



13 MARCH 2000

Meeting No 1306

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.38 pm on 13 March 2000 pursuant to Notice 3/1306 dated 9 March 2000.

INDEX TO MINUTES

<u>Subject</u>		Page No.
1.	Confirmation of Minutes	101
2.	Minutes by the Lord Mayor -	
	Voluntary Council Amalgamations	101
3.	Memorandum by the General Manager	
	3A. Strategy for Workplace Reform	106

<u>Sub</u> j	<u>lect</u>	Page No.
	3B. Olympic Enterprise Agreement	192
4.	Matters for Tabling	109
	Reports of Committees -	
5.	Planning Development and Transport Committee - 6 March 2000	110
6.	Planning Development and Transport Committee - 13 March 2000	164
	Reports to Council -	
7.	Development Application: Gowings Building 452-456 George Street, Sydney ('Special Signage' on Southern Façade)	175
8.	City Of Sydney Street Outreach Service: Evaluation of Expressions of Interest, EOI No. 0899	
9.	Questions -	
	Questions on Notice	179
	Questions Without Notice	184
10.	Notices of Motion	191
11.	Ipoh Limited and Sydney City Council Development Application for Redevelopment of the Ballroom on Level 3 to a Tea Room and	
	Function Centre	191
12.	Ipoh Gardens and Assignment of Transferable Floor Space	192

PRESENT

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

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

At the commencement of business at 5.38pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

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

That the Minutes of the Meeting of Council of 21 February 2000, as circulated to Councillors, be confirmed, subject to the following correction:

the addition of the following at the end of the resolution on Item 2E on page 92:

"The motion was carried on the following show of hands -

Ayes (6) - The Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner

Motion carried."

Carried.

Moved by Councillor Marsden, seconded by Councillor Greiner

That the Minutes of the Extraordinary Meeting of Council of 6 March 2000, as circulated to Councillors, be confirmed subject to the following correction:

the addition of the following at the end of the resolution on Item 2 on page 97:

(B) further information be provided as to the need for the subject vehicle, and an explanation as to the divergence between the estimate and the tender price, to the satisfaction of the Lord Mayor.

Carried.

ITEM 2. VOLUNTARY COUNCIL AMALGAMATIONS

DATE: 13/3/00

MINUTE BY THE LORD MAYOR

To Council:

In June 1999 the Minister of Local Government, The Hon Harry Woods, MP announced plans to facilitate the voluntary amalgamation of Local Councils in New South Wales.

The proposal was based on Local Government Authorities reaching voluntary agreement on amalgamation proposals. Those Councils which decided to explore amalgamation options, had their Local Government elections scheduled for September 99 deferred in order for discussions to take place between the interested parties.

Of particular interest to the City of Sydney was discussion between South Sydney, Randwick and Botany Bay Councils which led to the inquiry undertaken by John Woodward from the Office of the Environment Mediation and Inquiry. His report was released in February 2000.

The inquiry appears not to have had the full cooperation of the Botany Bay Council and, as a result it now appears that the options outlined in the final report may not be implemented.

This inquiry was limited by a restricted brief and did not consider in depth broader options, in particular the possible amalgamation of other Local Government areas, or parts thereof, with the City of Sydney

There is currently no mechanism to allow the consideration of boundary changes involving the City of Sydney within the scope of the special amalgamation process referred to above. We now have the situation that the voluntary amalgamation process may collapse but that there are outstanding proposals from the City of Randwick, the City of Botany, the City of South Sydney and from resident groups from the City of South Sydney.

In summary, there are a number of outstanding boundary issues which affect Councils in our region.

