99

DD09/G dated 16/2/99

prepared by Metier 3 Architects 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.

SIGNAGE

- (3) The proposed wall sign on the Pitt Street Mall elevation is not approved and forms no part of this approval.
- (4) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 11.3:1 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 64,612.81m².
 - (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.
 - (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 that 335m² of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 10:1 as specified in the Central Sydney Local Environmental Plan 1996.

SECTION 61 CONTRIBUTION

- (6) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

(a) **Cash Contribution Required**

In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

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.

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**

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

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.

EXTERNAL LIGHTING

- (8) 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.

LOADING BAY

- (9) The existing loading dock must be maintained for use in connection with the proposed development.

RESTRICTIONS ON USE

- (10) In order to maintain a direct operational link between the cinema use and the Observation Levels of AMP Tower:
- (a) A combination Cinema/Tower ticket shall be made available;

- (b) The hours of operation of the cinema shall be restricted to the hours of operation of the Observation Levels of the Tower; and
 - (c) The films shown in the cinema shall be restricted to tourist and information films, which promote the tourist attractions of Sydney and Australia.
- (11) A separate development application must be submitted at the appropriate time for the specific use of the retail and food premises.
- (12) No amusement, gaming or poker machines are to be installed on the premises.

NOISE

- (13) 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. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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

HEATING/COOLING SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

- (14) All air/handling, evaporative cooling, hot water, humidifying, warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991.

VENTILATION SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

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

USE OF OZONE DEPLETING SUBSTANCES

- (16) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

Schedule 1B

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

MODEL

- (17) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council.

Notes:

The model is to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.

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.

ACCESS FOR PEOPLE WITH DISABILITIES

- (18) 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 the 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.

STORMWATER AND DRAINAGE

- (19) 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.

VENTILATION/HEATING/COOLING SYSTEMS

- (20) The proposed food premises must not be used for cooking or heating of food unless a system of mechanical ventilation 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 FOR STORAGE AND HANDLING OF WASTE

(21)

- (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).

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.

NEW LOADS ON EXISTING BUILDING

- (22) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be submitted and attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

SANITARY FACILITIES

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

Schedule 1C

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

DESIGN OF FOOD PREMISES

- (24) 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.

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.

*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

*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.

*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

*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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (25) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

Schedule 1D

Conditions to be complied with during demolition/construction, to the satisfaction of the Principal Certifying Authority

OCCUPATION CERTIFICATE

- (27) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) 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.

An application form for an Occupation Certificate may be obtained from Council.

SITE NOTICE OF PROJECT DETAILS AND APPROVALS

- (28) 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.

HOURS OF WORK AND NOISE

- (29) 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) 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 APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (30) 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

- (31) 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 MOBILE CRANES

- (32) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

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

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

PROTECTION OF STREET TREES

- (34) 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.

NO OBSTRUCTION OF PUBLIC WAY

- (35) 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.

CONTROL OF RUN-OFF DURING CONSTRUCTION

- (36) 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.

APPLICATION FOR BARRICADE PERMIT FOR ENCLOSURE OF A PUBLIC PLACE (ROAD AND FOOTPATH) REQUIRED FOR CONSTRUCTION/BUILDING WORKS

- (37) 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****LOT CONSOLIDATION**

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

SEPARATE APPLICATION FOR A PLACE OF PUBLIC ENTERTAINMENT

- (39) The applicant shall obtain approval under Section 68 of the Local Government Act, 1993, for the use of the premises or part thereof as a Place of Public Entertainment. This approval shall be obtained prior to the commencement of the use.

CONTRACT REQUIRED FOR REMOVAL OF TRADE WASTE

- (40) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.
- (41) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.

SHOP NUMBERS TO BE CLEARLY DISPLAYED

- (42) Shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

PHOTOGRAPHIC RECORD OF APPROVED PLANS

- (43) The approved development application and construction certificate (including subsequent modifications) drawings in an aperture card format on microfilm must be submitted for Council's Archives.

MATERIALS TO COMPLY WITH BUILDING CODE OF AUSTRALIA

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

UNOBSTRUCTED ACCESS TO BE MAINTAINED

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

PRIOR TO OCCUPATION CERTIFICATE MECHANICAL VENTILATION COMPLETION AND PERFORMANCE CERTIFICATE

- (46) 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). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA.

