



5 JUNE 2000

Meeting No 1310

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40pm on 5 June 2000 pursuant to Notice 7/1310 dated 1 June 2000.

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PRESENT

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

Councillors - Dixie Coulton, Nick Farr-Jones, Robert Ho, Fabian Marsden and Lucy Turnbull.

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

The Lord Mayor, Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull.

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting as she was overseas.

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Turnbull, seconded by Councillor Ho -

That the minutes of the meeting of Council of 1 May 2000, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. CITY OPEN DAY II (S012183)

FILE NO:

DATE: 1/6/00

MINUTE BY THE LORD MAYOR

To Council:

In 1999 the City conducted a highly successful City Open Day on 1 August 1999. The event drew a large number of visitors to inspect the most significant local government improvements program this century.

It included a range of free bus tours around the City and open-for-inspection and hard-hat tours of venues. These included the City Recital Hall, Customs House, Cook & Phillip Park, Number 1 Martin Place and private unit developments in the City.

It is proposed to conduct a second City Open Day on Sunday, 30 July. This would allow us to showcase a full palate of improvements just 6 weeks out from the Olympics such as the new Citibank Building, Renzo Piano Building, Finger Wharf, the Parcels Office at Railway Square, plus more City developments such as the Sculpture Walk, Hyde Park etc.

The public of Sydney has shown that it will support such a concept and it provides a full scale test event for many of our staff and systems just prior to the Games. The event has been badged within the "Welcome the World" program launched recently by the Lord Mayor and the Premier.

The initiative has the support of the Olympic agencies and will provide an ideal opportunity to showcase the "Olympic overlay" and provide information to people about the City events program during the Olympic period.

We will need to liaise closely with a whole host of state government and private sector organisations including the Historic House Trust who run a modified program in relation to specific properties.

The approach is in keeping with completion milestones for venues such as Olympic Park and Stadium Australia. It reconfirms the role played by the Host City in transforming the CBD.

I believe that the event last year was a significant success showing up to 20 venues and we can build well upon that with other venues not previously open to the public.

The cost of the event will be offset by some sponsorship but will again cost around \$200,000. This is proposed to be met from the events budget in the 2000/2001 budget.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 5 June 2000 on the City Open Day, it be resolved that:

- (A) Council endorse the concept of a City Open Day II on Sunday, 30 July.
- (B) The General Manager be directed to take all necessary action to implement the concept of a City Open Day.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a Minute by the Lord Mayor to Council on 5 June 2000 on the City Open Day, it be resolved that:

- (A) Council endorse the concept of a City Open Day II on Sunday 30 July 2000;
- (B) the General Manager be directed to take all necessary action to implement the concept of a City Open Day.

Carried unanimously.

ADDITIONAL MATTERS FOR COUNCIL

FILE NO:

DATE: 2/6/00

MINUTE BY THE LORD MAYORTo Council:

Attached for consideration by Council at its meeting on 5 June 2000, are -

- a Memorandum by the General Manager on 2000-2003 Corporate Plan; and
- a report by the General Manager on Development Application: 201-207 Kent Street Sydney - Special Signage - Status Report.

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

ITEM 3C. 2000-2003 CORPORATE PLAN

FILE NO: S00-8140

DATE: 2/6/00

MEMORANDUM BY THE GENERAL MANAGERTo Council:**PURPOSE**

1. To obtain Council's endorsement for the adoption of the draft 2000-2003 Corporate Plan, (including the 2000-2001 Budget), following the completion of public exhibition.

BACKGROUND

2. The Local Government Act 1993 requires Council to adopt a Management Plan by 30 June 2000 to cover (at least) the period 2000-2003.
3. By resolution of Council on 1 May 2000, the draft 2000-2003 Corporate Plan was placed on public exhibition, (Attachment A). The exhibition period was from Tuesday 2 May 2000 to Monday 29 May 2000 (both dates inclusive). The resolution also required that at the end of the period of public exhibition a report be provided to Council.

4. A public notice of public exhibition was placed in the Sydney Morning Herald, the Telegraph-Mirror and the Financial Review on Tuesday 2 May 2000.
5. Copies of the draft 2000-2003 Corporate Plan, including the amendment, were available, free of charge, from the One-Stop-Shop, the Haymarket Library and the City's Recreation and Community Centres. It was also available as a downloadable file from the City's Internet site.
6. No submissions have been received.
7. Minor changes to the draft 2000-2003 Corporate Plan have been made to make it clearer. The changes made were those recommended in a plain English edit of the draft.
8. There are no changes to the draft 2000-2001 Operating or Capital Budget. There is a minor price change proposed for the Heritage LEP to increase from \$5.00 plus GST (see page 11 of the Draft Fees and Charges) to \$10.00 plus GST.

PROPOSAL

9. Council adopt the draft Corporate Plan for 2000-2003, (including the Operating and Capital Budget and the rating structure for 2000-2001).

OPTIONS

10. Council has the options to:
 - (a) Adopt the draft Corporate Plan as the 2000-2003 Corporate Plan, (including the 2000-2001 Budgets and rating structure in its current form); or,
 - (b) Adopt the draft Corporate Plan as the 2000-2003 Corporate Plan, (including the 2000-2001 Budget), subject to further amendments, after re-submission.

CRITICAL DATES

11. The Local Government Act 1993 requires Council to adopt a Management Plan by 30 June 2000 to cover (at least) the period 2000-2003.

POLICY IMPLICATIONS

12. The Corporate Plan and the Budget are policy and set both a policy framework and policy milestones.

FINANCIAL IMPLICATIONS/FUNDING CERTIFICATES

13. All expenditure on the Corporate Plan projects can be met within the current budget.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

14. The Corporate Plan and the Budget provide a framework for all Council's activities.

CONSULTATION

15. All Divisions of Council and the Department of Local Government have been consulted in the development of the draft Corporate Plan.

RELEVANT LEGISLATION

16. Sections 402 to 407 of the Local Government Act 1993, apply to 'Management Plans'.

CONCLUSION

17. The draft 2000-2003 Corporate Plan, including the 2000-2001 Budget, satisfies Council's statutory obligations.
18. The Corporate Plan and the Budget set out both the short term and the medium term planning framework of Council.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 5 June 2000, on 2000-2003 Corporate Plan, and following the placement of the draft 2000-2003 Corporate Plan, including the 2000-2001 Budget, on public display for a 28 day period from Tuesday 2 May 1999 to Monday 29 May 2000, pursuant to a Resolution of Council of 1 May 2000, it be resolved that:

- (A) Council adopt the draft Corporate Plan as its Corporate Plan for 2000-2003;
- (B) Council adopt the draft 2000-2001 Operating and Capital Budgets as included in the draft 2000-2003 Corporate Plan; subject to authority being delegated to the Lord Mayor and the General Manager to review, and if necessary vary, the budgets for the Olympics, Major Events, Cultural Affairs and Protocol and the Office of the Lord Mayor, having regard to hospitality requirements in the coming year;
- (C) Council make and levy for the rating year 2000/2001 in respect of all land within the City of Sydney rateable as at 1 July 2000, or which becomes rateable during the rating year, the following minimum rates and rates in the dollar on the land value of all residential and business land:

	Residential	Business
Minimum Rate	\$305	\$395
Cents in \$ Ad Valorem		
General	0.4819	1.2348
Pyrmont/Ultimo	0.2276	0.5576
East/South	0.2603	1.0001
Rocks	0.2747	0.8703

- (D) Council cap individual rate increases to 100% of the 1999/2000 notional rate.
- (E) Council make and levy the domestic waste management charges indicated in the adopted 2000-2003 Corporate Plan for each parcel of rateable land in the residential category;

- (F) Council fix the fees and charges indicated in the Corporate Plan, subject to the amendment proposed to Heritage LEP fees, detailed in paragraph 8;
- (G) authority be delegated to the General Manager to vary fees and charges which may be effected by GST provisions in Division 81 determination by the Federal Treasurer or other legislative amendments;
- (H) Council note that authority continues to be delegated to the General Manager to vary fees and charges for commercial operations;
- (I) Council reaffirm that no expenditure from both the General Contingency in the operating budget and the Special Contingency in the Capital Works budget, is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds; and that a confidential addendum be included in each quarterly report to Councillors listing any such expenditure from the operating budget contingency and the Special Contingency in the Capital Works budget;
- (J) Council note that expenditure on plant and assets will continue to require the specific approval of the General Manager for each individual item.