- 1. Randwick Council's request (letter 25 February 2000 attached) for the Minister to commission an independent inquiry into the current boundaries of Eastern Suburbs Councils and the opportunities for possible amalgamations. The Mayor of Randwick also draws attention to the insuperable problems caused to the independent Woodward inquiry by the very closed attitude by some councils to the supply of information.
- 2. The issue of the management of Sydney Airport environs, where part of the Airport complex falls within Rockdale Council's boundaries and the majority is part of Botany Bay City Council.
- 3. Bondi Junction Shopping Centre, which is divided by Oxford Street with half falling in the Waverley Council area and the remaining falling within Woollahra's boundaries.
- 4. Numerous requests and petitions from residents, particularly of South Sydney, for a wider review of boundary issues.

At present there are plans for elections to be held South Sydney, Botany and Randwick Councils in June of this year.

Given the inability of the Woodward Review to adequately consider options involving the City of Sydney and taking account of the level of community interest in the adjustment of boundaries involving South Sydney, Leichhardt and the City of Sydney Local Government areas, it would be appropriate for elections for South Sydney Council in June of this year to be deferred to enable these issues to be addressed. This is possible for up to a six-month period within the existing Act.

It is recommended City of Sydney request that the Minister determine that the deferred elections follow a boundary commission review of the boundary issues involving the City of Sydney and South Sydney and adjacent areas as required.

I further recommend we request the Minister to direct the Department of Local Government undertake an independent Boundary Review and report to the Minister of the Department of Local Government on possible changes to the boundaries of the City of Sydney, Leichhardt, South Sydney and other adjacent areas. So that this does not become a protracted process, it would be my recommendation that the Review be completed by the end of this year.

It is clear that the current approach requiring the voluntary, bilateral resolution of issues has not worked well in most cases. The attitude of some suburban Mayors in recent weeks highlights the need to focus on the benefit to ratepayers and residents in any boundary change rather than give a quasi veto to some Mayors, Councillors and senior officers who appear to have some difficulty in separating their own benefit from the public good and local benefit.

I am confident that a different approach is required with appropriate terms of reference so that the issues can be more effectively canvassed.

RECOMMENDATION:

That, arising from consideration of a Minute by the Lord Mayor to Council on 13 March 2000 on Voluntary Council Amalgamations, it be resolved that -

- (A) the City of Sydney request the Minister of Local Government, The Hon Harry Woods MP to defer the election proposed for the South Sydney Council in June this year.
- (B) the Minister of Local Government, The Hon Harry Woods MP be requested to commission an independent investigation to report in the first instance to the Director, Department of Local Government on possible amendments to the boundaries of the City of Sydney, Leichhardt and South Sydney Councils.

(SGD) COUNCILLOR FRANK SARTOR Lord Mayor

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

That the minute by the Lord Mayor be endorsed and approved.

Amendment moved by Councillor Greiner, seconded by Councillor Farr-Jones -

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

That, arising from consideration of a Minute by the Lord Mayor to Council on 13 March 2000 on Voluntary Council Amalgamations, it be resolved that -

- (A) the Minister for Local Government, the Hon Harry Woods MP be requested to commission an independent investigation, completed within 12 months, to report in the first instance to the Director, Department of Local Government, on possible amendments to the boundaries of the City of Sydney, Leichhardt and South Sydney Councils.
- (B) An independent investigation should cover the following items:
 - a thorough financial analysis of income, both lost and gained, as well as increased expenditure on services, were the boundaries to be altered in any local government area;
 - (ii) community consultations of members of the residential communities and the business communities in all local government areas so identified in (A) above;
 - (iii) an analysis of the cost implications to local government areas of maintenance of non revenue generating areas, e.g. coastal beaches.
- (C) A further option should be examined in the independent investigation, reviewing the creation of a separate management authority, in conjunction with the appropriate local government authority, to control non-generating revenue areas, e.g. beaches, as well as revenue generating areas such as Sydney Airport and Port Botany.

Following discussion, and with the consent of all Councillors, the matter was divided into three parts, and a motion on each part voted on separately, as follows -

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That, arising from consideration of a Minute by the Lord Mayor to Council on 13 March 2000, on Voluntary Council Amalgamations, it be resolved that the City of Sydney request the Minister for Local Government, The Hon Harry Woods MP, to defer the election proposed for the South Sydney Council in June this year, to facilitate the change process.

