



3 APRIL 2000

Meeting No 1307

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40 pm on 3 April 2000 pursuant to Notice 4/1307 dated 30 March 2000.

INDEX TO MINUTES

Subject

Page No.

1. Confirmation of Minutes 197

2.	Minutes by the Lord Mayor -	
	2A. Council External Committees - Rationalisation.....	197
	2B. Sydney Town Hall Precinct - International Design Competition	204
	2C. Submission on South Sydney Council's Draft Sex Industry Policy	206
3.	Memoranda by the General Manager -	
	3A. Schedule of Council Meetings for 2000	211
	3B. Capital Works Contingency Fund	212
4.	Matters for Tabling	214
	Reports of Committees -	
5.	Community Services, Small Business And Tourism Committee - 27 March 2000.....	215
6.	Planning Development And Transport Committee - 27 March 2000.....	218
	Reports to Council -	
7.	Ultimo Pyrmont Human Infrastructure Strategy 1999-2003	250
8.	1999 Development Monitoring Report	250
9.	Development Application: Australasian Pioneers Club, 61 York Street, Sydney	251
10.	Development Application: NSW Masonic Club, 169-171 Castlereagh Street, Sydney.....	285
11.	City of Sydney Public Transport Wayfinding Sign Strategy.....	296
12.	Submission on the Draft Pyrmont Point Master Plan – Referral from the Department of Urban Affairs and Planning	297
13.	Investments Held by Council as at 31 January 2000	298
14.	Investments Held by Council as at 29 February 2000	298
15.	Queen Victoria Building: Owner's Consent to Lodgement of DA: Conversion and Upgrading of Service Areas of Lower Ground Floor and Part of Car Park Levels 2 and 3	298
16.	Questions -	
	Questions On Notice	299
	Questions Without Notice	301
17.	Motions	299
	Reports of Committees (continued)	
18.	Report of the Priorities and Outcomes Committee - 3 April 2000.....	208

PRESENT

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

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

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

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

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.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council owing to urgent family business.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council as he was overseas on business.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the minutes of the Council Meeting of 13 March 2000, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. COUNCIL EXTERNAL COMMITTEES - RATIONALISATION

FILE NO: S00 1721

DATE: 3/4/00

MINUTE BY THE LORD MAYOR

To Council:

Over the last several years to assist Council in achieving its cultural, development, and project objectives, Council has appointed a number of committees involving external appointees to assist with its projects. These committees include:

- Access Committee
- Cultural Advisory Committee
- Development Advisory Committee
- Look of the City Committee
- Chinatown Cultural Advisory Committee
- Chinese New Year Steering Committee
- City Safety Taskforce
- Sculpture Walk Committee.

In addition, there are other boards or committees externally constituted upon which Council has representation, for example, the Festival of Sydney and The Sydney Writer's Festival.

These committees, and representation on external bodies, have made a valuable contribution to Council's success over the last few years. However, given Council's priorities, including the management of the Olympic Games and beyond it is timely to review these committees.

Two areas have been addressed - the administrative support to these committees and the operation of the committees.

1. Committee Management

The following administrative steps are recommended:

1.1 Terms of Office

The Secretariat will establish a database of membership for each committee. This will include details of term of office and date on which the term will end.

Secretariat will advise the Lord Mayor's office three months prior to the conclusion of a person's term of office that a decision needs to be made about replacement or renewal.

1.2 Agendas and Minutes

Secretariat will provide administrative support (distribution of agenda, minutes, etc) for a number of committees which are currently coordinated by Council's administrative staff. These are:

- The Access Committee;
- Look of the City Committee
- Development Advisory Committee;
- Venue Management Board
- Sculpture Walk Advisory Panel;
- City Safety Taskforce.

1.3 Financial Management

To ensure proper accountability of committees the General Manager shall prepare guidelines for all committees, which receive and manage funds from Council or external sources. These guidelines are to be approved by the Lord Mayor.

2. Proposed Changes to Committees

2.1 Access Committee

It is clear that there are a lot of objectives still to be achieved in relation to disabled access in the City of Sydney and that much more needs to be done. The Access Committee is a sub-committee of the Planning Development and Transport Committee and was originally established in 1989. Its terms of reference are very broad. There are no clear terms of reference or guidelines for the constitution of either membership or guidelines for the term of appointment of membership.

It is important that from time to time the objectives and the membership of Committees are reviewed so as to ensure that the perspective and aims of the committee reflect changing circumstances. To this end it is recommended that the Council dissolve the current committee as of 4 April and reconstitute the committee on the basis of the draft terms of reference provided in Attachment A.

As for the membership of the committee, in addition to members being drawn from key stakeholder groups, it would appear to be desirable to invite members of key government agencies to be members of this committee so that we can have a comprehensive approach dealing with disabled access issues in the city.

2.2 Cultural Advisory Committee

The Cultural Advisory Committee was established in 1997 to provide advice on issues relating to the City's cultural program, funding of cultural organisations and other issues relating to the cultural life of the City.

This committee has played a key role in the establishment of the cultural partnership program and the development of cultural environment of the City in recent years. However, the terms of appointment for members of the Cultural Advisory Committee have now expired, and given the increased skill levels in Council's organisation and the Olympic priorities and the centenary of Federation over the next year or so, it is time to review the role of this Committee.

Having regard to the level of skills now available to the City, it is recommended that the Cultural Advisory Committee be replaced with an Arts Advisory panel, the members of which are to be appointed by the Lord Mayor after consultation with the Chair of the Cultural and City Care Committee, and whose individual members may be called upon to provide Council with specialist advice on cultural programs and priorities as and when necessary.

2.3 The Look of the City Committee

The Look of the City Committee was established to advise on all aspects and initiatives within the Look of the City Program and to assist Council with its implementation.

A great deal has been achieved and in fact the Look of the City for the Olympic Games is well in hand and impressive strides have been made with the banner program and other improvements for the city centre.

The terms of appointment for the Look of the City Committee members have recently expired. It is recommended that the Lord Mayor be delegated authority to extend the life of the Committee for a limited period, if necessary, until its work is substantially completed after which time, the committee be dissolved.

Alternative arrangements for the City's Aesthetic Improvement Program will be put in place. These will be incorporated into our development of the events strategy over the next six months

2.4 Chinatown New Year Steering Committee

The Chinatown New Year Steering Committee was established prior to establishment of the Chinatown Cultural Advisory Committee. It is considered, given the joint membership of the two committees and the existence of the Cultural Advisory Committee, that the Chinese New Year Steering Committee be abolished and that a single advisory committee, with new membership and a revised brief be established in consultation with the Chinatown Advisory Committee and the Manager of Cultural Affairs.

Accordingly, it is recommended that the Chinese New Year Steering Committee should be dissolved and its functions merged with the Chinatown Cultural Advisory Committee. The Lord Mayor should be delegated authority to determine the membership of the augmented Chinese Cultural Advisory Committee and revise the terms of reference accordingly.

2.5 Sydney Convention and Visitors Bureau

Council has had a representative on the seventeen member Board of the Sydney Convention and Visitors Bureau for some years. Council has also contributed substantial funds annually, currently running at \$140,000 per annum together with certain in kind support.

It is clear that the Sydney Convention and Visitors Bureau is primarily a marketing organisation for hotels and institutions in the City of Sydney and that SCVB has been very successful in this regard. Indeed the achievements that have been made in recent years are highly commendable. However, given that Sydney's significant financial commitment to the New Year's Eve celebrations, the Sydney Festival and other major celebrations and Festivals which generate huge benefits for the tourism industry in the city, it is considered more appropriate that the City's resources be applied to the production of these events, rather than to the general marketing of Sydney Venues.

Accordingly, it is recommended that the Council withdraws from membership of the Sydney Convention and Visitors Bureau and that Council ceases to fund the Sydney Convention and Visitors Bureau from the next financial year onwards.

The City would, however, continue to provide in-kind support such as general endorsement, holding of receptions as appropriate and inclusion in City publications as appropriate.

2.6 Capitol Theatre Management Board

Pursuant to the Capitol theatre lease a Theatre Management Policy Board was established, which was to have responsibility for preparing policies, strategies and plans designed to ensure that the Capitol theatre is fully and continuously operated as a lyric theatre staging large-scale musical and dramatic productions.

The City is entitled to 3 members, the City's current members are Geoffrey Williams, Manager, Cultural Affairs and Protocol and Sue Davidson, Davidson Management, a communication management organisation. Councillor Julie Walton previously filled the third position.

It is recommended that Councillor Dixie Coulton replace former Councillor Walton and that the Lord Mayor be delegated authority to determine the Council's membership on this Board from time to time.

2.7 Sculpture Walk

The role of the Sculpture Walk Advisory Panel is to provide advice, review proposals and provide recommendations to the City on artists proposals for the sculpture walk. This Panel meets on an as required basis. It is anticipated that many of the decisions in respect of the Sculpture Walk will have been achieved by early next year

As such, it is recommended that this Panel continue in its current form until 31 March 2001, after which time its members should be invited to join the Arts Advisory Panel.

2.8 City Safety Taskforce

The City Safety Taskforce was established in 1995, with a primary role of establishing an accurate and detailed picture of crime in the City, identifying potential safety problems, acting as an advocate of the City in the areas of safety and related issues and advising on policing and pro-active solutions to identified problems and improving public safety.

Given the gains made in the achievements in crime reduction through CCTV and the Safe City program, it is considered that the main purpose of the Taskforce has been fulfilled.