(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 5 June 2000, on 2000-2003 Corporate Plan, and following the placement of the draft 2000-2003 Corporate Plan, including the 2000-2001 Budget, on public display for a 28 day period from Tuesday 2 May 1999 to Monday 29 May 2000, pursuant to a Resolution of Council of 1 May 2000, it be resolved that:

- (A) Council adopt the draft Corporate Plan as its Corporate Plan for 2000-2003;
- (B) Council adopt the draft 2000-2001 Operating and Capital Budgets as included in the draft 2000-2003 Corporate Plan; subject to authority being delegated to the Lord Mayor and the General Manager to review, and if necessary vary, the budgets for the Olympics, Major Events, Cultural Affairs and Protocol and the Office of the Lord Mayor, having regard to hospitality requirements in the coming year and noting that the net effect on the bottom line will be zero;
- (C) Council make and levy for the rating year 2000/2001 in respect of all land within the City of Sydney rateable as at 1 July 2000, or which becomes rateable during the rating year, the following minimum rates and rates in the dollar on the land value of all residential and business land:

	Residential	Business
Minimum Rate	\$305	\$395
Cents in \$ Ad Valorem		
General	0.4819	1.2348
Pymont/Ultimo	0.2276	0.5576
East/South	0.2603	1.0001
Rocks	0.2747	0.8703

- (D) Council cap individual rate increases to 100% of the 1999/2000 notional rate;
- (E) Council make and levy the domestic waste management charges indicated in the adopted 2000-2003 Corporate Plan for each parcel of rateable land in the residential category;
- (F) Council fix the fees and charges indicated in the Corporate Plan, subject to the amendment proposed to Heritage LEP fees, detailed in paragraph 8 of the subject Memorandum by the General Manager;
- (G) authority be delegated to the General Manager to vary fees and charges which may be effected by GST provisions in Division 81 determination by the Federal Treasurer or other legislative amendments;
- (H) Council note that authority continues to be delegated to the General Manager to vary fees and charges for commercial operations;
- (I) Council reaffirm that no expenditure from both the General Contingency in the operating budget and the Special Contingency in the Capital Works budget, is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds; and that a confidential addendum be included in each quarterly report to Councillors listing any such expenditure from the operating budget contingency and the Special Contingency in the Capital Works budget;
- (J) the Plant and Asset Budget be adopted in principle, but no financial commitments made against it until it has been reviewed, if necessary altered, and finalised, by the General Manager and the Lord Mayor, and that all expenditure on plant and assets will continue to require the specific approval of the General Manager, for each item;
- (K) total expenditure within the City Projects operating budget be reduced by \$150,000, and placed in a City Projects contingency fund, from which funds may only be spent with the approval of the General Manager;
- (L) total expenditure within the City Development operating budget be reduced by \$100,000, and placed in a City Development contingency fund, from which funds may only be spent with the approval of the General Manager;
- (M) the Corporate Plan be amended to require quarterly reports on City Care complaints and requests together with response time for all enquiries.

Carried unanimously.

ITEM 17. DEVELOPMENT APPLICATION: 201-207 KENT STREET SYDNEY - SPECIAL SIGNAGE - STATUS REPORT (D2000-00-394)

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That arising from consideration of a report by the General Manager to Council on 5 June 2000, on 201-207 Kent Street Sydney- Special Signage - Status Report, it be resolved that:-

- (A) the applicant be advised that Council will require the submission of specific signage imagery/graphics for the consideration of the General Manager;
- (B) authority be delegated to the Chair of the Planning Development and Transport Committee to determine the application in consultation with the Director of City Development having regard to legal advice as to whether Council is the consent authority and particularly the quality and appropriateness of the sign imagery;
- (C) Council note that upon submission of the Development Application for Olympic signage, the proposal will be notified and advertised in the normal manner.

Carried.

Order of Business

At this stage of the meeting Council resolved, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered to bring forward item 3B, Annual Fees for Councillors, in order that it be considered in conjunction with Item 2C, Councillors and Mayoral Fees Policy - Refining a Flawed Process.

ITEM 2C. COUNCILLORS AND MAYORAL FEES POLICY – REFINING A FLAWED PROCESS.

MINUTE BY THE LORD MAYOR

To Council:

Colleagues will recall that on 18th February 2000 it was agreed that Council would present a submission to the Local Government Remuneration Tribunal (LGRT) for consideration as part of the Tribunal's annual determination on the fees payable to councillors and mayors.

Council has not adjusted Councillors fees since 1 July 1997, while Council has not amended the annual fee for the Lord Mayor since 1 July 1995.

It was also noted that the Lord Mayor's fees would require adjustment, having been set in 1995 on the basis of income being received as a SOCOG board member, to prevent a situation where the Lord Mayor's income was, in effect, reduced substantially when SOCOG ceased to exist.

The City's submission was based on strong and cogent arguments for reassessment of the range of fees payable to the Councillors and Lord Mayor.

For example, in setting the Lord Mayor's fees in 1995 the Tribunal had stated the range was set "*taking into account the current fee and remuneration for the Lord Mayor's additional role on the Sydney Organising Committee for the Olympic Games and the Sydney Cove Authority*".

The Local Government Remuneration Tribunal handed down its findings on the 27th April 2000. The Tribunal ruled against changing the range of fees which have been in place for Councillors since 1997 and for the Lord Mayor since 1995.

Surprisingly, and despite the plain language of the 1995 ruling in relation to the Lord Mayor's fees, the Tribunal, in 2000, claims "*The quantum of payment for such duties was of no relevance to the Tribunal's [1995] determination.*"

The Tribunal has instead noted that "*the City still has the discretion to increase fees for 2000/2001 within the fee structure determined by the Tribunal on 29 April 1999.*"

This ruling highlights a major flaw in a process established with the objective of depoliticising the process of setting fees for councillors and the Mayor, as does the Tribunal's continuing practice of setting fee ranges rather than a single fee for each category..

Instead of fees being set after an independent and arms-length process, this objective is overridden by the setting of ranges of fees, from which councillors must choose the level of fees. This defeats one of the key purposes of having the LGRT, which should instead set specific fees.

I believe that the setting of fees for Councillors and Mayors should be based on several sound principles:

- (i) The scope for uncertainty, conjecture and politicization of fees setting for Councillors and Mayors should be minimised by setting fees independent of the political process, at all times;
- (ii) Fees for Councillors, should be tied to an independent and externally determined benchmark;
- (iii) The fees of Deputy Mayors should be specified by the LGRT and not deducted from the Mayor's Fees, to remove all uncertainty and make the outcome independent of Councillors; and
- (iv) The fees for mayors should be tied to an external measure. In the case of the Lord Mayor of Sydney, the position should be recognised as a full time position and the total fee payable should be tied to an external measure such as a proportion of a Ministerial salary, from which would be deducted any income derived from ex-officio positions.

In the absence of a sensible remuneration process such as the above, and given the limitations on Council's discretion imposed by existing Legislation, I propose that Council establish a framework that would tie fees to the upper end of the ranges set annually by the LGRT and automatically put them into effect each year without the need for any further consideration and political debate.

Council would of course be free to make submissions to the Tribunal from time to time if it chose to do so.

RECOMMENDATION:

Accordingly, I recommend that Council resolve as follows:

1. That, as a matter of standing policy concerning the setting of fees for Councillors and the Lord mayor, Council adhere to the principles contained in this Minute;
2. That, having regard to the Local Government Remuneration Tribunal's determination of a fee range for Councillors and the Lord Mayor, Council shall always pay the maximum fees as determined by the Tribunal, effective from 1 July 2000.
3. That the Deputy Lord Mayor's fees, to be deducted from the gross Lord Mayor's fee, shall be equal to 10% of the mayoral fee actually paid to the Lord Mayor;
4. That the City shall make representations to the State Government for legislation to:
 - (a) Require the local Government remuneration tribunal to set specific fees for Councillors, the Deputy Lord Mayor and the Lord Mayor instead of ranges;
 - (b) require that the Local Government Remuneration Tribunal to set a salary for a full-time Lord Mayor tied to an external measure, such as a proportion of a Ministerial salary, from which would be deducted any income derived from ex-officio positions.
5. That Councils Civic Office, Expenses and Facilities Policy be amended in accordance with 1, 2 & 3 above
6. That the Tribunal, and its advisers, be advised of Council's decision and forwarded a copy of the Minute.

(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 5 June 2000 on Councillors and Mayoral fees policy, it be resolved that -

- (A) as a matter of standing policy concerning the setting of fees for Councillors and the Lord Mayor, Council adhere to the principles contained in the subject Minute by the Lord Mayor;
- (B) having regard to the Local Government Remuneration Tribunal's determination of a fee range for Councillors and the Lord Mayor, Council shall always pay the maximum fees as determined by the Tribunal, effective from 1 July 2000;
- (C) the Deputy Lord Mayor's fees, to be deducted from the gross Lord Mayor's fee, shall be equal to 10% of the mayoral fee actually paid to the Lord Mayor;

- (D) the City shall make representations to the State Government for legislation to:
- (i) require the Local Government Remuneration Tribunal to set specific fees for Councillors, the Deputy Lord Mayor and the Lord Mayor instead of ranges;
 - (ii) require that the Local Government Remuneration Tribunal set a salary for a full-time Lord Mayor tied to an external measure, such as a proportion of a Ministerial salary, from which would be deducted any income derived from ex-officio positions;
- (E) Council's Civic Office, Expenses and Facilities Policy be amended in accordance with (A), (B) and (C) above;
- (F) the Tribunal, and its advisers, be advised of Council's decision and forwarded a copy of the subject Minute by the Lord Mayor.

The motion was carried on the following show of hands -

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

Noes (1) - Councillor Farr-Jones.

Motion carried.

ITEM 3B. ANNUAL FEES FOR COUNCILLORS

FILE NO: A04-01142

DATE: 31/5/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

PURPOSE

1. This report seeks Council's consideration of annual fees to be determined for the Lord Mayor, Deputy Lord Mayor and Councillors.

BACKGROUND

2. The Local Government Remuneration Tribunal was established under the provisions of the Local Government Act 1993. The Tribunal is required to determine ranges of fees for mayors and councillors and to determine categories of councils.
3. The Tribunal established nine categories of Councils. The City of Sydney is in category S1 and is the only Council in this category.

4. Council on 13 March 2000 resolved to send a submission to the Tribunal for the Tribunal's consideration in determining fees for the Lord Mayor and Councillors for the forthcoming year. Councillors were previously circulated with a copy of that submission.
5. The Tribunal's determination this year is being circulated to Councillors separately. The Tribunal has determined the range of fees for Councillors to be \$15,000 to \$22,000 and the range of fee for the Lord Mayor to be \$50,000 to \$84,750.
6. Annual fees currently paid to the Lord Mayor and Councillors are as follows:
 - (a) Councillor - \$18,500
 - (b) Lord Mayor - \$65,000 net (i.e. \$72,000 less \$7,000 deducted for fee to the Deputy Lord Mayor)
 - (c) Deputy Lord Mayor - \$7,000

Note: the fees payable to the Lord Mayor and Deputy Lord Mayor are in addition to the fees paid to them as Councillors

PROPOSAL

7. It is proposed that Council consider fixing a fee for Councillors and the Lord Mayor in accordance with the determination of the Tribunal; and consider fixing a fee for the Deputy Lord Mayor.