Note:

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

- (B) authority be delegated to the General Manager to vary the working hours to minimise impact on retailers provided he is satisfied with the assessment contained in a noise impact statement submitted for the site.

Carried.

ITEM 14. CITY OF SYDNEY SCULPTURE WALK (LO1-00148)

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Curator Sydney Open Museum to Council on 29 March 1999, on the City of Sydney Sculpture Walk, it be resolved that -

- (A) in respect of the project by Anne Graham at Site 22, Martin Place, Council endorse the proposal;
- (B) authority be delegated to the General Manager to make the appropriate contractual arrangements with the artist after funding has been secured.

Carried.

**ITEM 15. INVESTMENTS HELD BY COUNCIL AS AT 28 FEBRUARY 1999
(A02-00360)**

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

That arising from consideration of a report by the Management Accounting Officer to Council on 29 March 1999, on Investments Held by Council as at 28 February 1999, it be resolved that the report be received and noted.

Carried.

**ITEM 16. TRANSFER OF LAND AT BOTANIC GARDENS AND DOMAIN
(PO6-00193)**

Moved by Councillor Walton, seconded by Councillor Tsang -

That arising from consideration of a report by the Property Manager to Council on 29 March 1999 on Transfer of Land at Botanic Gardens and Domain, it be resolved that approval be given to:

- (A) the acceptance of the transfer to Council of Lots 3, 7, 18 and 20 in Deposited Plan 859014, shown on Attachment A to the subject report;
- (B) the execution of all relevant documents and plans under the common seal of Council or Council's attorney.

Carried.

**ITEM 17. CLASSIFICATION OF 181-187 HAY STREET (CORPORATION
BUILDING) AND 744 GEORGE STREET (HAYMARKET LIBRARY)
SYDNEY (D02-01612/1)**

Moved by Councillor Walton, seconded by Councillor Jahn -

That arising from consideration of a report by the Manager Property Strategy, to Council on 29 March 1999, on Classification of 181-187 Hay Street (Corporation Building) and 744 George Street (Haymarket Library) Sydney, it be resolved that -

- (A) Council note its resolution on 14 December 1998 to acquire the properties under the Land Acquisition (Just Terms Compensation) Act;

- (B) Council note that all steps to effect acquisition of the properties have occurred, other than publication of the Acquisition Notice in the Gazette; and
- (C) the land known as 181-187 Hay Street (Corporation Building) and 744 George Street (Haymarket Library) Sydney be classified as operational land in accordance with Section 31 (2) of the Local Government Act 1993 on and from the date of acquisition of the land by Council, namely, the date of publication of the Acquisition Notice in the Gazette.

Carried.

ITEM 18. QUESTIONS ON NOTICE**RATING OF CAR SPACES (S006649)**

1. By Councillor Greiner -

Question

Lord Mayor, it has come to my attention that an anomaly exists between Council's drive to increase apartment mix in newly constructed apartment complexes and Council's rating of residential property, with particular reference to car parking. A recent example is of a purchaser of a 3-bedroom apartment with 3 car spaces attached as one residential package. Council's policy is to rate only one of those car spaces 'residential', and to rate as 'business' the other two car spaces. There is clearly an anomaly between Council's drive to increase unit mix in the city and Council's capacity to rate appropriately.

Would you please investigate, through the General Manager, a review of the rating strategy so that apartments sold with more than one car space are rated as one residential package and not rated separately as a business entity?

Answer by the Lord Mayor

As you are well aware the City has made a number of rating aggregations to assist residents and business strata owners in recent years.

I am surprised that there are apartments with 3 car spaces as this would be beyond our parking code.

I have asked the General Manager to establish the nature and extent of such problems, and to address any issues arising prior to Council's consideration of rating proposals in the context of the budget for next financial year.

RELOCATION OF TAXI RANK - GROSVENOR PLACE (S006649)

2. By Councillor Greiner -

Question

Lord Mayor, there have been extensive complaints from city workers, visitors and taxi drivers concerning the loss of the taxi rank outside Grosvenor Place and the Regent Hotel. Footpath widening works have removed the capacity for a taxi rank to be maintained there, except for a minimum of two cars at one time.

In the footpath widening program, why was the taxi rank not accounted for?