Accordingly, it is recommended that the City Safety Taskforce be continued with similar terms of reference (as per the minute by the Lord Mayor of 17 August 1995) and members made up of representatives from the following organisations:

- The Council;
- The NSW Police Service;
- Retail Traders Association;
- Australian Hotels Association (AHA);
- energyAustralia;
- Sydney Harbour Foreshore Authority;
- RTA;
- City Rail;
- resident representatives;
- selected City Retailers.

subject to a sunset clause of 31 March 2001, unless otherwise determined by the Lord Mayor

2.9 McDonald's Performing Arts Challenge

The McDonald's Performing Arts Challenge was originally constituted as the City of Sydney Eisteddfod. It is run by the City of Sydney Cultural Council. It provides for the Lord Mayor to be a member of the Board along with one other nominated representative of the City of Sydney.

The City of Sydney has had concerns about the operation of the Cultural Council, and in 1997 commissioned an independent review, which was chaired by Jennifer Bott, who at the time was Chief Executive of Musica Viva Australia. The report recommended changes to the structure and operations of the organisation.

There has been little change in the years since the review. The City has not provided funds to the Cultural Council and deferred participation on the Board, pending implementation of the key recommendations.

In any event, and consistent with its actions concerning the membership of other external bodies, the City should not accept direct membership of those bodies unless it has significant influence or control over such organisations.

Accordingly, it is recommended that the City withdraws its membership of the City of Sydney Cultural Council.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 3 April 2000, on Council External Committees - Rationalisation, it be resolved that -

- (A) Secretariat provide administrative support to the Committees as set out in section 1 of the mayoral minute;
- (B) the General Manager prepare financial guidelines for the Committees which raise and spend funds;
- (C) the Access Committee be dissolved and a new Access Committee be reconstituted with the terms of reference set out in Attachment A to the mayoral minute;

- (D) the Cultural Advisory Committee be dissolved and replaced with an Arts Advisory Panel as described in paragraph 2.2 of the mayoral minute;
- (E) as regards the Look of the City Committee, authority be delegated to the Lord Mayor as per paragraph 2.3 of the mayoral minute;
- (F) the Chinatown New Year Steering Committee be dissolved and its functions merged with the Chinatown Cultural Advisory Committee as described in paragraph 2.4 of the mayoral minute;
- (G) the City withdraw its membership from the Sydney Convention and Visitors Bureau and cease providing the SCVB cash contributions and the General Manager be authorised to notify the SCVB of the City's decision;
- (H) Councillor Dixie Coulton be appointed a representative of Council on the Capitol Theatre Management Board and authority be delegated to the Lord Mayor to determine the City's remaining membership on that Board from time to time;
- (I) the Sculpture Walk Advisory Panel continue to operate until 31 March 2001 after which time its members be invited to join the City's Arts Advisory Panel;
- (J) the City Safety Taskforce be continued as per the mayoral minute of 17 August 1995 with membership as described in paragraph 2.8 of the mayoral minute;
- (K) the City withdraw its membership of the City of Sydney Cultural Council and the General Manager notify the Chair of that Council accordingly.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 3 April 2000, on Council External Committees - Rationalisation, it be resolved that -

- (A) Secretariat provide administrative support to the Committees as set out in section 1 of the mayoral minute;
- (B) the General Manager prepare financial guidelines for the Committees which raise and spend funds;
- (C) the Access Committee be dissolved and a new Access Committee be reconstituted with the terms of reference set out in Attachment A to the mayoral minute;
- (D) the Cultural Advisory Committee be dissolved and replaced with an Arts Advisory Panel as described in paragraph 2.2 of the mayoral minute;
- (E) as regards the Look of the City Committee, authority be delegated to the Lord Mayor as per paragraph 2.3 of the mayoral minute;

- (F) the Chinatown New Year Steering Committee be dissolved and its functions merged with the Chinatown Cultural Advisory Committee as described in paragraph 2.4 of the mayoral minute;
- (G) the City withdraw its membership from the Sydney Convention and Visitors Bureau and cease providing the SCVB cash contributions and the General Manager be authorised to notify the SCVB of the City's decision;
- (H) Councillor Dixie Coulton be appointed a representative of Council on the Capitol Theatre Management Board and authority be delegated to the Lord Mayor to determine the City's remaining membership on that Board from time to time;
- (I) the Sculpture Walk Advisory Panel continue to operate until 31 March 2001 after which time its members be invited to join the City's Arts Advisory Panel;
- (J) the City Safety Taskforce be continued as per the mayoral minute of 17 August 1995 with membership as described in paragraph 2.8 of the mayoral minute;
- (K) the City withdraw its membership of the City of Sydney Cultural Council and the General Manager notify the Chair of that Council accordingly.

The motion was carried on the following show of hands -

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

Noes (1) - Councillor Greiner

Motion carried.

ITEM 2B. SYDNEY TOWN HALL PRECINCT - INTERNATIONAL DESIGN COMPETITION

FILE NO: S00 9844

DATE: 3/4/00

MINUTE BY THE LORD MAYOR

To Council:

The holding of a design competition for the revitalisation of the Sydney Town Hall Precinct as a primary civic space for the City of Sydney has been included in Council's City Improvement and Capital Work Program.

The City of Sydney is to hold an international ideas competition to strengthen, clarify and enhance the civic nature of this important City Precinct. In order to achieve the best solution for the Precinct, the competition is to be open to both national and international design professionals from urban design, landscape architecture and architecture. Multi-disciplinary consortia are encouraged to participate.

The competition scope invites entrants to develop proposals at two scales. At a precinct scale, a master-plan of the Town Hall Precinct concentrating on urban design and landscape architecture strategies is requested. At a project scale entrants will be invited to develop more detailed schemes for one of four identified project sites. These will focus on landscape and architectural solutions to current inadequacies in the Precinct.

The Competition Program will run from June to August 2000 with announcement of the winners in September 2000.

The staging of the Competition is anticipated to cost \$200,000 with prize-money of \$60,000.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 3 April 2000, on Sydney Town Hall Precinct - International Design Competition, it be resolved that -

- (A) Council endorse the International Design Competition as outlined in the subject Minute by the Lord Mayor; and
- (B) authority be delegated to the Priorities and Outcomes Committee to determine the Competition Brief and to select the Competition Jury.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 3 April 2000, on Sydney Town Hall Precinct - International Design Competition, it be resolved that -

- (A) Council endorse the International Design Competition as outlined in the subject Minute by the Lord Mayor; and
- (B) authority be delegated to the Priorities and Outcomes Committee to determine the Competition Brief and to select the Competition Jury.

Carried unanimously.

ITEM 2C. SUBMISSION ON SOUTH SYDNEY COUNCIL'S DRAFT SEX INDUSTRY POLICY

FILE NO: S010923

DATE: 31/3/00

MINUTE BY THE LORD MAYOR

To Council:

This Mayoral Minute presents Council's submission to South Sydney City Council's Draft Sex Industry Policy.

Council initially addressed this matter at its meeting of 21 February 2000, and requested that

- an analysis of the draft policy be undertaken and a submission be prepared for the consideration of Council; and
- the Department of Urban Affairs and Planning (DUAP) be consulted on this matter.

Council's submission to South Sydney City Council on this matter is at Attachment A to this Mayoral Minute. A copy of South Sydney City Council's Draft Sex Industry Policy is provided with this minute.

DUAP has informed Council staff that an interdepartmental task force on brothels was announced on 7 January 2000. The task force comprises of representatives of the Attorney General's Department, DUAP, Department of Local Government, Department of Health, WorkCover, the Police Ministry, the Police Service, the Local Government and Shires Association and the Cabinet Office. The task force aims to:

- *monitor the regulation of brothels in local council areas;*
- *assist councils in the development of LEPs to appropriately regulate brothels;*
- *consider 'evidentiary' problems in relation to the prosecution of illegal brothels; and*
- *consider health and safety issues.*

South Sydney City Council's Planning Committee is due to review and debate submissions to its draft policy at its meeting of 5 April 2000.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 3 April 2000, on Submission on South Sydney Council's Draft Sex Industry Policy, it is recommended that Council adopt the submission on South Sydney City Council's Draft Sex Industry Policy at Attachment A to the subject Minute by the Lord Mayor, and forward it to South Sydney City Council for its consideration.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 3 April 2000, on Submission on South Sydney Council's Draft Sex Industry Policy, it be resolved that -

- (A) Council adopt the submission on South Sydney City Council's Draft Sex Industry Policy, as circulated to Councillors at the meeting of Council, and forward it to South Sydney City Council, the Minister for Urban Affairs and Planning and members of the Interdepartmental Task Force on Brothels, for consideration;
- (B) the Lord Mayor be requested to make representations to the Minister for Urban Affairs and Planning objecting to the Policy in its present form;
- (C) the attention of South Sydney City Council and the Minister for Urban Affairs and Planning be drawn to the shifting patterns of behaviour of prostitutes, namely, activities in neighbourhood streets for the purposes of soliciting for prostitution, in areas other than those precincts to which the policy is directed;
- (D) the issue raised in Clause (C) be addressed in conjunction with the Police.

Carried.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 3/4/00

MINUTE BY THE LORD MAYOR

To Council:

A meeting of the Priorities and Outcomes Committee was held on Monday 3 April 2000. Items on the Agenda were:

- Sydney Town Hall Precinct - International Design Competition
- City Aesthetic Improvement Program

I bring forward the report of this morning's meeting of the Priorities and Outcomes Committee for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

**ITEM 18. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 3
APRIL 2000**

PRESENT

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

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull

At the commencement of business at 11.20 am, those present were -

The Lord Mayor, Councillors Coulton and Turnbull.