OPTIONS

8. The Local Government Act requires Council to pay a fee to the Lord Mayor and Councillors in accordance with the determination of the Tribunal.
9. Council may
 - (a) resolve to pay the minimum only;
 - (b) resolve not to change the current fees;
 - (c) resolve to pay an amount greater than the current fee but equal to or less than the maximum set by the Tribunal.

CRITICAL DATES

10. The period for payment of annual fees commences on 1 July each year, and Council must fix the annual fee by 1 July 2000.

POLICY IMPLICATIONS

11. It has been Council's usual practice to pay a fee to the Deputy Lord Mayor and it is open to Council to continue this practice.

12. Council must pay at least the minimum fee set by the Tribunal.
13. The Local Government Act 1993 requires that a council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the mayor, the deputy mayor and other councillors. The Civic Office Expenses and Facilities Policy was adopted by Council in accordance with that requirement, and no change to that policy is proposed.
14. The Act further provides (Section 252) that such a policy may provide for fees payable to mayors and councillors to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor. The Civic Office Expenses and Facilities Policy contains no provision for reducing the fees payable to the Lord Mayor or Councillor by any amount.

FINANCIAL IMPLICATIONS/FUNDING CERTIFICATES

15. Funds are available for the payment of fees in the draft 2000/2001 Budget.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

16. There are no economic/social/environmental impacts in relation to this proposal.

CONSULTATION

17. No consultation has been necessary in relation to this matter.

RELEVANT LEGISLATION

18. The Local Government Act 1993, specifically sections 241, 248, 249 and 250.

CONCLUSION

19. Council may now consider the matter of fixing fees for the Lord Mayor, Deputy Lord Mayor and Councillors.
20. A suitable resolution by Council could take the form of :

It be resolved that Council pay:

- (A) an annual fee of \$.....to each Councillor for the 2000/2001 year;
- (B) a gross annual fee of \$.....to the Lord Mayor for the 2000/2001 year ; such fee to be payable in addition to the fee payable to the Lord Mayor as a Councillor, but from this fee shall be deducted the Deputy Lord Mayor's fee of \$.....giving a net fee for the Lord Mayor of \$.....;

- (C) an annual fee of \$.....to the Deputy Lord Mayor for the 2000/2001 financial year, such fee to be deducted from the annual fee paid to the Lord Mayor and be payable in addition to the fee payable to the Deputy Lord Mayor as a Councillor.

RECOMMENDATION:

That, arising from consideration of a Memorandum by the General Manager to Council on 5 June 2000, on Annual Fees for Councillors, it be resolved that Council fix the annual fee for Councillors and the Lord Mayor as considered appropriate and in accordance with the provisions of the Local Government Remuneration Tribunal.

(SGD) GREG MADDOCK
General Manager

Note - this report was dealt with in conjunction with Item 2B - Councillors and Mayoral Fees Policy, Refining a Flawed Process.

ITEM 3A. POWER OF ATTORNEY (A03-00336)

FILE NO: A03-00336

DATE: 30/5/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Summary

A Resolution of Council is sought to revoke an existing power of attorney granted to Ms Suzanne Puckeridge, former Director – Legal and Secretariat, and to grant a power of attorney to Mr Petar Vladeta, Manager - Legal Services, as set out in the attachment to this report.

Background

1. On 21 July 1997, by Resolution of Council, Council appointed the Director – Legal and Secretariat, Ms Suzanne Puckeridge, as an attorney of Council and a formal power of attorney was executed under the seal of Council on 28 July 1997.
2. Ms Puckeridge has resigned from Council with effect from 2 June 2000. It is necessary to formally revoke the power of attorney. A formal deed of revocation has been prepared and a copy is set out as Attachment “A”.

3. The Manager – Legal Services will be acting in the position of Director – Legal and Secretariat. It is considered appropriate to appoint the Acting Director – Legal and Secretariat as an attorney to facilitate the processing of relevant documents until the position is advertised and filled. If required, a further report to Council on powers of attorney will be made at that time. A draft power of attorney has been prepared and a copy is set out as Attachment “B”.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 5 June 2000, on Power of Attorney, it be resolved that:

- (A) the power of attorney granted to Ms Suzanne Puckeridge, former Director - Legal and Secretariat, dated 28 July 1997 be revoked;
- (B) a deed of revocation of the power of attorney in the form of Attachment “A” be executed under the common seal of the Council;
- (C) a power of attorney to execute documents be granted to Mr Petar Vladeta, Manager – Legal Services, in the form of Attachment “B”;
- (D) the power of attorney granted to Mr Petar Vladeta be executed under the common seal of Council.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That arising from consideration of a Memorandum by the General Manager to Council on 5 June 2000, on Power of Attorney, it be resolved that:

- (A) the power of attorney granted to Ms Suzanne Puckeridge, former Director - Legal and Secretariat, dated 28 July 1997 be revoked;
- (B) a deed of revocation of the power of attorney in the form of Attachment “A” to the subject Memorandum by the General Manager be executed under the common seal of the Council;
- (C) a power of attorney to execute documents be granted to Mr Petar Vladeta, Manager - Legal Services, in the form of Attachment “B” to the subject Memorandum by the General Manager;
- (D) the power of attorney granted to Mr Petar Vladeta be executed under the common seal of Council.

Carried.

ITEM 4. MATTERS FOR TABLING

(A) Disclosure of Interest returns that had been lodged in accordance with Sections 449(1) and 449(3) of the Local Government Act 1993 were laid on the table.

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

Local Government Superannuation Scheme	Annual Report 1998-1999
-------------------------------------------	-------------------------

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

That the Disclosure of Pecuniary Interests returns and report be received and noted.

Carried.

Petitions

(A) Councillor Marsden tabled a petition, signed by approximately 75 persons, objecting to the application by the Lord Nelson Hotel to place tables and chairs on the footpath, on the grounds that this footpath is a main access route for the community to local shops.

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That the petition be received and noted and referred to the relevant Committee for consideration.

Carried.

(B) Councillor Marsden tabled a petition, signed by approximately 310 persons, requesting that the pedestrian crossing outside 189 Kent Street be made safe for the use of people living or working in the vicinity.

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That the petition be received and noted and that an appropriate report be prepared on this matter for the consideration of the Traffic Committee.

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 29 MAY 2000

PRESENT

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

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

At the commencement of business at 5.13 pm, those present were -

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho and Turnbull

Councillor Fabian Marsden was also present.

Adjournment

At 5.15pm, the meeting of the Finance, Properties and Tenders Committee adjourned to enable a meeting of the Cultural and City Care Committee to commence.

At 5.47pm, the meeting of the Finance, Properties and Tenders Committee resumed.

Those present at the resumption of the meeting were -

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho and Turnbull

Councillor Fabian Marsden was also present.

Closed meeting

At 5.48pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 5.2 on the agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.52pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 29 May 2000 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 30 APRIL 2000 (AO2-00360)

5.1

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 29 May 2000, on Investments Held by Council as at 30 April 2000, it be resolved that the report be received and noted.

Carried.

Closed Meeting

At 5.48 pm the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 5.2 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Item 5.2 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

TENDER FOR TECHNICAL SERVICES PROCESSING FOR THE CITY OF SYDNEY LIBRARY T 2001 (S012184)

5.2

That arising from consideration of a report by the Library Manager to the Finance, Properties and Tenders Committee on 29 May 2000 on tender for technical services processing for the City of Sydney Library T2001 it be resolved that-

- (A) approval be given to engage Dagenmont Pty Ltd., trading as Peter Pal Library Supplier, for the supply of library materials;
- (B) authority be delegated to the General Manager to negotiate contracts;
- (C) all relevant documents be executed by Council's Attorney.

Carried.

**ITEM 6. REPORT OF THE CULTURAL AND CITY CARE COMMITTEE - 29
MAY 2000**

PRESENT

Councillor Dixie Coulton
(Chairman)

The Lord Mayor (Councillor Frank Sartor), Councillors Nick Farr-Jones, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 5.16 pm, those present were -

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho and Turnbull.

Councillor Fabian Marsden was also present.

The meeting of the Cultural and City Care Committee concluded at 5.46 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Marsden -

That the Report of the Cultural and City Care Committee of its meeting of 29 May 2000 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following -

SYDNEY SCULPTURE WALK (L01-00148)

6.1

That consideration of this matter be deferred to the meeting of Council on 5 June 2000.

Carried.

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

ITEM 7. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 29 MAY 2000

PRESENT

Councillor Fabian Marsden
(Chairman)

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

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

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

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.25 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Farr-Jones -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 29 May 2000 be received, and the recommendation set out below for Item 7.2 be adopted, with Item 7.1 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

RECONCILIATION STATEMENT AND INDIGENOUS STRATEGY (S001513)

7.1

- (A) That it be noted that the Lord Mayor, under the delegated authority of Council and following consultation with Councillors, made the following determination on 26 May 2000 -

That arising from consideration of a report by the Senior Project Manager, City Service Development dated 26 May 2000, on Reconciliation Statement and Indigenous Strategy, it be resolved that Council endorse -

- (i) the National Statement of Commitment adopted by the Australian Local Government Association in February 2000, as shown at Attachment B to the subject report, and take a leadership role in the ongoing reconciliation process at the local level;

- (ii) the reconciliation process by displaying poster sized copies of the national statement, facilitating the community's access to signing pledge books and distributing publicity materials such as badges and fliers;
 - (iii) a revised Statement of Commitment to Indigenous Australians, as shown at Attachment E to the subject report, to coincide with Reconciliation Week (27 May-3 June);
 - (iv) a proposal to fly the Aboriginal and/or Torres Strait Islander flag(s) alongside the National, State and City flags at Town Hall and Customs House. The National flag will always be given precedence;
 - (v) a practice of routinely acknowledging country at all appropriate public events (ie. the City of Sydney acknowledges that indigenous Australian were the prior inhabitants of the City and that the City supports and respects co-existence, racial harmony, and the customs and traditions of Indigenous Australians);
 - (vi) the development of an Indigenous Strategy (which forms an integral part of the City Social Plan/Strategy) to achieve the commitments set out in the City's reconciliation statement;
 - (vii) the establishment of an Indigenous Reference Committee with Aboriginal representation to provide advice about the development of the Strategy and other matters.
- (B) That further to (A) and arising from consideration of a report by the Senior Project Manager, City Service Development, to the Community Services, Small Business and Tourism Committee on 29 May 2000, on Reconciliation Statement and Indigenous Strategy, it be resolved that the General Manager be asked to liaise with the Metropolitan Aboriginal Land Council to determine appropriate ways that Council could assist with the restoration and refurbishment of the key historic Day of Mourning site at 150-152 Elizabeth Street.