Will the taxi rank be relocated? If not, why not?

Answer by the Lord Mayor

I am advised that the footpath widening in this area did involve, by necessity, readjustment of the taxi rank. I have asked the Director City Development to provide further details to Councillors in the Councillors' Information Service.

REINSTATEMENT OF TAXI RANK - CIRCULAR QUAY (S006649)

3. By Councillor Greiner -

Question

Lord Mayor, there have been extensive complaints from ferry commuters and taxi drivers alike, concerning the loss of the taxi rank at Circular Quay.

Would you please advise when this taxi rank will be reinstated. If not, why not?

What notice was given to the taxi drivers and to the ferry passengers that the taxi rank no longer would be located at Circular Quay in Alfred Street?

What signage has Council provided for commuters and visitors to access alternative sites?

Answer by the Lord Mayor

I have asked the Director City Development to address this matter also and to report in the Councillors' Information Service.

RELOCATION OF BUS SERVICES (S006649)

4. By Councillor Greiner -

Question

Lord Mayor, I have had complaints from city workers concerning the temporary relocation of bus services away from York Street. Apparently Council's advice is that even though the QVB end of York Street has not been scheduled for a commencement date for works, there have been significant changes to bus operations in preparation for these works.

Could you please advise what negotiations Council has had with the State Transit Authority? Who had carriage of information signs informing passengers of bus stop relocations? In particular, why have buses been diverted into Pitt Street rather than travelling down George Street to either Wynyard or Circular Quay?

Answer by the Lord Mayor

I have asked the Director City Development to provide an answer to these questions in the Councillors' Information Service.

RELOCATION OF BUS SHELTERS (S006648)

5. By Councillor McDermott -

Question

Lord Mayor, at the meeting of the Millers Point RAG on 9 March 1999 there was considerable discussion about the moving of bus shelters. Some of this discussion took place while you were present.

The view was expressed at the meeting, as you would be aware, that one bus shelter in Kent Street was both dangerous and totally unnecessary.

Can you please advise Councillors when a decision will be made as to which bus shelters (presumably Council's full entitlement to 5%) will be moved?

Answer by the Lord Mayor

I have already advised local residents that the bus shelter in that street is to be removed because of its excessive obstruction of the footpath. I am advised that this will occur in the next one to two months.

I have asked the Director City Projects to let Councillors have details of the current position on this matter.

PARKING METERS (S006648)

6. By Councillor McDermott -

Question

Lord Mayor, I am forced to ask yet another question about parking meters. At the meeting of the Millers Point Residents Action Group on 9 March 1999 those assembled were told of information from Council to the effect that difficulties were being experienced in modifying Council's parking meters for a variety of reasons, including the fact that they were not up to the required standard and that difficulty was being experienced in obtaining spare parts, presumably from the original supplier.

This in itself, notwithstanding a multiplicity of previous questions from me, might have been allowed to pass had it not been for :

- (i) My own attempt to pay for my parking for this meeting. The first meter I tried to use had an "out of order" notice on it.
- (ii) The second meter I attempted to use exhibited a sign, contrary to the sign on the nearby pole, to the effect that no payment was required at that time. Notwithstanding the machine's advice, I attempted to make payment in accordance with the street signage. The machine refused to take my money.

- (iii) During the course of the meeting, those present were advised that "milking the meters" has now become the local sport. We were told of one person who arrives at three different predetermined times daily and "works the street".
- (iv) Apparently there is virtually no attempt at enforcement because any excuse that the machine didn't operate is credible and the possibility of enforcing the fine is extremely remote.
- (v) During the course of the meeting a person was detected attempting to milk a machine outside and was chased off.

My advice is that the position is going from bad to worse, notwithstanding promises that it would improve. The members of the Action Group are calling for parking enforcement using the old chalk method (with the machine covered) if necessary.

Their view is that the machines were meant to be installed to protect their interests. The current situation, including the failure to enforce the law, has led to open slather with commercial parking and they are the ones suffering.

When will this laughable situation be reversed?

Answer by the Lord Mayor

Questions on Notice are not supposed to include long preambles and political statements. I suggest you comply with the Code of Meeting Practice in future.