At 11.21 am, during discussion on item 1, Councillor Marsden arrived at the meeting.

The meeting of the Priorities and Outcomes Committee concluded at 12.05 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 3 April 2000 be received and noted, and the recommendations set out below for Items 18.1 and 18.2 be adopted.

Carried.

The Committee recommended the following:-

**SYDNEY TOWN HALL PRECINCT - INTERNATIONAL DESIGN
COMPETITION (S00 9844)**

18.1

That arising from consideration of a briefing provided by the Director City Projects to the Priorities and Outcomes Committee on 3 April 2000 on Sydney Town Hall Precinct - International Design Competition, it be resolved that -

- (A) the Priorities and Outcomes Committee support in principle the International Design Competition as outlined in the brief provided to members of the Committee, subject to the following amendments -
 - (i) the competition brief shall reflect the differing timing horizons for each element of the competition, that is -

first priority to be given to Sydney Square and Town Hall House Podium (1-3 years),

then Druitt Street (3-7 years),

with longer term projects such as Woolworths site to be implemented within 15-20 years;

- (ii) provision for consultation and negotiation with the Roads and Traffic Authority in relation to relevant matters, especially the effect of the cross-city tunnel on Druitt Street;
 - (iii) provision for consultation and negotiation with the State Rail Authority in relation to relevant matters including the long term upgrading of Town Hall Railway Station;
 - (iv) submissions must address the aim of enhancing Sydney Town Hall as a cultural venue, making provision for the use and accessibility of the Town Hall generally, and the enhancement of Lower Town Hall as a cultural facility in particular;
 - (v) servicing arrangements for the Sydney Town Hall, and accessibility of the Lower Town Hall from the eastern side of the front of the Town Hall;
- (B) the final detailed brief shall be approved by the Lord Mayor, after consultation with the Priorities and Outcomes Committee members;
- (C) the competition jury shall be as follows:
- The Lord Mayor (chair)
 - Chair, Planning Development and Transport Committee
 - Director City Projects
 - an International Juror
 - a Public Figure
 - a Practising Architect or Landscape Architect;
- (D) the competition shall run from June to August 2000 with announcement of the winners in September 2000, to enable public exhibition during the Olympic period;
- (E) the General Manager be requested to provide a report on the existing proposal for the Lower Town Hall, including a list of the range of uses which could be accommodated, and the flexibility of the approved design.

Carried.

PRIORITIES FOR CITY AESTHETIC IMPROVEMENTS PROGRAM (S01-0543)**18.2**

That arising from consideration of a report by the General Manager to the Priorities and Outcomes Committee on 3 April 2000 on Priorities for the City Aesthetic Improvements Program/Look of the City related issues, it be resolved -

- (A) that work proceed immediately on the following projects on sites under control of the City of Sydney:
 - (i) Lang Park - demolition of toilets, path works, fence, general upgrade
 - (ii) Sesquicentenary Square - upgrade seating, signage, paving repair
 - (iii) Regimental Square - upgrade seating, signage, fountain repair
 - (iv) Druitt Street Bus shelter/Town Hall awning - bus shelter awning, upgrade seating
 - (v) City Maps/Signage - various locations
 - (vi) New JCDecaux bins - Hyde Park, other parks
 - (vii) JCDecaux bins - cigarette butt inserts
 - (viii) City Detailing Squad - squad in the two weeks prior to Olympics to detail outstanding issues, eg graffiti, cigarette butts etc;
- (B) that representations and negotiations be held regarding aesthetic improvements to the following publicly owned sites -
 - (i) Elizabeth Street under Goulburn Street Carpark (Rail Access Corporation)
 - (ii) Brickfield Place (Attorney General's Department)
- (C) that in relation to sites not owned by the City, ("Privately owned sites" as identified in Attachment 2 to the subject report), funding be determined having regard to re-allocating funds from appropriate budgets, such as Council's Plant and Assets budget; and in this regard authority be delegated to the Lord Mayor and the General Manager to allocate funds for the purpose of assisting the timely execution of projects as outlined in the subject report;
- (D) that the schedule of City Aesthetic Improvements Program Projects, provided at Attachment 4 to the subject report, be re-formatted according to the categories described in the report, identifying those projects that require capital injections or the involvement of Council, and those that are largely operational, and do not require capital funds or Council intervention;
- (E) that a further report from Council staff on priorities for the City Aesthetic Improvements Program be prepared for consideration by the Priorities and Outcomes Committee next week, as per the format in (D) above);

- (F) that the Lord Mayor, with relevant Council staff, conduct an inspection of street name plates and street numbering in the City;
- (G) that a survey be conducted of buildings in the city to identify those that require simple aesthetic improvement, and that the Lord Mayor write to the owners of those buildings to request them to improve their buildings;
- (H) that the General Manager be requested to prepare a report to the Priorities and Outcomes Committee on the status of agreements and/or negotiations with all relevant public authorities on the issue of graffiti removal.

Carried.

ITEM 3A. SCHEDULE OF COUNCIL MEETINGS FOR 2000

FILE NO: A04-01171

DATE: 31/3/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

At the Council meeting in November 1999, Council adopted a schedule of meetings. It has become more apparent that we will have to modify those schedules. The Lord Mayor will be representing the City at the lighting of the Olympic torch in Greece in May and as previously reported the Lord Mayor and I will be attending the World Bank Conference in Washington in May.

I have set out below the current adopted schedule of meetings and proposed schedule of meetings.

	ADOPTED SCHEDULE	PROPOSED SCHEDULE OF MEETINGS
Monday, 3 April	Council	Council
Monday, 10 April	Briefings	Briefings
Monday, 17 April	Extraordinary (if required)	Committees
Monday, 24 April	Recess (Easter Monday)	Recess (Easter Monday)
Monday, 1 May	Recess	Council
Monday, 8 May	Committees	Recess
Monday, 15 May	Council	Recess

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 3 April 2000, on Schedule of Council Meetings for 2000, it be resolved that Council adopt the new schedule of meetings as outlined in the subject Memorandum by the General Manager.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a Memorandum by the General Manager to Council on 3 April 2000, on Schedule of Council Meetings for 2000, it be resolved that Council adopt the new schedule of meetings as outlined in the subject Memorandum by the General Manager.

Carried unanimously.

ITEM 3B. CAPITAL WORKS CONTINGENCY FUND

FILE NO: S01-1548

DATE: 31/3/00

MEMORANDUM BY THE GENERAL MANAGER**To Council:**

In the adopted budget 1999/2000 there was a provision of \$2.0 million in contingency funds to cover unforeseeable costs or to fund additional projects. As we come to the end of the financial year it is my opinion that these contingency funds will not be needed to cover existing project costs and can now be allocated to additional projects.

The additional projects contemplated include:

- | | |
|---|---------|
| - Ibero American Plaza - make-over of an existing public space, new paving, lighting, planting, display pedestals for statues | 800,000 |
| - Liverpool Street Awning | 600,000 |
| - Town Hall Grand Staircase - a detailed heritage colour scheme is to be implemented | 450,000 |
| - Refurbishment of Southern Offices – Level 1 Town Hall | 150,000 |
| - Major upgrading of light fixtures and lighting in Hyde Park | 500,000 |

There is a balance between projects which can be delivered prior to the Games and funds available which can be monitored between now and the end of the year. If possible, it would be highly desirable to complete all, or most of these projects prior to the Olympic Games.

These proposals can be delivered, I believe, prior to the Games in September.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 3 April 2000, on Capital Works Contingency Fund, it be resolved that authority be delegated to the Lord Mayor and the General Manager to authorise projects listed in the subject Memorandum to be funded from contingency funds in the 1999/2000 budget.

(SGD) GREG MADDOCK
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 3 April 2000, on Capital Works Contingency Fund, it be resolved that authority be delegated to the Lord Mayor and the General Manager to authorise projects listed in the subject Memorandum, to be funded from contingency funds in the 1999/2000 budget, subject to -

- (A) alternatives to the Ibero-American Plaza being prepared, including a much lower cost alternative in its present location to be approved either at a briefing of Councillors or by the Priorities and Outcomes Committee;
- (B) the addition of the following item -
 - chess board precinct in Hyde Park North \$250,000.
- (C) the General Manager investigating whether appropriate short term remedial work can be undertaken on the toilets on the lower level of Sydney Town Hall out of current maintenance funds.

Carried unanimously.

ITEM 4. MATTERS FOR TABLING

(A) A Disclosure of Interest return that had been lodged in accordance with Section 449(1) of the Local Government Act 1993 was laid on the table.

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

Darling Harbour Authority

Annual Report 1998-1999

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Disclosure of Interest return and report be received and noted.

Carried.

ITEM 5. COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 27 MARCH 2000

FILE NO:

DATE: 4/4/00

PRESENT

Councillor Fabian Marsden
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner and Lucy Turnbull..

At the commencement of business at 6.02 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Marsden and Turnbull.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee as he was overseas on business.

Moved by Councillor Turnbull, seconded by the Councillor Greiner -

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

Carried.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.30 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 27 March 2000 be received, and the recommendation set out below for Items 5.1 to 5.3, inclusive, be adopted.

Carried.

The Committee recommended the following:-

**ULTIMO PYRMONT HUMAN INFRASTRUCTURE STRATEGY 1999-2003
(P04-00413/3 Pt1-2)**

5.1

That consideration of this matter be deferred to the meeting of Council on 3 April 2000.

Carried.

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

Note - Ms Narelle Thirkettle addressed the meeting of the Community Services, Small Business and Tourism Committee on Item 5.1.