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That, arising from consideration of a Minute by the Lord Mayor to Council on 13 March 2000, on Voluntary Council Amalgamations, it be resolved that the Minister for Local

Government, the Hon Harry Woods MP, be requested to commission an independent investigation, to report in the first instance to the Director, Department of Local Government, on possible amendments to the boundaries of the City of Sydney, Leichhardt and South Sydney Councils. Amongst the issues to be addressed should be:

- 1. the question of community of interest and to which area each community naturally relates;
- 2. the question of achieving a critical mass of resources both in terms of capital works, resources and staff; and the local government area's ability to improve its negotiating position with State agencies and the private sector on matters affecting its jurisdiction;
- 3. economies of scale that might be achieved;
- 4. the prospect for critical urban and public domain enhancements that may arise from the establishment of larger local government areas, e.g. William Street, Oxford Street and Bondi Junction;
- 5. a thorough financial analysis of income, both lost and gained, as well as increased expenditure on services, were the boundaries to be altered in any local government area:
- 6. community consultations of members of the residential communities and the business communities in all local government areas identified above;
- 7. an analysis of the cost implications to local government areas of maintenance of non revenue generating areas, eg coastal beaches.

Carried unanimously.

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

That, arising from consideration of a Minute by the Lord Mayor to Council on 13 March 2000, on Voluntary Council Amalgamations, it be resolved that the Minister for Local Government be requested to include in the independent investigation an examination of the option of reviewing the creation of a separate management authority, in conjunction with the appropriate local government authority, to control non-generating revenue areas, e.g. beaches, as well as revenue generating areas such as Sydney Airport and Port Botany.

The motion was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

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

Motion lost.

ITEM 3A. STRATEGY FOR WORKPLACE REFORM (S010716)

FILE NO: S010716 DATE: 9/3/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

We have been through a number of phases of workplace reform at the City in the nineties. In the early nineties the organisation went through a fundamental re-organisation and reform which dramatically reduced operating costs and improved performance. In 1996 we adopted, through industrial agreement, a program of competitive tendering ("CT") which ran from late 1996 through until June 1998. A report entitled "The Next Test II" was adopted by Council in May 1996. CT was a new form of workplace reform and it was quite a significant intervention.

These reforms in 1996 have demonstrably reduced operating costs by around 8% per annum and stated more clearly the outcomes we wish to see delivered on behalf of ratepayers. We have also made substantial progress in developing performance assessment systems to monitor service delivery. CT was a new reform process and a major intervention. A considerable investment has been made in its introduction over the last three to four years.

Timing

In 1996 to 1998 we structured the CT reform program so that most contracts expired post Olympics or could be extended across the Olympic period. This has given us the option of removing unsatisfactory performers while retaining stability with existing service providers across this intense period if we so choose.

In this next cycle of reform we have the opportunity between June 2000 and June 2002 period to test existing and new service providers. The Olympic period provides some impediments to our timing, but basically we have a window of opportunity in this period when most contracts have been structured for renewal. There are a number of benefits that are available to us at this time.

Possible Benefits

- We can substantially improve specification documentation and performance measurement etc. after three years experience. I think all parties to service standards and monitoring (councillors, community client groups, service providers) would seek to make alterations to the agreements in light of our experience. We now have that opportunity.
- 2. The organisation is much better prepared for competition than it was in 1996-1998. The experience of second round competitive tendering (eg. Melbourne City Council, English councils) is that cost savings are quite limited but that the value-added component is substantial in documentation and performance monitoring. It is

generally a much more educated conversation between all the parties and is a somewhat tougher negotiation than the first round.