The Deputy General Manager was previously asked to keep Councillors informed of progress on these matters. A detailed reply was included in the Councillors' Information Service circulated on 19 March 1999. The Deputy General Manager undertook then to provide further progressive reports.

PARKING METER REVENUE (S006648)

7. By Councillor McDermott -

Question

Lord Mayor, since May of last year I have asked a series of questions about Council's lack of return from parking meters. At the time of my original question we appeared to be receiving about \$5.50 a day. I was subsequently satisfied that we receive about \$7 per meter per day and this represents less than two vehicles having parked at \$4.00 an hour per day on average.

Apart from breakdowns, I have indicated that our meters are being milked at an enormous rate. I note that, after almost a year's delay, Council has now hired private security teams and they immediately carried out 30 arrests.

This is some indication of the extent of the 'milking' problem.

At no stage have you indicated what Council's annual losses through theft and broken meters are. I originally thought it was hundreds of thousands of dollars and now believe it must be millions per annum.

There is a separate Question on Notice on the same subject as this one and, despite all my questions to date, you have never indicated to Council that there is a clear program for overcoming all of these problems in place.

The Council appears to be fiddling while thieves earn!

People who should be able to park are being robbed of the opportunity to do so at the same time.

Could Councillors please have a written report, to be produced at a briefing, setting out:

- (i) A strategic long term plan to overcome the breakdowns;
- (ii) A strategic long term plan to overcome the theft problem;
- (iii) A projection as to the comparative cost of these two plans and the increase in income that their efficient pursuit will deliver to Council?

Answer by the Lord Mayor

Again, this question could be ruled out of order.

See answer to Question on Notice No. 6.

PARKING TAX (S006648)

8. By Councillor McDermott -

Question

Lord Mayor, quite some time ago I asked a question on the doubling of the parking tax in the city from \$200 to \$400 per year. I exhorted you to make representations to the Premier asking that the money be spent in the city. This was, of course, pre-gridlock but the money could be useful in that context.

You promised to have a report prepared for Councillors but I do not recall having seen one or your having advised us that you had approached the Premier.

What is the position?

Answer by the Lord Mayor

The Director City Development advises that –

“The New South Wales Government increased the parking space levy for Central Sydney from \$200 to \$400 in 1997. While detailed analysis of the effect of the increase is not available, it is believed that negligible or no effect on city development has occurred. These taxes are used by the State Government to fund transport facilities at suburban locations to encourage commuters to travel by public transport to Central Sydney and to fund bus priority works in Central Sydney.”

REVIEW OF PARKING SYSTEM – HIGH STREET (S006648)

9. By Councillor McDermott -

Question

Lord Mayor, Millers Point residents are concerned about Council's plans with regard to traffic alterations to High Street. Apparently the camber on High Street is such that the intended angle parking will tend to mean that cars reversing to the curb, as they ought will, at night, have the glare from their headlights thrown up into houses on the other side of the road.

The weight of residential opinion appears to be to the effect that the intended new system of parking will not assist them as the supposed beneficiaries. They take the view that parking and two-way traffic should remain as they are but that speeds should be limited to 40kph.

Will you undertake to review Council's current plans and to arrange a meeting of residents for this purpose?

Answer by the Lord Mayor

I met with residents at a public meeting on Sunday 21 March 1999 to discuss these matters. Following this meeting the proposals previously put forward by staff will be reviewed. In light of the expressed wishes of the residents, two-way traffic flow will be retained and there will be no angle parking.

Residents supported the proposal for limiting speeds to 40kph and staff will make representations to the Roads & Traffic Authority to introduce that speed limit in High Street.

TRAFFIC (S006648)

10. By Councillor McDermott -

Question

Lord Mayor, as you are aware, I frequently visit the District Court and attempt to make a right hand turn from Elizabeth Street into Liverpool Street. Invariably the intersection is blocked and very frequently it is government buses or taxis whose drivers are the malefactors.

My last visit was on the 9 March 1999 and the usual position pertained.

If anything the position has become worse since the recent State Government initiative which you described as having been entered into jointly with this Council.

I have asked questions on this topic several times and have suggested cameras. When will something effective be done?