Amendment. At the request of Councillor Marsden and by consent, the motion was amended by the addition to clause (B) of the following words -

“noting that this project is primarily a Federal and State Government responsibility.”

Motion, as amended by consent, carried.

RETAIL ADVISORY COMMITTEE - FIRST MEETING

7.2

That arising from consideration of a report by the Chief Clerk Secretariat to the Community Services, Small Business and Tourism Committee on 29 May 2000, on Retail Advisory Committee - First Meeting, it be resolved that the minutes of the meeting of the Retail Advisory Committee held on 23 May 2000, shown at Attachment A to the subject report, be received and noted.

Carried.

ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 29 MAY 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.26 pm those present were -

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

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: Observatory Park, Observatory Hill, The Rocks
4. Development Application: Mann Judd House, 159-165 Kent Street, Sydney
8. Development Application: Hellenic Club 251-253 Elizabeth Street Sydney
1. Progress Report on Development Applications
2. City of Sydney Awnings Policy 2000
6. Development Application: 52 Regent Street, Chippendale
5. Development Application: 477 Pitt Street, Sydney
7. Section 96(2) Applications: 298-304 Sussex Street and 515-519 Kent Street Sydney

The meeting of the Planning Development and Transport Committee concluded at 7.33 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 29 May 2000 be received, and the recommendation set out below for Item 8.1 and Items 8.3 to 8.8, inclusive, be adopted, with Item 8.2 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

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

8.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 29 May 2000, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

CITY OF SYDNEY AWNINGS POLICY 2000 (S011044)

8.2

That arising from consideration of a report by the Specialist - Urban Design and Architecture to the Planning Development and Transport Committee on 29 May 2000 in relation to the City of Sydney Awnings Policy 2000, it be resolved that -

- (A) Council adopt the Draft City of Sydney Awnings Policy 2000 shown at attachment A to the subject report and subject to the amendments made at the meeting of the Central Sydney Planning Committee on 25 May 2000; and
- (B) the City of Sydney Street Tree Policy 1994 and Planting Masterplan be revised and updated to reflect the City's current street tree procedures and to remove conflicts with the City of Sydney Development Control Plan 1996.

Amendment. At the request of Councillor Turnbull and by consent, the motion was amended by

- (1) the deletion of the word "and" at the end of Clause (A); and
- (2) the addition of the following words at the end of Clause (A) -

"as contained in the revised Draft City of Sydney Awnings Policy 2000, circulated to Councillors prior to the meeting of Council; and"

Motion, as amended by consent, carried.

DEVELOPMENT APPLICATION: OBSERVATORY PARK, OBSERVATORY HILL, THE ROCKS (D2000/00196)**8.3**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 29 May 2000 in relation to Development Application D2000/00196 made by Trustee, Museum of Applied Arts and Sciences, for the site at the Observatory Park, Sydney, for continued use of an existing marquee for museum related activities and special events, it be resolved that:-

- (A) the City's preferred outcome is that there be no permanent structure on the subject site and that any additional uses within the Museum of Applied Arts and Sciences' present contractual obligations should be accommodated within a temporary structure until 31 January 2001; after that any structure, temporary or permanent, should be erected in a manner which is consistent with a comprehensive Plan of Management to be adopted by Council;
- (B) given the consent authority cannot refuse a development application lodged on behalf of the Crown, the development application be referred to the Minister for Urban Affairs and Planning under the provisions of Section 115J of the Environmental Planning and Assessment Act 1979;
- (C) the Director City Development be authorised to attend the meeting, convened by the Director General, Department of Urban Affairs and Planning, between the consent authority and the applicant for the purpose of negotiating, as far as possible, a determination of the development application, that is acceptable to them and that is in accordance with the Environmental Planning and Assessment Act 1979; the Director City Development be authorised to negotiate conditions of use including, but not limited to -
 - (i) hours of operation;
 - (ii) acoustic levels;
 - (iii) orderly conduct of premises; and
 - (iv) traffic management;
- (D) authority be delegated to the Lord Mayor and the Chair of the Planning Development and Transport Committee to determine the application in accordance with the outcome of the procedures so instigated in accordance with Section 115J of the Environmental Planning and Assessment Act 1979 should this be necessitated.

Carried.

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

8.4

That consideration of this matter be deferred to the meeting of Council on 5 June 2000.

Carried.

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

DEVELOPMENT APPLICATION: 477 PITT STREET, SYDNEY

8.5.

That consideration of this matter be deferred to the meeting of Council on 5 June 2000.

Carried.

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

DEVELOPMENT APPLICATION: 52 REGENT STREET, CHIPPENDALE (D/00/00017)

8.6

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 29 May 2000, in relation to Development Application 2000/00017 made by Regent Street Developments Pty Ltd for the site at 52 Regent Street, Chippendale for construction of a nine storey building containing 60 apartments, two ground floor commercial units and basement level parking for 59 vehicles, it be resolved that:-

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

- (1) The consent of all relevant land owners for the submission of the development application, as required by Clause 46 (1) (b) of the Environmental Planning and Assessment Regulation 1994, has not been obtained.
- (2) The applicant has failed to adequately demonstrate that an easement for light and air over adjoining land in the ownership of the State Rail Authority, which is required to safeguard the future amenity of residential apartments within the development, can be obtained.
- (3) Notwithstanding the above, the development is unacceptable for the following reasons:-

- (a) The proposed development constitutes an overdevelopment of the site which in general terms results in :-
 - (i) an inappropriate built form that has an adverse impact on important views of the adjoining heritage listed Mortuary Station building;
 - (ii) a building that relates poorly to adjoining buildings and the streetscape in general;
 - (iii) the provision of residential apartments subject to poor levels of amenity.
- (b) The proposed development is inconsistent with the aims, objectives and provisions of the Central Sydney Local Environmental Plan 1996, the Central Sydney Development Control Plan 1996 and the Central Sydney Local Environmental Plan 1992 - Conservation of Heritage Items which seek to ensure that the design of a new building presents an appropriate design response to adjacent and surrounding development, safeguards the significance of heritage items and contributes to the streetscape.
- (c) The residential component of the development fails to satisfy a number of the aims and objectives and amenity controls contained in the Central Sydney Development Control Plan 1996 which seek to ensure that residential developments are provided with an adequate level of amenity and incorporate an appropriate unit mix. In particular:-
 - (i) Residential apartments on the first floor level of the building will be subject to an inadequate level of privacy given their location in relation to either the Regent Street footway or the Mortuary Station platform.
 - (ii) Forty five of the sixty apartments (75%) fail to satisfy the minimum apartment size requirements of the DCP.
 - (iii) The development fails to satisfy the unit mix requirements of the DCP.
 - (iv) The development is provided with limited open space, either communal or private, for the recreational use of residents. In this regard the roof top of the building has not been designed to accommodate open space as required by the DCP, space that is provided is generally limited in size and in some instances subject of poor amenity by virtue of overlooking from passers-by on Regent Street or users of the Mortuary Station platform, and high levels of noise from passing traffic and trains.
- (d) The development fails to fully comply with the provisions of the Building Code of Australia particularly in regard to the provision of adequate means of emergency egress. Compliance with these requirements is likely to require a substantial alteration to the design of

the building which in turn is likely to impact on the presentation of the building to Regent Street.

- (e) Approval of the proposed development in its current form would not be in the public interest.
- (B) a review of the height and floor space ratio standards contained in the Central Sydney Local Environmental Plan 1996 applicable to the subject site, the triangular area of land adjacent to the northern boundary of the site, and the properties in the same block to the south of the site, being Nos 50 to 70 Regent Street, be carried out, and that a further report be submitted to the Planning Development and Transport Committee which addresses the appropriateness or otherwise of the existing controls and any need for an amendment to the Central Sydney Local Environmental Plan 1996.

Carried.

SECTION 96 (2) APPLICATIONS: 298-304 SUSSEX STREET AND 515-519 KENT STREET SYDNEY (D/97/00499C & /99/00255C)

8.7

That it be noted that, in respect of Item 8.7, the applicant, Meriton Apartments Pty Limited, by letter dated 25 May 2000, has withdrawn the subject application.

Carried.