STORMWATER MANAGEMENT UPDATE (S003975)

5.2

That arising from consideration of a report by the Senior Project Manager, City Environment and Waste, to the Community Services, Small Business and Tourism Committee on 27 March 2000, on the Stormwater Management Update, it be resolved that:

- (A) the subject report be received and noted;
- (B) a further report be provided on the implementation of the short term measures outlined in the Port Jackson Management Plan, including a summary of the funding proposal to be submitted to the Environment Protection Authority Stormwater Trust in conjunction with other councils in the catchment.

Carried.

WORLD ENVIRONMENT DAY 2000 (S011308)

5.3

That arising from consideration of a report by the Project Manager City Environment and Waste, City Service Development Unit, to the Community Services, Small Business and Tourism Committee on 27 March 2000, on the program for World Environment Day 2000, it be resolved that the program as outlined in the subject report be endorsed, namely -

- (A) the playing of an active role by Council in World Environment Day (5 June 2000), by involving the city community and providing a platform from which to launch future energy reduction initiatives;
- (B) the raising of community awareness for World Environment Day 2000 through the issue of energy consumption and global warming;
- (C) the development of a series of posters and postcards with a focus on the issue of reducing energy consumption, how this can be achieved and where further information can be accessed;
- (D) the involvement of Council's retail partners through Sydney City Marketing and the Sustainable Energy Development Authority's (SEDA's) Energy Smart Business partners, noting that SEDA are prepared to provide financial support;
- (E) further consideration of the option of staging an exhibition of "Energy Smart" products.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 27 MARCH 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, and Fabian Marsden.

At the commencement of business at 6.31 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Marsden and Turnbull.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee as he was overseas on business.

Moved by Councillor Turnbull, seconded by the Councillor Greiner -

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

Carried.

Order of Business

The Planning Development and Transport Committee resolved, in accordance with Clause 12 (2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

3. Development Application: 2-6A and 12 Cunningham Street, Sydney (Gotham City Apartments)
5. Development Application: Wattle Street Pedestrian Bridge, Cnr Wattle and Quarry Streets, Pymont
6. Development Application: Australasian Pioneers Club, 61 York Street, Sydney
4. Status Report: Development Application: Mann Judd House, 159-165 Kent Street, Sydney
7. Development Application: 37-51 Martin Place (Cnr Elizabeth and Castlereagh Streets), Sydney (Colonial Building)
1. Progress Report on Development Applications
2. 1999 Development Monitoring Report

The meeting of the Planning Development and Transport Committee concluded at 7.30 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 27 March 2000 be received, and the recommendations set out below for Items 6.1 to 6.4, inclusive, and Item 6.6 be adopted, with Items 6.5 and 6.7 being noted.

Carried.

PART "A" - DETERMINED BY COUNCIL

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

6.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 27 March 2000, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

1999 DEVELOPMENT MONITORING REPORT (S003607)

6.2

That consideration of this matter be deferred to the meeting of Council on 3 April 2000.

Carried.

Note - Item 6.2 was dealt with by Council as Item 8 on the Business Paper.

DEVELOPMENT APPLICATION: 2 – 6A AND 12 CUNNINGHAM STREET, SYDNEY (GOTHAM CITY APARTMENTS) (D99/00977)

6.3

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 27 March 2000, in relation to Development Application D1999/00977 made by Selwan Property Holdings Pty Ltd for the site at 1-6A and 12 Cunningham Street, Sydney for demolition of the existing building and erection of a 41 storey residential flat building, comprising 166 units (94 residential and 72 serviced apartments), ground and first floor pub (24 hour operation), basement convenience store and 8 basement car parking levels for 102 car parking spaces, it be resolved that -

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

- (1) The proposal is not acceptable in respect to objective 5 (a) (ii) of the Environmental Planning and Assessment Act 1979, as it would not lead to the orderly development of the adjoining sites to the immediate north and south and would result in an inappropriate relationship between building forms in the vicinity of the site.
- (2) The proposal is not acceptable in respect to objective 5 (a) (vii) of the Environmental Planning and Assessment Act 1979 regarding ecologically sustainable development, given the orientation and access to light and ventilation of the residential accommodation, excessive excavation and car parking, and the proposal's impact on the public domain and development potential of adjoining sites.
- (3) The proposed development is not an acceptable development in the City Centre zone of Central Sydney Local Environmental Plan 1996, in particular the proposal does not comply with the following stated objectives of that zone -
 - (a) To facilitate the development of buildings and works that are of a scale and character consistent with achieving the other objectives of this zone (objective (c)).
 - (b) To provide for increased residential development with appropriate amenity and to ensure the maintenance of a range of housing choice (objective (d)).
 - (c) To enhance the amenity of Parks and Community places by protecting sun access (objective (e)).
 - (d) To protect the fine grain urban fabric of Central Sydney, especially the existing network of streets and lanes (objective (j)).
- (4) The proposal is not acceptable in respect to the controls of Amendment No. 8 of Central Sydney Local Environmental Plan 1996 in respect to floor space controls for the site, adjoining tower buildings and objectives relating to design excellence.
- (5) The proposal does not comply with Central Sydney Development Control Plan 1996, in particular with the following provisions –
 - (a) Building to the street alignment (CI 2.1).
 - (b) Side and rear setbacks (CI 2.3).
 - (c) Street frontage setbacks for buildings fronting lanes (CI 2.3.15).
 - (d) Street frontage activities (CI 2.5).
 - (e) Lanes (CI 3.1).

- (f) Location of vehicle access (Cl 3.3.2).
 - (g) Porte Cocheres (Cl 3.3.10).
 - (h) Units Mix requirements (Cl 6.1.27 and 6.1.30).
- (6) The proposal is not acceptable in respect to The City of Sydney Policy for the management of Laneways in Central Sydney dated October 1993, as the proposed port cochere and realignment of Cunningham Street would have an adverse impact on the pedestrian amenity of Cunningham Street.
 - (7) The residential amenity of the serviced apartments on level 4 of the proposed building is substandard and unacceptable.
 - (8) The proposed building and uses are not acceptable given the constrained nature of its site, that being its laneway context, irregular shape and relatively small size (given the scale of development proposed).
 - (9) The proposal adversely impacts on the pedestrian amenity of Cunningham Street, as it would promote greater vehicular use of this space without a corresponding or appropriate upgrading of the public domain.
 - (10) The proposal is an overdevelopment of the site.
 - (11) The information provided with the application was inadequate.
 - (12) The proposal is not considered to be in the public interest.
- (B) Council refuse its consent, as landowner and consent authority under the Roads Act 1993, to the proposed realignment of Cunningham Street.

Carried.

STATUS REPORT: DEVELOPMENT APPLICATION: MANN JUDD HOUSE, 159-165 KENT STREET, SYDNEY (D2000/00022)

6.4

That arising from consideration of a status report by the Specialist Planner to the Planning Development and Transport Committee on 27 March 2000 in relation to Development Application D2000/00022 made by Stamford Property Services Pty Ltd for the site at 159-165 Kent Street, Sydney for demolition of the existing building and construction of a new 26 level residential building containing 88 apartments, and 9 basement levels containing 100 parking spaces and a swimming pool, it be resolved that:-

- (A) the Status Report be received and noted;
- (B) determination of the Development Application be deferred to a future meeting of the Planning Development and Transport Committee, to enable consideration of any representation made by the Sydney Traffic Committee, consideration of any submissions received following the public exhibition period, and to enable a full assessment to be prepared and considered.

Carried.

Note - Mr Ron Keir addressed the meeting of the Planning Development and Transport Committee on Item 6.4.

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

The Planning Development and Transport Committee recommended that Council note that Items 6.5 and 6.7 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

Item 6.6 was listed separately on the Business Paper for Council’s consideration.

DEVELOPMENT APPLICATION: WATTLE STREET PEDESTRIAN BRIDGE, CNR WATTLE AND QUARRY STREETS, PYRMONT (D/1999/00988)

6.5

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 27 March 2000, in relation to Development Application D1999/00988 made by City of Sydney, City Projects for the site at 5010 Quarry Street Ultimo, for the construction of a new overhead pedestrian bridge at the corner of Quarry and Wattle Streets Ultimo, it be resolved that consent be granted for the eastern component of the pedestrian bridge subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/99/00988 dated 8 December 1999 and Development Application Statement of Environmental Effects to the Council of City of Sydney and the Minister for Urban Affairs and Planning, Pedestrian Bridge Wattle Street, Ultimo prepared by JBA Planning, dated December 1999 and drawings numbered DA01 Revision A prepared by City Of Sydney dated 21 January 2000 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 bridge must not be changed so as to affect the internal layout or external appearance of the bridge, without the approval of Council.
- (3) Details of materials and finishes are to be submitted for the approval of the Director City Development prior to works commencing.
- (4) A ramp is to be incorporated adjacent to the base of the proposed stairs within Wentworth Park so as to provide a continuous and unimpeded access from Wattle Street into the Park.

SITE INVESTIGATION

- (5) Prior to the commencement of construction, investigatory works are to be carried out to identify the existing utility infrastructure within the works area. Details of the investigation are to be submitted to Council prior to commencement of construction.

ARCHEOLOGICAL INVESTIGATION

- (6)
 - (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.

LAND DEDICATION

- (7) The Department of Education and Training must dedicate for road purposes, that part of the Ultimo Public School site to be occupied by the pedestrian bridge and approach ramp. Details are to be submitted to Council upon completion of the works.