Answer by the Lord Mayor

The Director City Development advises that –

“The Roads and Traffic Authority is currently investigating options to improve enforcement of the regulation prohibiting vehicles from entering choked intersections (Section 67B of the Motor Traffic Regulations 1935). While the Authority has no specific proposals at this stage to use cameras, discussions are being held with the Police and Attorney General’s Department in regard to including owner onus provisions for this offence.

The Authority anticipates that the issue will be resolved within the next six months, and further advice will be provided in the Councillors’ Information Service when available.”

LIGHT RAIL (S006648)

11. By Councillor McDermott -

Question

Lord Mayor, what is happening with the Light Rail?

You will have read a recent newspaper report to the effect that on a rainy day recently passengers on the Light Rail had to get out and walk because the wheels would not grip on the track.

There have been previous reports of difficulties in this regard and of even more extreme difficulties is a Pitt Street/Castlereagh Street loop is introduced.

Are you aware of any positive action being taken to overcome the difficulties with the current Light Rail?

Answer by the Lord Mayor

The Director City Development advises that –

“The Sydney Light Rail Company has advised that an incident as referred to by Councillor McDermott occurred on only one occasion over the past 3 months when it took a tram approximately 23 minutes to negotiate the ramp leading up to the Central Railway Colonnade.

In August 1998, the Sydney Light Rail Company officially took over control of the 6 trams which provide the service between Central and Ultimo. The Sydney Light Rail Company is currently in the process of installing ‘Sanding Units’ to each of the trams. Two of the trams have already been fitted with the remainder scheduled for modification by the end of April 1999. The ‘Sanding Units’ enable the trams to drop approximately 100 grains of sand onto the tracks when slippery conditions are experienced to give them greater traction.

The Sydney Light Rail Company further advises that the situation referred to by Councillor McDermott only occurs during drizzling conditions when the rain is insufficient to remove residue grease/oil and leaves which may be on the tracks.”

TRENCHLESS TECHNOLOGY (S006648)

12. By Councillor McDermott -

Question

Lord Mayor, a very long time ago I put to you a question on “trenchless technology”. It read:

“Lord Mayor, it is my understanding that the 1990’s may well be the era of ‘trenchless technology’.

What initiatives has this Council taken in the area of trenchless pipe and cable installation and pipeline renovation?”

You replied:

“I have asked the Assistant General Manager, Urban Services, to report on this matter in the CIS.”

I don’t believe I have ever received a report.

As almost five years have passed and we have now spent an enormous amount of money on renewing our footpaths with no protocol amongst the providers of public utilities, can this report now be advanced?

Answer by the Lord Mayor

The Director City Projects advises that –

“The scale and number of services being installed, expanded and upgraded makes this system inappropriate for our projects.

We will be trialing a horizontal boring system on Pitt Street South for the installation of certain pipework. It is difficult and risky to use in the CBD because of the unknown in-ground services installed over the last hundred years.”

DAWES POINT PARK (S006648)

13. By Councillor McDermott -

Question

Lord Mayor, when will Councillors and Millers Point residents be advised of the long term plan for the maintenance of the Dawes Point Park.

In particular, when will the "dig" site be separated from the remainder and when will upgrading works, not affected by the dig, be completed.

Answer by the Lord Mayor

The Chief Executive of the Sydney Harbour Foreshores Authority has advised me that a development application will be lodged by the end of April. This will then give the community a chance to comment.

RAILWAY ELECTRICITY STATION (S006648)

14. By Councillor McDermott -

Question

Lord Mayor, at the Millers Point RAG meeting on 9 March 1999, concerns were expressed about the Railway Electricity Station that is situated behind Darling House and the Garrison Church. Apparently it is a very old building and residents are concerned that it does not in any way constitute a threat to the health of the local community because of "emissions" or any other reason.

Can this matter be taken up by the Council with the Railways?

Answer by the Lord Mayor

I have asked the General Manager to address this matter and to raise the issue with the State Rail Authority. When the facts of this matter are known, Councillors will be informed in the Councillors' Information Service.

NEW YEAR'S EVE CONCERT (S006648)

15. By Councillor McDermott -

Question

Lord Mayor, you would be aware of a press report that says that the New Years Eve concert which was to be held in Sydney "to showcase Sydney to the World has been abandoned in favour of Victoria".

Can Councillors please be briefed on this topic and on the steps, if any, which might be taken to revive this event in light of the comment in the same article that there had been a "contract" with the Sydney City Council to host the Lord Mayor's New Year's Eve Party at the Opera House?