DEVELOPMENT APPLICATION: HELLENIC CLUB 251-253 ELIZABETH STREET SYDNEY (D99/01035)

8.8

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 29 May 2000 in relation to Development Application 1999/01035 made by Rice Daubney Architects for the site at 251 Elizabeth Street and 238 – 240 Castlereagh Street Sydney for demolition of the existing buildings and construction of a new 23 level hotel/club/residential building, it be resolved that consent be granted subject to the conditions as detailed in the subject report, and as amended at the meeting of the Planning Development and Transport Committee, as follows:-

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. 1999/01035 dated 24 December 1999 and Statement of Environmental Effects prepared by Byrnes and Associates Pty Ltd, dated December 1999 and drawings numbered-

DA-1101 Revision B
DA-1102 Revision B
DA-1103 Revision B
DA-1104 Revision B
DA-1105 Revision B
DA-1106 Revision B
DA-1107 Revision B
DA-1201 Revision B
DA-1202 Revision B
DA-1203 Revision B
DA-1204 Revision B
DA-1205 Revision B
DA-1301 Revision B
DA-1302 Revision B
DA-1303 Revision B
DA-1304 Revision B
DA-1305 Revision B
DA-1306 Revision B
DA-1307 Revision B
DA-1308 Revision B
DA-1309 Revision B
DA-1310 Revision B
DA-1311 Revision B
DA-14012 Revision B
DA-1602 Revision B
DA-1501 Revision B
DA-1502 Revision A
Da-1601 Revision B

prepared by Rice Daubney Architects dated (received) 20 April 2000 and as amended by the following conditions:

APPROVED MATERIALS

- (2) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Rice Daubney Architects dated December 1999, subject to the replacement of all translucent lexan sheeting (plastic) louvres with a high quality glass material.

Note:

- (a) Any variation to these approved materials and finishes will require the submission of an application under the S96(2) Environmental Planning and Assessment Act 1979 to modify consent and approval thereto.

DELETION OF SATELLITE DISH

- (3) The satellite dish shown on the proposed flagpole shall be deleted and does not form part of this consent.

USE OF LOUVRED FAÇADE TREATMENTS

- (4) Prior to the issue of a Construction Certificate the design of the external facades, where moveable louvres are proposed, shall be amended to provide for –
- (a) a comprehensive system whereby external louvres can be manipulated to provide for consistency in the facade treatment and to maximise the thermal and solar potential of these devices to the building's occupants,
- to the satisfaction of the Director of City Development.

SECTION 61 CONTRIBUTION

- (5) 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.

FLOOR SPACE RATIO

- (6) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 13.13: 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 11,624 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
 - (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 100 sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 11.017:1 and up to 11.13:1 as specified in the Central Sydney Local Environmental Plan 1996.

RESTRICTION ON CLUB

- (7) The following applies to the development:-
 - (a) In recognition of the long and historic association of the Hellenic Club with the land and the exclusion of 1,770 sqm (being part of the area occupied by the club equivalent to an FSR of 2:1) from the FSR calculations, the Hellenic 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 Hellenic Club 2,198 sqm must not be used for any purpose other than the Hellenic 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.
 - (i) 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

(8)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 103 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

RESTRICTION ON RESIDENTIAL DEVELOPMENT

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

- (a) The accommodation portion of the building, that being the 15 residential units, must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.

- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 6 to 16 of the residential units facing Elizabeth Street from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (10) Two archival recordings (for the Hellenic Club premises and the Australian Workers' Union Building) 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.

The form of recordings are to be as follows:-

- (c) 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.

ARCHAEOLOGICAL INVESTIGATION

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

- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

- (12) Should any historical relics be discovered in any areas of the site provision is to be made for public related opportunities (such as guided tours) interpretative signage, media releases and information leaflets to coincide with the archaeological investigation.
- (13) The applicant must submit a copy of the archaeological report prepared for the Heritage Council, which outlines the results of the archaeological investigation and/or excavation to the Director of City Development, prior to the release of the occupation certificate.
- (14) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the site's archaeological and historical significance. It should be submitted for to the Director of City Development for approval prior to the release of the occupation certificate. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the significance of the site.

DEMOLITION/SITE RECTIFICATION

- (15) 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 400,000 dollars as security for the costs of such works provided that:-

- a. the maximum liability under the Deed shall not exceed 400,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works that meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:

- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and

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.

BUILDING NAME

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

HOURS OF OPERATION OF HELLENIC CLUB

- (17) The Club premises may be open for business only between 6.00 am to 12 midnight 7 days a week and, upon expiration of the permitted hours, all restaurant service and entertainment must immediately cease and no patrons must be permitted entry to the club premises.

HOURS OF OPERATION OF STREET LEVEL CAFÉ AND RETAIL PREMISES

- (18) The hours of operation of all street level commercial premises (excluding the hotel use) must be restricted to between 6.00 am and 10.00 pm 7 days a week.
- (19) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

SIGNS

- (20) 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.

OPERATION HOTEL AND CLUB LICENSED PREMISES

- (21) 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).
- (22) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.

- (23) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (24) 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.
- (25) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.
- (26) Gaming machines, amusement devices or the like are not permitted on the ground floor of the premises.

ALARMS

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

NOISE

- (28) The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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

RECEIVING DEVICE

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

REMOVAL OF GRAFFITI

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

USE OF THROUGH SITE LINK

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

CARE OF BUILDING SURROUNDS

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

Schedule 1B

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

TRAFFIC AND CAR PARKING

- (36) The on-site provision of car parking is to be limited to a maximum of 63 spaces (inclusive of all service and delivery spaces).

- (37) The layout and allocation of car parking between the various uses proposed shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (38) The proposed car park shall be not be used as a public car park.
- (39) Service vehicle provision shall comply with clause 5.4 of Central Sydney Development Control Plan 1996 to the satisfaction of the Director of City Development.
- (40) Provision shall be made within the basement car park for a bicycle change and shower room area and the provision of bicycle parking and motor cycle parking in compliance with clause 5.5 and 5.6 of Central Sydney Development Control Plan 1996.
- (41) The layout of the car park and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (42) The servicing of the premises, involving coaches, buses or like vehicles, from the site's Castlereagh Street frontage is prohibited.

Note: The objective of this condition is to ensure that vehicles from the adjoining fire station have priority in respect to use of Castlereagh Street at all times.
- (43) Due to the inability to make provision on either the Castlereagh Street or Elizabeth Street frontages for coaches and delivery and waste disposal vehicles, parking to meet this operational requirement of the hotel must be accommodated within the site and the driveway height and configuration must be redesigned to accommodate such vehicles.
- (44) The applicant to provide a "turntable" within the building to accommodate coach movements wholly within the site.
- (45) The headroom over the loading dock and the access to it shall not be less than 5 metres high.
- (46) Headroom over disabled parking spaces shall be a minimum of 2.5 metres extending from the entrance to the space to a distance of not less than 2.16 metres from the front of the space.
- (47) Individual pairs of stacked parking spaces shall either be assigned to the same tenant of a residential apartment, assigned to hotel staff or used as valet parking for hotel guests.
- (48) All costs of traffic management measures associated with the development shall be borne by the developer.

- (49) Residents of the properties shall not be entitled to participate in the city's on-street resident parking schemes. The exclusion from the parking schemes shall appear on the section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.

PUBLIC ART

- (50) 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

- (51) 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.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost) if required.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

MODEL

- (52) 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 developments 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.

PUBLIC TELEPHONES

- (53) 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.

REFLECTIVITY FROM BUILDING

- (54) 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

- (55) 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.

DISABLED ACCESS

- (56) 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.
- (57) One (1) of the residential units and two (2) of the hotel rooms shall be designated for persons with disabilities and shall be designed so as to comply with AS 1428.1 - 1993 "Design for Access and Mobility".
- (58) Three parking spaces designed for persons with a disability must be available for use in conjunction with the development and designated for persons with a disability.

STORAGE AND WASTE HANDLING

- (59) 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

- (60) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (61) 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.
- (62) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
 - (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
 - (i) Average Corrosion Rate of *Hot Dipped Galvanised Coating* to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of *mild steel* in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of *mild steel* taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate *doubles*.

COMPLAINE WITH BUILDING CODE OF AUSTRALIA

- (63) The following requirements of the Building Code of Australia shall be addressed in the building's design prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 :-
 - (a) Access to all emergency lifts shall be provided from the fire control room.

- (b) Fire stairs shall service the penthouse on level 14, the roof terrace on level 16 and the pool gym area on level 23.
- (c) Fire doors that are required to egress from the class 9b part of the building shall have a clear width of not less than 1 metre.
- (d) The doors to all fire stairs shall not open over the open over the site's boundary.
- (e) The car parking bay adjacent to the chiller and pump room shall be relocated so as to provide egress to the fire stairs.
- (f) Emergency lifts shall be enclosed in its own fire rated shaft having a FRL of 120/120/120.
- (g) All materials, linings, and surface finishes to be used in the building shall comply with specification C1.10 of the Building Code of Australia.

PUBLIC UTILITY SERVICES

- (64) To ensure that public utility authorities are advised of the development:
- (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) The applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.
 - (c) Documentary evidence is to be submitted to and approved by the Certifying Authority confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

- (65) 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.

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable $L_{Aeq (1 \text{ hour})}$ level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum $L_{Aeq (1 \text{ hour})}$ levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
 - a. Sleeping areas (night time only: 2200-0700) 38dB
 - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum $L_{Aeq(1 \text{ hour})}$ for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The $L_{Aeq(1 \text{ hour})}$ noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

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

- (67) 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.
- (68) 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.
- (69) 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.

WASTE MANAGEMENT

(70)

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

- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal.
 - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

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

DESIGN OF FOOD PREMISES

(71)

- (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.

(72)

- (a) Prior to commencement of the use a Food Management Plan must be submitted to the Principal Certifying Authority for the total site complex detailing the design of the premises and the methods proposed to protect food from contamination or spoilage in accordance with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989 and the Food (General) Regulation 1997.
- (b) The Food Management Plan must address the following issues:-
 - (i) The design, location and ventilation of all areas and rooms proposed for use in connection with food delivery.
 - (ii) The design of the delivery dock areas including the need for vermin proofing, storage, and refrigeration of food.
 - (iii) The proposed system of transportation and protection of food until delivered to the various outlets.
 - (iv) The need for specific food modules, dumb waiters or dedicated lifts designed for the carriage of food.
 - (v) The physical separation of the Food transfer areas from the Waste transfer areas.
 - (vi) The need for refrigerated rooms for Waste Handling.
- (c) Prior to commencement of the use a copy of the Food Management Plan and Certification in the form of Attachment F3 must be submitted. Such Certification must be given by an appropriately qualified and experienced Architect or other person appropriately qualified and experienced in Public Health or Food Technology.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays,

inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (74) 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

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (76) 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.