REMOVAL OF GRAFFITI

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

CARE OF BRIDGE SURROUNDS

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

GLASS PANEL CLEANING

- (10) The owner/manager of the bridge shall ensure that the bridge and in particular all glass panels on the facade of the bridge are cleaned regularly.

ADVERTISING

- (11) No advertising panels/signs are to be placed on the bridge or its environs.

Schedule 1B

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

LANDSCAPING OF THE SITE

- (12) The area surrounding the bridge within Wentworth Park must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;

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

PUBLIC DOMAIN PLAN

(13) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Ultimo Pymont 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 Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.

- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pyrmont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pyrmont 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 Ultimo Pyrmont Public Domain Technical Manual. All granite paving (where applicable) is to be sealed in accordance with 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 Street Tree Policy - Ultimo Pyrmont 1996.
 - (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 kerbs and 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.
- (14) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

MODEL

- (15) 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 for the City Model.

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.
- (c) Please contact the model maker to ascertain whether a model for City Exhibition space will also be required.

SECURITY MANAGEMENT PLAN

- (16) 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.

MAINTENANCE MANAGEMENT PLAN

- (17) The applicant shall prepare and submit a Maintenance Management Plan which specifies maintenance management of the public domain within the bridge 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.

DISABLED ACCESS

- (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 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.

GLAZING

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

- (20) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

PAVING MATERIALS

- (21) 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.

TRAFFIC ENGINEERS REQUIREMENTS

- (22) The bridge is to have a minimum height clearance of 5.5m vertical and 2.5m horizontal.

Schedule 1C

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

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

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

Notes

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
- a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (iv) Council reserves the right to randomly audit any structural documentation.
- (24) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
- (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;

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

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (g) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (h) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (25) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (26) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

CONSTRUCTION DURING THE OLYMPICS

- (27) 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.

CONSTRUCTION TRAFFIC ROUTE

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

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****COMPLIANCE CERTIFICATE FOR WORKS NOT REQUIRING OCCUPATION CERTIFICATE**

- (29) A Compliance Certificate (Form 10 under the Environmental Planning and Assessment Regulation 1994) pursuant to Part 4A of the Environmental Planning and Assessment Act 1979 must be submitted and approved by the Principal Certifying Authority (PCA) (Council or a private accredited certifier) on completion of the bridge to certify that the completed works comply with the conditions of the Development Consent and with the plans and specifications approved under the Construction Certificate. A copy of the certificate must be submitted to Council, if it was not the PCA.
- (30) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (31) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

- (32) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (33) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council.

Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 must have:-
- (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (c) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 2

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

Insert standard conditions

Carried unanimously.

Note - Mr Jim Ironside addressed the meeting of the Planning Development and Transport Committee on Item 6.5.

DEVELOPMENT APPLICATION: AUSTRALASIAN PIONEERS CLUB, 61 YORK STREET, SYDNEY (D1999/00902)

6.6

That consideration of this matter be deferred to the meeting of Council on 3 April 2000.

Carried.

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

Note - The Planning Development and Transport Committee requested that the Director City Development negotiate with the applicant and the residents of "The Carrington" apartments in relation to construction times and noise.

Note - Mr Peter Israel and Mr Ian Armstrong addressed the meeting of the Planning Development and Transport Committee on Item 6.6.

DEVELOPMENT APPLICATION: 37-51 MARTIN PLACE (CNR ELIZABETH AND CASTLEREAGH STREETS), SYDNEY (COLONIAL BUILDING) (D2000/00087)

6.7

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 27 March 2000, in relation to Development Application D2000/00087 made by City Plan Services for the site at 37-51 Martin Place, Sydney for the use of a retail tenancy in the Colonial Building for a licensed bar/restaurant including outdoor seating area, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2000/00087 dated 8 February 2000 and Martin Place Bar, Statement of Environmental Effects prepared by City Plan Services, dated February 2000 and the following drawings prepared by Owens & Legge Architecture and Design:

Drawing Number:	Date:
A01	06/01/2000
A02	06/01/2000
A03	06/01/2000
A04	14/01/2000

Material Sample Board and
Finishes Schedule

and as amended by the following conditions:

- (2) The extended trading hours and the right to operate gaming machines shall be limited to such time as the proprietor of the business is Utmost Pty Limited.
- (3) The number of gaming machines shall be limited to 15.
- (4) The maximum number of patrons to be accommodated within the premises (including the outdoor seating area) shall not exceed 450.
- (5) The premises shall always be operated/managed in accordance with the Code of Practice for the premises.
- (6) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).
- (7) The premises shall always be operated and managed in accordance with the Security Management Plan for the Martin Place Bar. Prior to the issue of Construction Certificate a copy of this Plan shall be signed by the Licensee and submitted to the Council.
- (8) Detailed information regarding external lighting of the concourse area of the premises shall be submitted to, and approved by, the Director City Development prior to release of the Construction Certificate.
- (9) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area (including the entrance to Martin Place Station located in the boundary at the eastern side of the concourse) in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.

- (10) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area)
- (11) The hours of operation are regulated as follows:
 - (a) The hours of operation of the premises shall be restricted to between 7.00am to 12 midnight on Mondays to Saturdays and between 10.00am and 10.00pm on Sundays;
 - (b) Notwithstanding (a) above, the premises may operate between 12 midnight and 3.00am, Fridays and Saturdays, for a trial period of 12 months from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.
 - (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.
- (12) Meals shall be served within the premises, including the outdoor seating area, at all times that the premises are opened for business.
- (13) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (14) No flashing signage visible from the public way shall be installed.
- (15) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (16) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.
- (17) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (18) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.

- (19) The use of the premises shall 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 63Hz 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 Protection of the Environment Operations Act 1997, or
 - (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 sound levels in (b), (c) and (d) must be carried out in accordance with the Protection of the Environment Operations Act 1997 for outdoor measurements, and AS 2107 for indoor measurements.
- (20) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.
- (21) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant of other matters considered appropriate by Council have been satisfactorily implemented.

- (22) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (23) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- (24) No automatic teller machines (ATM) shall be installed in the premises.
- (25) No tables or chairs shall be placed in the area marked hatched on plan No. A03 dated February 2000 and annotated as "seating exclusion zone".
- (26) All outdoor furniture, including tables, chairs, etc shall be the subject of Council approval prior to the commencement of the use. The furniture must comply with the requirements of the Outdoor Café Policy 1996.
- (27) All outdoor furniture shall be maintained at all times in a physically sound and aesthetically acceptable condition.
- (28) The chairs/tables should be stacked or folded and stored in a designated furniture storage area within the premises outside of the approved trading hours. Details of storage areas within each tenancy are to be provided for the approval of Council prior to the submission of the building application for the development.
- (29) The use of disposable tableware is not permitted at any time.

SECTION 61 CONTRIBUTION

- (30) 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) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
- (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

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

SIGNS

- (31) 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.
- (32) Any future external signage for the gaming area shall only be ancillary to an identification sign for the premises, must be subject to a separate development application.

Schedule 1B

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

- (33) 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 to the 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).

- (34) The layout shall be redesigned to comply with Part D1.4 of the Building Code of Australia regarding travel distance.
- (35) Smoke hazard management shall comply with Part E2.2 of the Building Code of Australia.
- (36) The garbage room on the upper basement floor shall be redesigned to comply with Council's Code for Waste Handling in Buildings 1994.
- (37) The following requirements apply to storage and waste handling:
 - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

SANITARY FACILITIES

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

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (39) 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.
- (40) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
 - (d) Notes
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND

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

DESIGN OF FOOD PREMISES

(41)

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

OR

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

Note

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

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

CONSTRUCTION DURING THE OLYMPICS

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

LOADING AND UNLOADING DURING CONSTRUCTION

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

USE OF MOBILE CRANES

- (45) 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.
- (46) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

Schedule 1E

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

- (47) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (48) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (49) All fully enclosed office/work areas not provided with natural ventilation shall be mechanically ventilated or air-conditioned in accordance with F4.5 of the Building Code of Australia and Council's Ventilation Code.

- (50) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

- (a) Council reserves the right to randomly audit any mechanical ventilation documentation.
- (51) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (52) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

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

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (53) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.
 - (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (54) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

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

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

- (55) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (56) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Carried unanimously.

Note - Mr Alec Agini addressed the meeting of the Planning Development and Transport Committee on Item 6.7. Mr Agini agreed to the variation to conditions of consent, as discussed at the Committee meeting.

**ITEM 7. ULTIMO PYRMONT HUMAN INFRASTRUCTURE STRATEGY
1999-2003 (P04-00413/3 PT1-2)**

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a report by the Senior Project Manager, City Service Development to the Community Services, Small Business and Tourism Committee on 27 March 2000, and to Council on 3 April 2000, on the Ultimo Pyrmont Human Infrastructure Strategy 1999-2003, it be resolved that -

- (A) consideration of this matter be deferred to enable the matter to be considered at the same time as the Recreation and Community Services Blueprint which forms part of the Social Plan for the City Area as a whole;
- (B) in the meantime, the list of Proposed Outcomes and Actions shown at Attachment A to the subject report be referred to the Priorities and Outcomes Committee for consideration, and for assessment and analysis.

The motion was carried on the following show of hands -

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

Noes (1) - Councillor Greiner

Motion carried.

ITEM 8. 1999 DEVELOPMENT MONITORING REPORT (S003607)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Acting Specialist Research Planner, Planning Policy, to the Planning Development and Transport Committee on 27 March 2000 and to Council on 3 April 2000, in regard to Development Monitoring, it be resolved that the 1999 Development Monitoring Report, shown at Attachment A to the subject report and as amended by errata circulated to Councillors at the meeting of Council, be received and noted.