Can Councillors be briefed as to the meaning of the words attributed to you being:

" It fell apart at the seams for other reasons beyond our control."

Answer by the Lord Mayor

This was a proposal that, on the surface, had potential for benefit to Sydney. On this basis I called a meeting prior to Christmas with Mr Col Gellatly (Director-General, Premier's Department), the Opera House Trust and Mr Glen Wheatley. But in the end, the Opera House Trust decided not to approve the request.

You should note however, that the proposal involved excluding members of the public from the environs of the Opera House (including the southern steps and forecourt) for most of New Year's Eve and part of New Year's Day.

HERITAGE FLOOR SPACE (S006648)

16. By Councillor McDermott -

Question

Lord Mayor, at its meeting on 18 January 1999 Council passed a Motion to establish a "City Heritage Floorspace Bank".

What progress has been made towards establishing whether we have the legal capacity to do this?

Answer by the Lord Mayor

I am advised that a paper setting out the issues to be resolved prior to establishing the Heritage Floor Space Bank is being prepared with a view to briefing Councillors shortly.

QUESTIONS WITHOUT NOTICE**HYDE PARK CHILD CARE CENTRE (S006324)**

1. By Councillor Greiner -

Question

Lord Mayor, parents of children attending Hyde Park Childcare Centre and staff are strongly opposed to the relocation of the centre into Phillip Park. Will you review this decision to relocate the Child Care Centre?

Answer by the Lord Mayor

At my request the General Manager met with the Director of the Kindergarten Union and parents some time ago. As was expected there was resistance from some of the parents.

I understand that, overall, the Kindergarten Union and the parents were accepting of our proposal. I understand that more recently there has been some renewed opposition from some of the parents but that does not necessarily reflect the full view. Notwithstanding this, I think it would be unanimously supported to return the area on which the Hyde Park Child Care Centre is located to parkland. Obviously the matter has to come back to Council formally at which time there will be further opportunity for debate.

LIGHT RAIL (S006322)

2. By Councillor McDermott -

Question

Lord Mayor, now that the State election is over do you know of any proposal by the State Government to bring the proposed light rail at Phillip and Castlereagh Streets back on to the agenda?

Answer by the Lord Mayor

At this stage I know of no proposal.

POLICE LAND - SURRY HILLS (S006323)

3. By Councillor Jahn -

Question

Lord Mayor, are you aware of a DA proposal being considered by the NSW Police Service to subdivide their land in Surry Hills and sell part for residential/commercial development?

Answer by the Lord Mayor

No, I am not aware of it but I will ask staff to make enquiries.

CULTURAL COUNCIL (S006321)

4. By Councillor Tsang -

Question

Lord Mayor, could you advise me on the progress of your negotiations with the Cultural Council regarding sponsorship.

Answer by the Lord Mayor

Councillor Tsang, it is progressing.

KIOSKS (S006324)

5. By Councillor Greiner -

Question

Lord Mayor, I have received complaints from a number of kiosk tenants complaining about the lack of power and telephone. Will you ensure that this issue will be addressed immediately and allow some rent relief as a consequence?

Answer by the Lord Mayor

I will refer this to the General Manager and would ask you to provide him with the tenants names. It is my understanding that it is a utilities problem and considering the length of time tenants have been disadvantaged the General Manager and I will make representations to the relevant utilities' executives in order to expedite this matter.

ITEM 19. NOTICES OF MOTION**SOCO (S006655)**

1. Moved by Councillor Greiner, seconded by Councillor Tsang -

That the Lord Mayor be requested to organise a briefing between senior executives of SOCOG, the Councillors and members of the Business Council of Sydney to enable retailers to appropriately plan for the Olympics.

Topics to be addressed are Management Strategies for:

- (i) Commercial deliveries;
- (ii) Street closures;
- (iii) Extended trading hours;
- (iv) Trade waste;
- (v) Scalpers' tickets;
- (vi) Olympic merchandising.

Carried unanimously.

COFFEE CARTS (S006653)

2. By Councillor McDermott, seconded by Councillor Greiner -

That Council, considering the success of footpath cafes and the emergence of private applications for development approval for coffee carts on private land, consider the feasibility of itself making sites available at a commercial rental for coffee carts, but upon the basis that there be no associated advertising rights.