CONTROL OF VERMIN

- (77) 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.
- (78) 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.
- (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:

- (a) 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

- (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.
- (81) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (82) 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.

- (83) 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.
- (84) 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.
- (85) 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.
- (86) 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.

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.

- (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (88) 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.
- (89) 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.
- (90) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (91) 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.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (92) Prior to issue of an Occupation Certificate, a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1994) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

Schedule 2

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

Carried.

ITEM 9. PRIORITIES AND OUTCOMES COMMITTEE - 30 MAY 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors Dixie Coulton and Fabian Marsden.

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

Councillors Coulton, Marsden and Turnbull.

Councillor Robert Ho was also present.

Apology

The Lord Mayor extended his apologies for his inability to attend the meeting of the Priorities and Outcomes Committee owing to an urgent commitment.

Moved by the Chairman (Councillor Turnbull), seconded by Councillor Marsden -

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried.

Closed meeting

At 5.41pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 9.1 and 9.2 on the agenda.

The meeting of the Priorities and Outcomes Committee concluded at 5.44 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 30 May 2000 be received, and the recommendations set out below for Items 9.1 and 9.2 be adopted.

Carried.

The Committee recommended the following:-

Closed meeting

At 5.41 the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Sections 10A (2)(d)(i) and 10A(2)(d)(iii) of the Local Government Act 1993 to discuss Items 9.1 and 9.2 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, and/or reveal a trade secret;

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

Items 9.1 and 9.2 were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public, and were subsequently dealt with by Council in open session.

COMPETITIVE TENDERING ROUND TWO: PARKING METERS (S011870)**9.1**

That arising from the consideration of a report by the Project Manager, City Service Development, to the Priorities and Outcomes Committee on 30 May 000, on Competitive Tendering Round Two: Parking Meters, it be resolved that: -

- (A) tenders be invited for the maintenance of parking meters for a term of one year with an option to extend for one further year, on the basis that the contract for maintenance is novatable at any time, and during the option period it can be terminated for convenience on two month's notice;
- (B) an Expression of Interest (EOI) be conducted for the supply, installation and maintenance of parking meters to investigate new and emerging technologies. Results of the EOI would be reported back to the Priorities and Outcomes Committee. A tender resulting from the EOI to be completed by the end of the first year of the maintenance contract;
- (C) concurrently to these processes, an analysis of the parking meter machines be conducted to assess the performance of the machines, as outlined in paragraph 7 of the subject report.

Carried.

NEW YEAR'S EVE CELEBRATIONS 2000 - FIREWORKS TENDERS (S012067)

9.2

That, arising from consideration of a report by the Producer, Major Events to the Priorities and Outcomes Committee on 30 May 2000, on New Year's Eve Celebrations 2000 - Fireworks Tenders, it be resolved that:-

- (A) Council endorse in principle the form of the requests for tender being three separate Tenders.
- (B) Council endorse in principle the tender documents, as attached to the subject report, for the Request for Tender, subject to the agreement of the Lord Mayor on the final form and content.

Carried.

ITEM 10. SYDNEY SCULPTURE WALK (L01-00148)

Moved by Councillor Coulton, seconded by Councillor Farr-Jones -

That arising from consideration of a report by the Curator, Sydney Open Museum to the Cultural and City Care Committee on 29 May 2000, and to Council on 5 June 2000, on the Sydney Sculpture Walk, it be resolved that -

- (A) Council endorse the commissioning of the following artwork project –
 Fiona Hall, Lawn 62 - \$250,000
 provided it is completed before the Olympic Games;
- (B) authority be delegated to the General Manager to enter into a contract with the artist listed in (A);
- (C) staff be advised that -
 - (i) the proposed Di Suvero sculpture has not yet been funded or approved;
 - (ii) more emphasis should be placed on City locations for future works.

Carried.

ITEM 11. DEVELOPMENT APPLICATION: MANN JUDD HOUSE, 159-165 KENT STREET, SYDNEY (D2000/00022)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of reports by the Specialist Planner to the Planning, Development and Transport Committee on 29 May 2000 and to Council on 5 June 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 86 apartments and 9 basement parking levels containing 96 parking spaces and a swimming pool, it be resolved that:

- (A) for the purpose of calculating the height of any development on this site, under the provisions of the Central Sydney Local Environmental Plan 1996, the Council determines Jenkins Street and Gas Lane not to be streets and that the height of any development on this site should be measured from Kent Street;
- (B) a “*deferred commencement*” consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:

- (1) the proposed building shall be modified so as not to affect the Easement for Support over Lot 2 DP 738238 in favour of Lot 1 DP 738238. Alternatively, subject to the relevant approvals from the necessary parties, the Easement for Support may be extinguished.
- (2) a documentary easement for fire egress shall be obtained over Jenkins Street in favour of the development site, extending from the point of discharge of Fire Stair No. 5 to a public road or public open space.

The above information shall be submitted to Council's satisfaction within 12 months from the date of this "*deferred commencement*" consent.

- (C) That subject to satisfactory completion of the above requirements, the development consent shall operate subject to the following conditions:

SCHEDULE 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule 1A 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. D2000/00022 dated 11 January 2000 and Statement of Environmental Effect prepared by The Kann Finch Group dated January 2000, as amended by the Supplementary Statement of Environmental Effects prepared by The Kann Finch Group dated March 2000, and drawings numbered SK301, SK302, SK306, and SK307 all dated 13 March 2000, SK303/A, SK304/A, SK305/A, SK308/A, SK309/A, and SK310/A all dated 10 May 2000, and the undated Finishes and Material Board numbered DA1, all prepared by Kann Finch Pty Ltd 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 15.2:1 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 10,990sqm.

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

BUILDING HEIGHT

(4)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 102.655 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

RESTRICTION ON RESIDENTIAL DEVELOPMENT

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

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

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

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

(b) **Amount of Contribution**

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

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

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

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

DEMOLITION/SITE RECTIFICATION

(8) 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 \$180,920 as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed \$180,920; 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 tenatable 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.

DEMOLITION/SITE RECTIFICATION

- (9) 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.

REPORT TO BE COMPLIED WITH

- (10) The development shall be generally in accordance with the recommendations of the report titled "*Proposed Residential Development 159-161 Kent Street, Millers Point: Environmental Impact of the Development – Wind, Reflectivity, Acoustics and Energy*" (Report Reference No. 10-1297-R1) prepared by Richard Heggie Associates dated 13 March 2000.

NUMBER OF CAR SPACES

- (11) In accordance with the letter from Kann Finch Pty Ltd dated 17 May 2000, only 96 car parking spaces shall be provided on site.

RESTRICTIONS ON USE OF CAR SPACES

- (12) The following conditions apply to car parking:-
 - (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.
- (13) Residents of the property are not entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.
- (14) Parking Space No. 8 on Basement Levels 2 to 8 shall be for the parking of small cars only.

LOADING OPERATIONS

- (15) All loading and unloading operations for the future uses must be carried out via the Basement 1 service area.

DEDICATION OF FOOTPATH

- (16) The owners of the site are to dedicate to the public for road purposes, free of cost to Council, a 1.75 metre widening of Gas Lane, a curved splay at the corner of Gas Lane and Jenkins Street and a composite curved splay at the corner of Gas Lane and Kent Street, to the facade of the proposed building, limited in stratum to a depth of a minimum of 2 metres below the adjacent footpath and unlimited in height, on the understanding that the affected land will be available for the calculation of the Floor Space Area of the proposed building only.
- (17) The developer is to make a separate application to Council's Living City Services – Roads and Footways for the construction of the widened footpath and any reconstruction of the existing road carriageway and footway required as a consequence of the development and all costs associated with such works are to be borne by the developer.
- (18) All costs of traffic management measures associated with the development shall be borne by the developer.

EXTERNAL LIGHTING

- (19) 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

- (20) 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

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

NOISE

- (22) 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.

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

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

WINDOW CLEANING

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

SIGNS

- (25) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

ARCHEOLOGICAL INVESTIGATION

(26)

- (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.

PROTECTION OF SIGNIFICANT JENKINS STREET FABRIC

- (27) If any original stone kerbing or other significant fabric of Jenkins Street is uncovered during construction, it is to be preserved in situ or restored or reused in any new street works associated with the development according to the advice of an experienced heritage consultant.

STRATA SUBDIVISION

- (28) Any proposal to Strata subdivide the building will require separate application to Council to obtain approval and endorsement of a final Strata Plan in accordance with the provisions of Section 37 of the Strata Schemes (freehold Development) Act 1973 as amended.

OVERHANG OF BALCONIES

- (29) Any proposed balconies, bay windows or architectural embellishments overhanging the public way are to comply with Part 12.3 of the Central Sydney Development Control Plan 1996 as amended and not encroach upon the alignments of Gas Lane or Kent Street to an extent exceeding 450mm.

SCHEDULE 1B

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

PUBLIC ART

- (30) 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

- (31) 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.

ELECTRICITY SUBSTATION

- (32) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

MODEL

- (33) 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.

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
- (i) In a naturally ventilated - windows closed condition:
- | | |
|------------------------------------------------|------|
| a. Sleeping areas (night time only: 2200-0700) | 35dB |
| b. Living areas (24 hours) | 45dB |
- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

- | | | |
|----|---------------------------------------------|------|
| a. | Sleeping areas (night time only: 2200-0700) | 45dB |
| b. | Living areas (24 hours) | 55dB |
- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
- | | | |
|----|---------------------------------------------|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours) | 46dB |
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
- (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
- (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE

(35)

- (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).