Carried.

ITEM 9. DEVELOPMENT APPLICATION: AUSTRALASIAN PIONEERS CLUB, 61 YORK STREET, SYDNEY (D1999/00902)

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 27 March 2000 and to Council on 3 April 2000, in relation to Development Application 1999/00902 made by the Australasian Pioneers Club for the site at 61 York Street Sydney, for demolition of the existing building and construction of a new 18 storey building with 4 basement levels, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 1999/00902 dated 8 November 1999 and the report titled "*Hotel and Club Development – 61 York Street, Sydney NSW*" prepared by Kann Finch Architects dated November 1999, and drawings numbered 100/B, 101/B, 102/B, 105/B, 106/B, 107/B, 108/B, 109/C, 110/B, 111/B, all dated 6 March 2000, and drawings numbered 103/C and 104/C dated 9 March 2000, all prepared by Kann Finch 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.

FLOOR SPACE RATIO

- (3) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 13.28:1 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 3,822.18m².

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 469m² of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 11.65 : 1 as specified in the Central Sydney Local Environmental Plan 1996.

RESTRICTION ON CLUB

- (4) The following applies to the development:-
 - (a) In recognition of the long and historic association of the Australasian Pioneers' Club with the land and the exclusion of 476.75m² (being part of the area occupied by the club) from the FSR calculations, the Australasian Pioneers' Club must continue to operate within the building on completion of construction of the development.
 - (b) The owners of the land must register with the Land Titles Office, prior to the issue of Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary restrictive covenant approved by Council to the effect that the area used as the Australasian Pioneers' Club (476.75m²) must not be used for any purpose other than the Australasian Pioneers' Club. The restrictive covenant is to be registered on the title of the development site pursuant to Section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

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

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 80.725 (AHD).

- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (6) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
 - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (7) The form of recording is to be as follows:-
 - (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.

SECTION 61 CONTRIBUTION

- (8) 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 of the "restaurant" (Level 1) and "club" (Levels 15 to 17) components of the development, 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.

If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.

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

(d) Timing of Payment

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

CONSISTENCY OF DRAWINGS

- (9) 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

- (10) The following conditions apply to the development:-
- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$71,975 as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$71,975; 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;

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:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. 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 tenantable stage;

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.

ARCHEOLOGICAL INVESTIGATION

(11)

- (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.

BOUNDARY WINDOWS COVENANT

- (12) All windows adjacent to the northern and southern boundaries of the site 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.

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

LOADING OPERATIONS VIA REAR ENTRANCE

- (13) All loading and unloading operations must be carried out via the rear loading dock at all times.

EXTERNAL LIGHTING

- (14) 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.

NAMING RIGHTS FOR NEW BUILDINGS/PLAZAS DEVELOPMENT

- (15) 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.

REMOVAL OF GRAFFITI

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

SEPARATE APPLICATION FOR RESTAURANT/CAFÉ USE

- (17) A separate development application must be submitted at the appropriate time for the specific use of the restaurant and cafe.

SEPARATE APPLICATION FOR A PLACE OF PUBLIC ENTERTAINMENT

- (18) The applicant shall obtain approval from Council under Section 68 of the Local Government Act 1993 for any proposal to use the premises or part thereof as a place of public entertainment. Such approval shall be obtained prior to the taking up of such use.

NO SPRUIKERS OR AMPLIFIED NOISE

- (19) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

NOISE

- (20) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
 - (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.

CARE OF BUILDING SURROUNDS

- (21) 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.

WINDOW CLEANING

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

SIGNS

- (23) 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.
- (24) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

WASTE NOT TO BE PLACED IN PUBLIC WITHOUT PERMISSION

- (25) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council's Service Planning Unit as to the position, time and manner of placement of waste on the public way.

NO FOOD RETAILING WITHOUT GARBAGE CONTRACT

- (26) 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.

METROWEST RAIL TUNNEL

- (27) Piles and/or spine walls shall be designed and constructed to a minimum level of 3 metres below the designated tunnel invert (4 metres below rail level), with no load transferred including bearing or skin friction above the tunnel invert.
- (28) Piles and/or spine walls shall be designed and constructed to span between the underside of the transfer members and the tunnel invert.
- (29) To prevent transfer of load to piles and/or spine walls during tunnel construction and/or operation of the tunnel structure, the piles and/or spine walls shall be designed to account for the relaxation of the rock or providing a void by:

- (a) Bored piles: Install sleeved piles into oversize holes, ie, have an annulus of approximately 50mm.
 - (b) Spine Wall: Allow for lining of the exposed rock surface with 75mm thick collapsible cardboard panels on either side.
- (30) Pile and/or spine walls are to be designed for impact loading as specified by the Rail Access Corporation (RAC).
 - (31) Column foundations shall be located outside the zone of influence of the tunnel.
 - (32) Columns, their foundations and excavations shall be designed and constructed so that the future removal of the rock for the Metrowest tunnel will not cause any instability of building foundations.
 - (33) Temporary rock bolts required for excavation stability within the tunnel easement shall be fibreglass.
 - (34) The developer shall provide a detailed set out drawing confirming the locations of both the proposed building structure and the agreed tunnel easement.
 - (35) A certificate shall be provided by a registered surveyor confirming that the columns have been constructed at the co-ordinates and levels shown on the set out drawings provided to the RAC.
 - (36) Transfer structures shall be designed and constructed over a void space so as not to transfer any building load on to the tunnel structure, ie, transfer beams shall not transfer any load into the rock except through designated columns.
 - (37) Slabs over the tunnel easement shall be designed and constructed so as not to impose any load on the tunnel structure, ie, load transfer shall be through a system of transfer teams as per Condition (36).
 - (38) The developer must give the RAC 24 hours notice of the following events:
 - (a) Pile setout
 - (b) Pile excavation
 - (c) Pile concreting
 - (d) Transfer structure concreting
 - (e) Suspended slab concreting.

The RAC may inspect the site and works to confirm that these works have been or are being built in accordance with the RAC's requirements. In the event that the works are not being built in accordance with the RAC's requirements, the RAC may require work to stop to allow any changes in the works necessary to satisfy the RAC's requirements to be made.

- (39) Engineers with the authority of the RAC may request a more detailed set of engineering drawings and specifications of the proposed development in order to be satisfied that these conditions have been met.

Schedule 1B

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

DESIGN MODIFICATIONS

- (40) The design of the building shall be modified as follows:
- (a) The proposed York Street ground floor masonry pier shall be widened to provide a greater solid to void proportion at the street frontage;
 - (b) The York Street folding doors for the ground floor cafe shall be setback so as not to hinder the required fire egress;
 - (c) The depth of the window reveals for Levels 1 to 4 of the York Street facade shall be a minimum of 400mm deep so as to provide a more appropriate relationship with the adjacent heritage item; and
 - (d) A planter box (with appropriate screen planting provided and maintained within the box) or similar screening device, shall be attached to the northern edge of the Level 5 rear balcony, so as to preserve the amenity of the adjacent apartments within 57-59 York Street.

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

PUBLIC ART

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

PUBLIC DOMAIN PLAN

- (42) 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. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

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

PUBLIC TELEPHONES

- (43) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:
 - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
 - (b) The telephones must be available for public use during the normal opening hours of the building.

RECEPTACLES FOR CIGARETTE BUTTS

- (44) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
 - (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building; and
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

MODEL

- (45) 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 for the City Model. A second 1:500 model may be required for developments with a value of over \$50m or development on significant sites, for placement in the City Model at the City Exhibition Space.

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.
- (c) Please contact the model maker to ascertain whether a model for City Exhibition space will also be required.

SYDNEY WATER CERTIFICATE

(46)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the *Sydney Water Act 1994* must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
 - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.

- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Contact Sydney Water Rockdale (Urban Development Section), Ph. 132092.

ACCESS FOR PEOPLE WITH DISABILITIES

- (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.

ACCESS FOR TELECOMMUNICATIONS CARRIER

- (48) 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.

REFLECTIVITY INDEX OF EXTERNAL GLASS

- (49) 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

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

CAR PARK ENTRY FINISH

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

PAVING MATERIALS

- (52) 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.

UNDER AWNING LIGHTING

- (53) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

- (54) 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.

UTILITY SERVICES

- (55) 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) Prior to commencement of work 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.

CERTIFICATION OF DESIGN FOR STORAGE AND HANDLING OF WASTE

- (56) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).

- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

SANITARY FACILITIES

- (57) 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

(58)

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

OR

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

Note

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

WASTE MANAGEMENT

(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.

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

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;

- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION

- (61) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
 - (d) Notes:
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (62) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
 - (a) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Interim Policy for Temporary Protective Structures*.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR SHORING AND ROAD OPENING

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

- a. Evidence of Council's acceptance of the shoring plans, documentation and certification is to be submitted to the Principal Certifying Authority prior to the commencement of any excavation of the building site.

Note:

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (64) 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.

GEOTECHNICAL REPORT AND CERTIFICATION REQUIRED

- (65) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;

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

Notes:

- (i) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (iv) Council reserves the right to randomly audit any geotechnical documentation.

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

- (66) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (67) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

In addition, the applicant shall prepare and submit to Council a Management Plan, which addresses orderly demolition, excavation and construction activities on the premises. In particular, the following issues shall be addressed in the Plan:

- (c) A consultative process involving the occupants of 57-59 York Street, 63 York Street, and 2 Barrack Street, including the establishment and maintenance of a Neighbourhood Consultative Committee, to ensure that demolition, excavation and construction related impacts (including aural, visual and dust nuisance, and vehicular and pedestrian management) from the premises are satisfactory.