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

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

That the Director City Development be requested to prepare a report on the feasibility and desirability of providing public land for coffee carts, with no associated advertising rights, and, if appropriate, to submit such a report to the Planning Committee for consideration.

The amendment was carried on the following show of hands -

Ayes (5) The Chairman (the Lord Mayor), Councillors Cotman, Jahn, Tsang and Walton

Noes (2) Councillors Greiner and McDermott

The substantive motion was carried unanimously.

Business of which due notice had not been given

At this stage of the meeting, pursuant to the provisions of Clause 13(3) of the Local Government (Meetings) Regulation 1993, the following motion was moved -

Moved by Councillor Greiner, seconded by Councillor McDermott -

That in relation to Development Application 98/00192(A) - Amendment of Consent to allow Additional Advertising Panels on items of Street Furniture, whereby Council has sought approval from itself to allow for rewording/replacement of Conditions 4, 5 and 6 of the approved development consent, that this issue be brought to Council for discussion and resolution, and not be dealt with by the Lord Mayor, nor the General Manager, nor Council staff under delegated authority.

The motion that this matter be dealt with as a matter of urgency at this meeting was lost on the following show of hands -

Ayes (3) - Councillors Cotman, Greiner and McDermott

Noes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Motion lost.

Call to Order

During discussion on Councillor Greiner's urgency motion, the Chairman (the Lord Mayor) called Councillor Greiner to order for interrupting the meeting.

ITEM 1. CONFIRMATION OF MINUTES

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

That authority be delegated to the Lord Mayor to confirm the minutes of the Extraordinary Meeting of Council of 1 March 1999 and the Meeting of Council of 8 March 1999, subject to -

(A) Councillors being given 72 hours to draw to the Lord Mayor's attention any omissions or corrections that they believe ought to be made; and

- (B) the Lord Mayor, in exercising the delegation, not approving the minutes contrary to any suggested corrections.

The motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) - Councillors Cotman, Greiner and McDermott.

Motion carried.

Closed Meeting

At 8.15 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 20 and 21 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and 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 20 and 21 were then dealt with by Council while the meeting was closed to the public.

ITEM 20. CONTRACT FOR THE MANAGEMENT OF THE GOULBURN STREET PARKING STATION (S005796)

Moved by Councillor Walton, seconded by Councillor Tsang -

That arising from consideration of a report by the Contract Manager, Services Planning and Policy Unit, to Council on 29 March 1999, on Contract for the Management of the Goulburn Street Parking Station, and based on the satisfactory performance of Wilson Parking Pty Ltd under the first term of the contract, it be resolved that the contract with Wilson Parking Pty Ltd be extended for a further term of 2 years commencing from 1 July 1999.

Carried unanimously.

**ITEM 21. SYDNEY TOWN HALL INTERIORS REFURBISHMENT - PHASE 4,
& TOWN HALL HOUSE LEVEL 22 & 23 BASE BUILDING
REFURBISHMENT TENDERS (S000123/S007453)**

Moved by Councillor Walton, seconded by Councillor Cotman -

That arising from consideration of a report by the Senior Architect, City Projects, to Council on 29 March 1999, on Sydney Town Hall Interiors Refurbishment Phase 4, and Town Hall House Level 22 and 23 Base Building Refurbishment Tenders, it be resolved that -

- (A) Council accept the tender submitted by Olympia Joinery Pty Limited for the Sydney Town Hall refurbishment Phase 4 and enter into a contract for the sum of \$222,500;
- (B) Council accept the tender for the base building refurbishment of Levels 22 & 23 Town Hall House, submitted by Olympia Joinery Pty Ltd for the sum of \$404,000'
- (C) authority be delegated to the General Manager to enter into contracts with Olympia Joinery Pty Limited for the works outlined in Clauses (A) and (B);
- (D) authority be delegated to the General Manager to alter the scope of works to include additional works in the other spaces in the Town Hall including Council Chamber, the Grand Staircase, the Finance Committee Room, the Lord Mayor's Office, and other areas in need of repair, if such works are practical, warranted and feasible.

Carried unanimously.

At 8.23 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 10 May 1999 at which
meeting the signature herein was subscribed.