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

- (36) 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.

CAR PARK ENTRY FINISH

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

PAVING MATERIALS

- (38) 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.

PROVISION FOR LATER FITOUT FOR PERSONS WITH A DISABILITY

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

ACOUSTIC PRIVACY BETWEEN UNITS

- (40) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
 - (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
 - (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

- (41) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

CAR PARK AND SERVICE VEHICLE LAYOUT

(42)

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

(43) 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.

STORMWATER AND DRAINAGE

(44) The following stormwater details shall be submitted:-

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

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

CERTIFICATION OF DESIGN FOR STORAGE AND HANDLING OF WASTE

(45) 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.

SEPARATION OF WASTE

(46) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

SANITARY FACILITIES

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

ALIGNMENT LEVELS

(48) The following shall be submitted to Council:-

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

SOLE OCCUPANCY MUST HAVE AT LEAST TWO EXITS

(49) Without passing through another sole occupancy unit every occupant of a storey or part of a storey must have access to at least two exits in accordance with D1.2(g) of the Building Code of Australia.

OTHER BUILDING CODE OF AUSTRALIA REQUIREMENTS

(50) Access and signage to the proposed swimming pool shall comply with the requirements of the Swimming Pools Act 1992.

- (51) The carpark/loading dock shall be constructed with elements having the appropriate fire resistance as required by Part C of the BCA.
- (52) The rising/descending flights and the discharge of the basement exits shall comply with the requirements of Part D of the BCA.
- (53) The travel distances from the doorway of a sole-occupancy unit to the fire isolated stairs shall comply with Part D of the BCA.
- (54) Disabled access to and within the building shall comply with the requirements of Part D of the BCA.
- (55) Sanitary facilities shall be provided to each sole-occupancy unit in accordance with the requirements of Part F of the BCA.

SCHEDULE 1C

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

WASTE MANAGEMENT

- (56)
 - (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.

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

- (57) 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

- (58) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of 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

- (59) 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

(60) 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.

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

(61) 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(62) The following environmental protection measures are required:

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

- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
- (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the protection of the Environment Operations Act (NSW) 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

METHOD OF EXCAVATION

- (63) Prior to the commencement of any excavation of the site and in order to reduce the risks of causing vibration induced damage to neighbouring buildings, vibration measurements shall be carried out by a Geotechnical Engineering Consultant to assess the vibration transmission properties of the ground to establish the correct excavation technique and equipment to minimise vibration transmission.

GEOTECHNICAL REPORT AND CERTIFICATION REQUIRED

- (64) 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 REQUIRED FOR CONSTRUCTION/BUILDING WORKS

- (65) 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

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

- (a) All demolition and excavation work in connection with the proposed development must only be carried out between the hours of 8.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 10.00 a.m. and 3.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All 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.
- (c) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(67) 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

- (68) 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

- (69) 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

- (70) 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, following consideration by the Sydney Traffic Committee.
 - (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

- (71) 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 CHECK

- (72) 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

- (73) 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

- (74) 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

- (75) 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

- (76) 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

- (77) 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.

ACCESS DRIVEWAY TO BE CONSTRUCTED

- (78) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

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 BCA

- (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.

FIRE SAFETY CERTIFICATE TO BE SUBMITTED

- (83) 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.

GLAZING MATERIALS TO COMPLY WITH CODE

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

STRUCTURAL INSPECTION CERTIFICATE

- (85) 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.

GEOTECHNICAL INSPECTION CERTIFICATE

- (86) 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.

SYDNEY WATER CERTIFICATE

(87)

- (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

(88) 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

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

STREET NAME PLATE

- (91) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (92) Prior to issue of an Occupation Certificate, a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1994) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (93) Prior to issue of an Occupation Certificate, a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1994) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (94) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (95) 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.

CONTRACT REQUIRED FOR REMOVAL OF TRADE WASTE

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

HEATING/COOLING SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

- (97) 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

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

REGISTRATION OF HEATING/COOLING SYSTEMS

- (99) 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.

NOISE AND VIBRATION NOT TO CAUSE NUISANCE

- (100) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

Schedule 2

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

Carried.

**ITEM 12. DEVELOPMENT APPLICATION: 477 PITT STREET, SYDNEY
(D/00/00147)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 29 May 2000, and to Council on 5 June 2000, in relation to Development Application D/00/00147 made by Selwan Property Holdings Pty Ltd for the site at 477 Pitt Street for the extension of the existing licensed area of the Bohem Restaurant to create a new pub, it be resolved that:-

- (A) the applicant be requested to submit, within 14 days, revised details of modifications to the internal layout of the pub which incorporate a food preparation area, full kitchen (including washing facilities), and garbage storage facilities to the satisfaction of the Director City Development; and
- (B) authority be delegated to the General Manager, in consultation with the Chair of the Planning Development and Transport Committee, to determine the application and, in the event that the application is approved, the General Manager be requested to have regard to draft conditions of consent detailed in Attachment C to the subject report.

Carried.

**ITEM 13. STATE ENVIRONMENTAL PLANNING POLICY NO. 38 - OLYMPIC
GAMES AND RELATED PROJECTS (S011779)**

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That arising from consideration of a report by the Manager Development to Council on 5 June 2000 in relation to State Environmental Planning Policy No 38 - Olympic Games and Related Projects, it be resolved that the report be received and noted.

Carried.

ITEM 14. QUESTIONS ON NOTICE**DIVISIONAL BUDGET 2000/01 (S010694)**

1. By Councillor Greiner –

Question

Lord Mayor, as you are aware I sought additional information concerning details of Income and Expenditure categories "Other" in the Divisional Budget 2000/01.

I would be interested in answers to the following questions:

1. International travel expenditure is projected at \$125,000, domestic travel expenditure is projected at \$86,418. Could you please inform me the expenditure to date of those two items and explain to me why \$125,000 is allocated for the 2000/01 Budget?
2. Could you also furnish me with the international and domestic travel expenditure items for the previous financial years 97/98, 98/99 and the estimate for 1999/2000?

Answer by the Lord Mayor

In respect of 1. the General Manager advises that:-

“In respect of the 2000/2001 year budget for international travel the budget has been based on the following divisional travel allocations, although no travel has been planned or approved:

Councillor Support	\$40,000
General Manager's Office	\$35,000
Cultural Affairs and Protocol	\$10,000
Major Events	\$15,000
Corporate Resources	\$25,000”

In respect of 2. this information is provided in the annual reports for those years.

In respect of the current financial year I have already responded to a similar question only a month or two ago.

DIVISIONAL BUDGET 2000/01 (S010694)

2. By Councillor Greiner –

Question

Lord Mayor, in a review of the "Other" Revenue and Expenditure items for the Divisional Budget 2000/01, could you please clarify why there is a line item of \$554,073 allocated for "Other Fees"?

It would appear to me that having allocated estimated revenue for Certificate Fees; Model Making Fees; Drainage Check Fees; Fees for Buildings; Tickets; Filming; Health Approvals and Inspections as well as Registrations; Library Fees; Lost Book Fees; Microfilming Fees; Park Booking Fees; Residential Parking Fees; Road Opening Fees; Subdivision Fees; that there could not possibly be much more in "Other Fees".

Could you please explain?

Answer by the Lord Mayor

The Deputy General Manager advises that:

“The “Other Fees” in the Budget 2000-01 is made up of the following:

- Cultural Affairs – Night markets stall hire fee \$150,000
- Library – Library bags, discs, paper, meeting room hire etc. \$116,500
- Archives – Fees for copies of Plans & other documentation \$ 50,000
- City Services – Vehicle crossings, barricades \$ 45,000
- Pest Control – Inspections and spraying \$ 41,554
- Millers Point Rec Centre – In house meals & meals on wheels \$ 35,000
- Commercial Events – Recovery of utility charges from Mode \$ 27,000
- Transport & Access – Street parade applications \$ 15,000
- Information Technology – Library system maint. Ashfield City \$ 12,600
- Document Management – Sale of historical publications \$ 10,000”

DIVISIONAL BUDGET 2000/01 (S010694)

3. By Councillor Greiner –

Question

Lord Mayor, I was intrigued when reviewing Income and Expenditure under the heading of "Other" in the Divisional Budget 2000/01, to identify half a million dollars in Projected Bad and Doubtful Debts.

Why is this figure so high, and what strategies are in place to reduce it?

Answer by the Lord Mayor

The Deputy General Manager advises that:-

“The charge of \$500,000 against Bad and Doubtful Debts, reflects an annual provision that is made to build up a reserve against potential bad debts. It does not reflect any bad debts which are written off. The balance available in the account is approximately \$3.3 million. All debts to be written off have to be approved by Council and it is intended to present a proposal to Council to write off about \$2.0 million worth of debt including the “Novotel” debt. When Council agrees to write off a debt, that amount is offset against the provision which has been built up over a few years (via the \$500,000 annual provision). This prevents an abnormal negative impact on the result in the year the debt is written off.

The practice of building up a provision is normal and good financial management.”

DIVISIONAL BUDGET 2000/01 (S010694)

4. By Councillor Greiner –

Question

Lord Mayor I sought further information on the Draft 2000/01 Budget. In particular what items were covered by "Other". Information was forwarded to me and I seek further clarification.

I note an allocation to Property Maintenance of \$1,615,073, and I am intrigued to see an allocation approximate to \$1 million on rent and other occupancy costs, viz \$35A - Rent \$400,606", and "36A - Other Occupancy Costs \$503,550".

Could you please refresh my memory as to the properties which Council is renting and for what purposes, as well as the number of employees occupying these premises?