- (d) Compliance with Council's "Code of Practice for Construction Hours/Noise within the Central Business District 1992".
- (e) Compliance with all conditions of development consent relating to the premises.

All work on the premises shall not commence until the above mentioned Management Plan is finalised and submitted to Council, and the prior written approval of the Director City Development obtained.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (68) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
 - (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (69) 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

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (71) 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.

PROTECTION OF STREET TREES DURING CONSTRUCTION

- (72) 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.

UNDERGROUND UTILITY SERVICES

- (73) Prior to the commencement of excavation, the applicant should contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

CONSTRUCTION PROGRESS CERTIFICATION

- (74) 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.

CONTROL OF VERMIN

- (75) 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.

USE OF MOBILE CRANES

- (76) 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.

NO OBSTRUCTION OF PUBLIC WAY

- (77) 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

- (78) To comply with the Protection of the Environment (Operations) Act 1997 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.

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE TO BE SUBMITTED

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

ALL MATERIALS TO COMPLY WITH BUILDING CODE OF AUSTRALIA

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

MECHANICAL VENTILATION COMPLETION AND PERFORMANCE CERTIFICATE TO BE SUBMITTED

- (82) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

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

STRUCTURAL INSPECTION CERTIFICATE

- (83) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.

- (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (f) Council reserves the right to randomly audit any structural documentation.

SYDNEY WATER CERTIFICATE

(84)

- (a) Prior to release of the final Strata Plan endorsed by Council under Section 37 of the *Strata Schemes (Freehold Development) Act 1973*, written confirmation that you have obtained a (Developer) Compliance Certificate under Section 73 of the *Sydney Water Act 1994* for the proposed strata subdivision must be submitted to Council.

Note:

Sydney Water may require you to construct works and/or pay developer charges. Contact Sydney Water Rockdale (Urban Development Section), Ph. 132092.

COMMEMORATIVE PLAQUE

(85) 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

- (86) 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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (87) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

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

HEATING/COOLING SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

- (88) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.

VENTILATION SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

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

REGISTRATION OF HEATING/COOLING SYSTEMS

- (90) 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.

WASTE COLLECTION CONTRACTS

- (91) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

COMPLIANCE CERTIFICATE FOR FOOD PREMISES

- (92) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

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

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

REGISTRATION OF FOOD PREMISES

- (93) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Schedule 2

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

Carried.

ITEM 10. DEVELOPMENT APPLICATION: NSW MASONIC CLUB, 169-171 CASTLEREAGH STREET, SYDNEY (D99/01034)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to Council on 3 April 2000, with regard to Development Application D99/01034 made by Moorcroft Architects in respect of the NSW Masonic Club at 169-173 Castlereagh Street Sydney, and seeking consent for the construction of a two storey roof top addition, the carrying out of conservation works and an award of Heritage Floor Space, it be resolved that the application be approved subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D99/01034 dated 24 December 2000, Heritage Impact Statement prepared by Orwell and Peter Phillips Architects and dated December 1999 plus Addendum dated March 2000, Conservation Management Plan prepared by Orwell and Peter Phillips Architects and dated December 1999 and amended March 2000, and drawings prepared by Moorcroft Architects (as superseded by the Addendum to the Heritage Impact Statement) and detailed below:-

Drawings

DA01	Section and Site & Roof Plan	Dated 14 December 1999
DA02	Board Room	Dated 14 December 1999
DA03	Board Room	Dated 14 December 1999
DA04	Section AA and Section BB	Dated 14 December 1999
DA05	Section and Site & Roof Plan	Dated 14 December 1999
DA06	Plan Level One Maisonette Suites	Dated 14 December 1999
DA07	Plan Level Two Maisonette Suites	Dated 14 December 1999
DA08	North and West Elevations	Dated 14 December 1999

and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

- (2) The owner may be awarded 2776.5 sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete all the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-

- (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, the area of which shall be certified by a Registered Surveyor prior to the execution of the deed.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
- (d) The owner will only be registered as the owner of 2776.5 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

SECTION 61 CONTRIBUTION

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

(d) **Timing of Payment**

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

HERITAGE

- (4) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (5) The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building trades to advise on the conservation of the place and carry out any work required.
- (6) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 1992. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fit out and any electrical or plumbing works.
- (7) All fitments/fixtures attached to significant fabric must involve least possible damage and interference with significant fabric. This work should be undertaken in consultation with the heritage architect noted in Condition 4.
- (8) 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.

The 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.

- (9) The conservation expert noted in Condition 4 is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of the award.
- (10) The following additions shall be made to the Conservation Management Plan prepared by Orwell & Peter Phillips Architects and dated March 2000 to the satisfaction of Council:-
 - (a) A condition survey of the physical fabric of the building.
 - (b) A signage strategy for the building.
 - (c) A BCA report on the building.

Schedule 1B

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

STRUCTURAL DOCUMENTATION

- (11) 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 to the 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).
- (11A) The applicant shall submit revised façade details of the two storey extension, such that the materials, colours, roof detailing and fenestration design better relate to those of the existing building, to the satisfaction of the Director City Development.

Schedule 1C

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

STRUCTURAL CERTIFICATION

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

- (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) 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:
 - (i) 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
 - (ii) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (e) Notes:
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
 - (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (iv) Council reserves the right to randomly audit any structural documentation.

CERTIFICATION OF MECHANICAL VENTILATION

- (13) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.

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

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (14) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

CONSTRUCTION DURING THE OLYMPICS

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (16) 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.

USE OF MOBILE CRANES

(17) 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.

OBSTRUCTION OF PUBLIC WAY

- (18) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

Schedule 1E

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

COMPLIANCE CERTIFICATE

- (19) A Compliance Certificate must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council on completion of the works. A copy of the certificate shall be submitted to Council if it was not the PCA.

- (20) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

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

- (21) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:

- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

- (f) Council reserves the right to randomly audit any structural documentation.
- (22) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development, in particular the following:

Carried.

ITEM 11. CITY OF SYDNEY PUBLIC TRANSPORT WAYFINDING SIGN STRATEGY (S007049)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Senior Project Manager to Council on 3 April 2000 on the City of Sydney Public Transport Wayfinding Sign Strategy and having particular regard to the support of the wayfinding strategy by State Rail, State Transit, Department of Transport, NSW Public Transport Authority, Metro Light rail/Monorail, Department of Public Works and Services and Sydney Harbour Foreshore Authority, it be resolved that -

- (A) Council considers this matter to be of extreme urgency and requests the General Manager to personally oversee and accelerate the implementation of the project, with further progress reports to be submitted to the Priorities and Outcomes Committee;
- (B) Council commission the preparation of tender documentation and proceed to tender as a matter of urgency;
- (C) authority be delegated to the General Manager to proceed to tendering the works, all in accordance with the Revised Sign Family 22.2.2000 shown at Attachment B to the subject report, in two stages, namely -
 - (i) Stage 1: 200 Distance Markers and 50 Destination Markers, and
 - (ii) Stage 2 : 32 Type D Pylon Signs, 8 Type E Pylon Signs;
- (D) the General Manager be requested to submit a further report to Council subsequent to the closure and assessment of tenders;
- (E) the General Manager be requested to acknowledge and accept the financial contributions by City Rail and CGEA (Metro Lightrail/Metromonorail) for the wayfinding strategy;

- (F) further representations be made to the State Transit Authority and the Sydney Harbour Foreshore Authority to seek further funding and clarify any outstanding issues.

Carried unanimously.

ITEM 12. SUBMISSION ON THE DRAFT PYRMONT POINT MASTER PLAN – REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (S008705)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of the report by the Area Planning Manager to Council on 3 April 2000 in relation to the Draft Master Plan for Pyrmont Point, Pyrmont it be resolved that:-

- (A) the report by the Area Planning Manager be received and noted.
- (B) a submission in the form of that contained in Attachment I to the subject report be forwarded to the Department of Urban Affairs and Planning for its consideration in the assessment of the Draft Master Plan, subject to -
 - (i) the height of the buildings on Sites G1 and G2 at Harris Street being reduced to not exceed 20 metres; and
 - (ii) Site O being removed from the Master Plan;
- (C) Council notes that it has previously objected on a number of occasions to the lack of public open space to be provided on the Pyrmont Point headland (Giba Park); on 20 April 1999 Council and the Central Sydney Planning Committee commented on a detailed application for the development of Sites B1, B2, B3, B4, E and F which included a significant extension of the amount of open space to be provided by extending the park over the top of the buildings to be constructed on Sites B2, B3 and F.

No objection was raised at that time to the amount of open space to be provided. The Minister granted consent for this development in December 1999. Consequently, the issue of open space is not addressed in the current submission.

Carried unanimously.

**ITEM 13. INVESTMENTS HELD BY COUNCIL AS AT 31 JANUARY 2000
(AO2-00360)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Management Accounting Officer to Council on 3 April 2000, on Investments Held by Council as at 31 January 2000, it be resolved that the report be received and noted.

Carried.

**ITEM 14. INVESTMENTS HELD BY COUNCIL AS AT 29 FEBRUARY 2000
(AO2-00360)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Management Accounting Officer to Council on 3 April 2000, on Investments Held by Council as at 29 February 2000, it be resolved that the report be received and noted.

Carried.

**ITEM 15. QUEEN VICTORIA BUILDING: OWNER'S CONSENT TO
LODGEMENT OF DA: CONVERSION AND UPGRADING OF
SERVICE AREAS OF LOWER GROUND FLOOR AND PART OF
CAR PARK LEVELS 2 AND 3 (D02-01710)**

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

That arising from consideration of a report by the Manager Property and Assets to Council on 3 April 2000 on Queen Victoria Building: Owner's Consent to Lodgement of Development Application: Conversion and Upgrading of Service Areas of Lower Ground Floor and Part of Car Park Levels 2 and 3, it be resolved that owner's consent to the lodgement of the Development Application be granted.

Carried.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that Item 17 of the Business Paper be brought forward and dealt with next.

ITEM 17. NOTICES OF MOTION**SCULPTURE WALK (S010706)**

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

That consideration be given to a review of plaques and signage associated with Sculpture Walk in order to facilitate community awareness and understanding.

Carried.

ITEM 16. QUESTIONS**QUESTIONS ON NOTICE****PARKING ON FOOTPATH (S010694)**

1. By Councillor Greiner -

Question

Lord Mayor, under the new Australian Road Rules (1 December 1999) it is an offence to drive along or to stop or park on a footpath. JC Decaux vehicles drive upon footpaths to stop and service their street furniture. This is an illegal act.

For reasons unknown, although Council Law Enforcement Officers have enforcement powers and responsibilities they rarely, if ever issue infringement notices to the vehicles involved. Should a person be killed or injured as a result of this widespread illegal behaviour, Council could be joined in an action for damages.

- (i) Would Council please obtain independent legal advice as to our potential liabilities?
- (ii) As it was an original Condition of Consent that JC Decaux vehicles not be allowed on the footpath to service the street furniture, would you table immediately any and all correspondence, memorandum of understanding, agreements, or any material evidence of Council approving the action currently being taken by JC Decaux in allowing their vehicles to stand on the footpath?
- (iii) Under what jurisdiction does the City of Sydney Council have permission to override State law?
- (iv) If Council has not granted consent to JC Decaux as per Conditions of Consent and Council has no power to override, will you please advise JC Decaux that by placing Council in a potential litigious position and that should their drivers continue to flout the state's laws the Council will have no alternative but to cancel their contract?

Answer by the Lord Mayor

The Director Legal and Secretariat advises as follows -

“Parking on footpaths prior to the introduction of the new Australian Road Rules is addressed in the Auditor General’s report into Enforcement of Street Parking (dated November 1999). That report states at page 55:

‘Parking a vehicle on the footpath is not a parking offence in NSW.

Vehicles parked on footpaths can be infringed for obstructing pedestrian traffic, but only if the enforcement officer observes a pedestrian being obstructed’.

“The Australian Road Rules do now provide that it is an offence to drive and park on a footpath. However, an exemption from these offences relates to persons carrying out certain maintenance works.

Clause 310 of the Australian Road Rules provide that certain offences do not apply to a person if the following are satisfied:

1. the person is at the site, and engaged in, certain works;
2. it is not practicable for the person to comply with the restriction (for example, no parking on footpath);
3. sufficient warning of the works has been given to other road users; and
4. the works are installation or maintenance works authorised under another law on, above or below a road.

Under section 142 of the Roads Act, a person who has a right to the control, use or benefit of a structure in a public road must maintain the structure. This provision applies to street furniture.

If the requirements of exemption in clause 310 of the Australian Road Rules are satisfied, it is not an offence to drive along or stop or park on a footpath for the purposes of maintaining street furniture.”

QUESTIONS WITHOUT NOTICE**BUS SHELTERS (S010700)**

1. By Councillor Greiner -

Question

Lord Mayor, I refer to the two abandoned bus shelters that exist at Elizabeth and Bathurst Streets and now outside the Australian Museum in William Street, out of our control. No buses stop there any more. From time to time the STA will relocate their bus stops or traffic movements, that is understandable.

What are our arrangements with the supplier, JCDecaux for those issues which are effectively outside our control? Do we have to maintain or replace those advertising panels elsewhere, and are we going to move the bus shelters? The Elizabeth Street shelter has been vacant for eight months.

Answer by the Lord Mayor

I will refer that question to the General Manager.

General Manager

We have provision in the contract with JCDecaux to move 5 per cent per annum without cost. The STA over the past 6-12 months has moved bus stops and there may be a good reason for them to move back. I will liaise with JCDecaux about that.

TRAFFIC FROM COWPER WHARF ROAD (S010698)

2. By Councillor Coulton -

Question

My question concerns traffic coming into the city from Cowper Wharf Road. I have had had a lot of complaints about the intersection.

The west bound traffic from Potts Point must choose to go either north towards the Harbour Bridge or Tunnel or Macquarie Street, or south along Bourke Street to William Street. Most drivers wish to go north, but there are two lanes going south, and the traffic is banked back to where the ships are. Would you please ask the relevant Council staff to investigate this?

Answer by the Lord Mayor

I will ask the Director City Development to direct his staff to investigate this issue.

TRAFFIC AT ESSEX STREET (S010702)

3. By Councillor Marsden -

Question

While we are on traffic issues, there is an intersection at Essex and George Streets heading north, which is mentioned in the City Walks. It appears not to have a solution. It's where there is a No Parking Zone, but taxis stop in front of Grosvenor Place on George Street. This is now compounded by the fact that there is more traffic turning left into Essex Street to avoid the No Left Turn on Argyle Street at George Street.

The suggestion in the City Walks document is that no further action can be taken about the taxis other than law enforcement. I'm just wondering if that is all that can be said regarding a solution. They bank up at least ten cabs there.

Answer by the Lord Mayor

I invite the Director City Development to respond and address this issue.

Director City Development

It is a matter that has come up before. I have asked the Manager, Transport and Access, about this and he has advised it is a matter for the Police. I will ask the Manager Transport and Access to have the matter investigated to see if there is another solution.

TRAFFIC AT LOFTUS STREET (S010703)

4. By Councillor Turnbull -

Question

There is a similar problem where there is a taxi rank coming down Loftus Street at the left turn into Alfred Place.

Answer by the Lord Mayor

I ask the Director City Development to address that issue as well. We might need to elevate the issues in order to try to get some resolution, especially if they're blocking through traffic.

SKATEBOARDING IN THE INNER CITY (S010700)

5. By Councillor Greiner -

Question

Lord Mayor, I notice in material circulated amongst the media clippings, an advertisement for "The Ultimo Big Beat" on Friday April 7 at the Ultimo Community Centre, and in particular I draw your attention to the advertising of "skateboarding on a custom built street course".

Could you please elaborate as to which street and why Council is allowing and encouraging skateboarding in the inner city area? If you recall, we had the same issue last year as well.

Answer by the Lord Mayor

I have no knowledge of the issue to which you refer. I will refer the matter to the General Manager.

ARMAGUARD VEHICLES ON FOOTPATHS (S010703)

6. By Councillor Turnbull -

Question

Councillor Greiner asked a Question on Notice about the JCDecaux trucks parking on the footpath. Does the exemption referred to in the answer also apply to Armaguard vehicles?

Answer by the Lord Mayor

I ask the General Manager to respond.

Answer by the General Manager

In the answer to Councillor Greiner's Question on Notice, the new Australian Road Rules which came into force in December were quoted. The answer relates to street furniture, not to Armaguard vehicles. There have been a number of blitzes on Armaguard vehicles. We have written to Armaguard on a number of occasions seeking their support and co-operation. It varies - some months they are quite good and other months you see them all over the city.

Answer by the Lord Mayor (continued)

I would like to add that I think Armaguard vehicles are more likely to damage the footpaths and endanger pedestrians, than JCDecaux vehicles

JCDECAUX VEHICLES ON FOOTPATH (S010700)

7. By Councillor Greiner

Question

I thank the Deputy Lord Mayor for reminding me to follow up on my question about the JCDecaux vehicles parking on the footpath, and through you, Lord Mayor, to remind the General Manager that it was a condition of consent in the original approval for JCDecaux to be granted the tender, I think it's Condition 30, from memory, that no vehicles be allowed to park on the footpaths at any time. How can JCDecaux now not be in breach of that original consent?

Answer by the Lord Mayor

I invite the General Manager to respond.

Answer by the General Manager

I have given permission to service street furniture structures where it does not cause inconvenience to pedestrians.

We liaise with all bodies, and when I get letters from JCDecaux saying they have been given a lot of parking infringements, my answer is that they may only be there if there is no other alternative and no inconvenience to pedestrians and only if they are in the act of cleaning and maintaining street furniture on which we put a high priority.

There are a lot of different views on the street furniture project, depending on where you are coming from, but I think everyone will acknowledge that the maintenance is better than before and better than in surrounding Councils.

In some areas there is no alternative, in my view, but to park on the footpath while in the process of maintaining furniture, and I have given that authority. I believe it is legal and appropriate and I think it serves a good public policy outcome. The City has much better maintained street furniture, the JCDecaux vehicles are not wrecking the pavement in the way the Armaguard vehicles are, and it seems to me to be the common sense solution.

CONSENT CONDITIONS - JCDECAUX (S010700)

8. By Councillor Greiner -

Question

I thank the General Manager for his previous answer and therefore ask whether or not he will now submit a section 102 to the original consent for JCDecaux to allow them to park on the footpath, given that it is a condition of the consent that they not park on the footpath.

Answer by the Lord Mayor

I invite the General Manager to respond.

Answer by the General Manager

My advice is that there is no need for anything to be changed in relation to the original consent, but I will check tomorrow and put that in writing.

At 7.00 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 1 May 2000 at which
meeting the signature herein was subscribed.