Answer by the Lord Mayor

The General Manager advises that:-

“Regarding Rent of \$400,600, this comprises:

- | | | |
|-----|-------------------------------------------------------------------------------------|-----------|
| (a) | Goulburn Street carpark (stratum lease from SRA) -
(rent is 8% of gross revenue) | \$325,600 |
| (b) | Lease for Special Sign – 55 Sussex Street – rent - | \$75,000 |

Regarding Other Occupancy Costs of \$503,550 this comprises:

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------|-----------|
| (a) | 081 – Commercial Property -
(leasing fees and expenses, strata levies
for Drutt Street, and sundries) | \$162,662 |
| (b) | 084 – Customs House -
(leasing fees and expenses, sundries) | \$64,000 |
| (c) | 087 – City Recital Hall -
(loss incurred on operating costs) | \$229,000 |
| (d) | Living City Services – Security and Admin Costs - | \$46,888 |

The main properties which Council rents are the Goulburn Street Carpark (stratum lease), and signage at 55 Sussex Street.”

COOK AND PHILLIP PARK CENTRE (S010694)

5. By Councillor Greiner –

Question

Lord Mayor, it has come to my attention that of the many organised sports being offered at Cook and Phillip Park Centre, including Basketball for boys, Netball (especially for pre-teen girls) has at various times been advertised as an available sport but to date has not commenced.

It was included in the original brochure and a flyer was put on the noticeboard asking for participants. This was completed by numerous people interested in attending.

Can you please advise why this particular sport (Netball) is not being provided for girls, especially when Basketball is available for boys only on Saturdays, and 'mixed gender' on Fridays?

Answer by the Lord Mayor

The Deputy General Manager advises that:-

“The Program Coordinator at Cook and Phillip Park was contacted. He reported that it was still the Centre’s intention to provide netball for 5 to 15 year old girls. At present there were not enough participants to begin a competition. Cook and Phillip Park’s original brochure (distributed when the Centre opened in August 1999) and a flier placed on the Centre’s noticeboard advertised girls netball. Interested participants could sign various lists placed on noticeboards around the Centre. These were divided into age groups of under 9, under 11 and under 13 year olds. The Program Coordinator advised that there were not enough participants to support a netball competition.

The girls also left their names and contact details and will be contacted to arrange a Junior Netball afternoon. This would be similar to the Junior Slam (basketball) currently held on Friday afternoons. It is likely be held on Thursday afternoons, in two age groups: 5 - 10 years and 11 - 15 years, commencing at around 4:30pm. The participants will undertake drills, develop netball skills and then play a game. The delay in the commencement of the program has been the appointment of a suitably qualified person to coach and run the netball program in after school hours. The program is due to start at the beginning of the next school term.

The Program Coordinator is also investigating the likelihood of a running netball competition in the Domain, where there are existing netball courts. This would be a Saturday competition.

The basketball competition currently running at the Centre is a ‘mixed’ competition with boys and girls participating. A final commencement date has been requested from the Operators for the girls’ netball competition.”

PARKING ON FOOTPATH (S010694)

6. By Councillor Greiner –

Question

Lord Mayor, although you maligned me, I have been correct in pursuing the issue of the JC Decaux vans parking on the city's footpaths. Correspondence from the chief Executive, RTA, clearly indicates the requirement for JC Decaux vehicles to demonstrate to Council a genuine need to park contrary to the provisions outlined in Part 2 of clause 310 of the Australian Road rules, and also points out that these vehicles must then clearly display sufficient warning of their maintenance activities to other road users and pedestrians.

Therefore Council is now beholden to ensure a policy is in place for the provision of suitable signage and notification which will alert other road users and pedestrian of vehicles (JC Decaux et al) when there is no other option but to drive and stop on the footpath.

Will you ensure that Council officers provide to the Councillors a draft policy for the provision of such signage and suitable notification?

Will you also table the correspondence with JC Decaux outlining their responsibilities in accordance with the provisions outlined in part 2 of Clause 310 of the Australia Road Rules?

Answer by the Lord Mayor

The Director City Development advises that:-

“The correspondence from the Roads and Traffic Authority (RTA) to Mr Harold Scruby clearly supports previous advice given to Council in relation to the circumstances under which JC Decaux vehicles are permitted to drive along, stop or park on the footpath.

The issue with which the RTA appears to have concern relates to the extent of warning provided by J C Decaux drivers to other road users of the activity.

The responsibility for being familiar and complying with the Australian Road Rules rests with the driver, in much the same way as Council employees are responsible when driving Council vehicles. Discussions have been held with representatives of the NSW Police Service and the RTA. Both the NSW Police and the RTA consider that sufficient warning will have been provided when the following actions take place:-

- (i) Both the vehicle's hazard warning lights and roof mounted amber flashing lights must be engaged when the vehicle is moving either onto, from or along the footpath.
- (ii) The vehicle's roof mounted amber flashing lights must be engaged whilst ever the vehicle is stationary on the footpath.

This advice has been forwarded to JC Decaux and the City's Law Enforcement Officers".

I trust that this advice now resolves the issue of when and under what circumstances JC Decaux vehicles are permitted to stand, park or drive along the footpath.

SKATEBOARD RIDERS (S010694)

7. By Councillor Greiner –

Question

Lord Mayor, a recent Sunday walk through the city proved that there were more skateboarders than pedestrians in many parts of the city, and in particular I draw your attention to Macquarie Place, where 16 skateboarders were having a fine Sunday afternoon outing.

Will you please ensure that signage banning skateboard riding in Macquarie Place is provided and clearly displayed?

Will you also ensure that Law Enforcement Officers prevent skateboard riders from riding in Macquarie Place, Martin Place, Castlereagh Street, Alfred Street and everywhere else that they ride in the city?

Answer by the Lord Mayor

The Director City Development advises that:-

“Under the Australian Road Rules, skateboards are defined as wheeled recreational vehicles and as such are considered as “pedestrians” in terms of Road Transport Legislation. However Clause 24(2) of the Road Transport (General) Regulations 1999 enables Councils to enact powers under the Local Government Act (1993) in terms of the control and enforcement of skateboard activities in public places.

Specifically section 633(A) of the LGA (1993) states that “A person who, in a public place, uses skating equipment so as to obstruct, annoy, inconvenience or cause danger to any other person in that place is guilty of an offence”. In addition the LGA (1993) enables the City to erect signage which expressly prohibits the use of such equipment in specified locations.”

The City acknowledges that skateboarding is a popular recreational activity. However, there is concern when riders behave in a manner which causes annoyance, inconvenience or danger to other legitimate users of the public space.

However, the notion that the City should introduce signage to “skateboarding hotspots” in the City to prohibit such activity is not supported. This will simply move the problem from one area to another and ultimately result in a forest of signs throughout the City.

Whilst the concerns raised by Councillor Greiner are understood, the most effective approach is for the City's Law Enforcement Officers to regulate irresponsible skateboard activity using the powers invested in Council under section 633 (A) of the Local Government Act.

As a consequence the General Manager has been requested to advise the City's Law Enforcement Officers to undertake appropriate action particularly at critical sites such as Martin Place, Macquarie Place and Cook and Phillip Park.

QUESTIONS WITHOUT NOTICE**STREET FURNITURE (S010699)**

1. By Councillor Farr-Jones -

Question

Lord Mayor, in relation to JCDecaux there is just one issue that I should have raised before on the budget. Does the street furniture income appear in the budget or not and, if so, under what item?

Answer by the Lord Mayor

There was a pre-payment for the first five years of about \$11 million and then the recurrent income cuts in after five years. Those pre-payments were made in the last couple of years.

The only items at the moment are small capital items at the margins to move a bit more street furniture.

CHINATOWN PRECINCT - LIGHTING (S010701)

2. By Councillor Ho -

Question

Lord Mayor, the Chinatown Precinct is the second biggest Olympic activity area. Are we improving any lighting around the area at all?

Answer by the Lord Mayor

I invite the Director City Projects to respond.

Director City Projects

We are looking at supplementing the lighting in Little Hay Street and some additional lighting in Sussex Street and we put up some additional lighting in Harbour Street - that went up last weekend. So there is a series of different types of lights.

Answer by the Lord Mayor (continued)

I ask that the Director City Projects advise Councillor Ho in writing as to when the additional lighting will be provided.

ITEM 15. NOTICES OF MOTION

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

**ITEM 16. WATTLE STREET PEDESTRIAN BRIDGE: LIFT SUPPLY –
TENDER NO. 2007: APPROVAL TO APPOINT SUPPLIER
(SO 11332)**

Closed Meeting

At 6.37 pm the meeting resolved -

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

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

Item 16 was then dealt with by Council while the meeting was closed to the public.

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That arising from consideration of a report by the Deputy Director Project Management, City Projects to Council on 5 June 2000, on the tender for the supply of a lift for the Wattle Street Pedestrian Bridge in Ultimo, it be resolved that -

- (A) Council acknowledge that no tenders were received;
- (B) Council notes that negotiations have been entered into with the four suppliers named in the subject report;
- (C) Council declines to invite fresh tenders, on the basis that a more satisfactory result would not be achieved in light of:
 - (i) the lack of response to the open tender process
 - (ii) the availability of quotations from four suppliers; and
 - (iii) the competitive nature of the quotation process with the four suppliers named in the subject report;

- (D) after receipt of advice as to the total costs of the project, and subject to Council being satisfied that the total costs of the project are acceptable -
- (i) Council accept the quotation of DEVE Hydraulic Lifts for the supply, installation and commissioning of a lift for the Wattle Street Bridge for the sum of \$106,800;
 - (ii) Authority be delegated to the General Manager to enter into a contract with DEVE Hydraulic Lifts, for the works outlined in Clause (B).

Carried.

ITEM 17. DEVELOPMENT APPLICATION: 201-207 KENT STREET SYDNEY - SPECIAL SIGNAGE - STATUS REPORT (D2000-00-394)

Note: This matter was dealt with at an earlier stage of the meeting.

At 6.45 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 26 June 2000 at which
meeting the signature herein was subscribed.