- 3. In our industrial agreement agreed to by both staff and Council in 1998 we have paid for the commitment to competitive tendering and provided extensive ongoing safety nets. The primary industrial issues will be in the local area workplace agreements that require agreement by workers, management, unions and the NSW Industrial Commission.
- 4. Much of the workplace reform initiative worldwide has moved onto "best value" and "balanced scorecard". These systems are more incremental systems attempting to bring other non-cost factors into the mix. This is important because it recognises that other non-costs factors are increasingly important and should be recognised as a quality improvement. Our approach in this next round of reform (second round CT) is, I believe, quite consistent with the public sector reforms in New Zealand, the UK, Victoria and the USA. It is a more gradual progress than the major intervention that CT represented.
- 5. All organisations need to identify the driver of ongoing reform and performance improvement. As we move beyond the Olympic imperative the organisation will clearly review many of its functions and responsibilities. In this period service delivery will continue to be crucial both to our cost structure and to our residents and other parties.

The Next Steps

I see the next important step as the Priorities and Outcomes Committee looking at the individual elements that are important. These include:

- 1. The timetable in which we are going to review all services;
- 2. The service packages, that is, have we got too many existing contracts, should we consolidate some of these contracts;
- 3. What are the service specifications, that is, what outputs do we require; and
- 4. How are we going to monitor the services that we require

I think the Committee can overview this process over the next 3 month period so that by June 2000 we are in a position to proceed to market.

RECOMMENDATION:

That, arising from consideration of a Memorandum by the General Manager to Council on 13 March 2000, on Strategy for Workplace Reform, it be resolved that -

- (A) Council commit to a second round of competitive tendering;
- (B) The specification performance measures for the services be reviewed by the Priorities and Outcomes Committee over the next 3-4 month period.

(SGD) GREG MADDOCK

General Manager

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

That, arising from consideration of a Memorandum by the General Manager to Council on 13 March 2000, on Strategy for Workplace Reform, it be resolved that -

- (A) Council commit to a second round of competitive tendering;
- (B) The specification performance measures for the services be reviewed by the Priorities and Outcomes Committee over the next 3-4 month period.

Carried unanimously.

ITEM 3B. OLYMPIC ENTERPRISE AGREEMENT

MEMORANDUM BY THE GENERAL MANAGER

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

ITEM 4. MATTERS FOR TABLING

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

Australian Local Government 1999 National General Assembly of Association Local Government — Resolutions

New South Wales Department of Transport, incorporating the Tow Truck Authority (Annual Report) and Marine Ministerial Holding Corporation (Annual Report) Annual Report 1998-1999

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That the annual reports be received and noted.

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 6 MARCH 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 6.05 pm those present were -

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

Councillor Farr-Jones left the meeting of the Planning Development and Transport Committee at 6.40 pm during discussion on Item 11 and did not return.

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:

- 9. Development Application: 469-481 Kent Street Sydney (Civic House)
- 10. Development Application: 35-39 Ultimo Road Haymarket
- 11. Development Application: 263-265 Castlereagh Street Sydney
- 12. Development Application: Commonwealth Bank (Moneybox Building) 108-120 Pitt Street Sydney
- 1. Potential Changes to the Heritage Floor Space System
- 2. Central Sydney Development Control Plan 1996 Approval of Draft Amendment No 14: Advertising and Notification
- 3. Sydney Harbour and Tributaries Discussion Paper: Towards a Vision and Strategic Program
- 4. Proposed Draft Delegations to CSPC/Council from the Heritage Council of NSW and Associated Legislative Issues
- 5. City of Sydney Awnings Policy 2000
- 6. Design Excellence Guide
- 7. Central Sydney Development Control Plan 1996 Draft Amendment Design Excellence and Competitive Processes
- 8. Development Application: Sydney Technical College, 19 Mary Ann Street, Ultimo.

The meeting of the Planning Development and Transport Committee concluded at 7.17 pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of 6 March 2000 be received, and the recommendations set out below for Items 5.1, 5.3 to 5.8, inclusive, and 5.11 be adopted, with Items 5.9, 5.10 and 5.12 being noted and Item 5.2 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

POTENTIAL CHANGES TO THE HERITAGE FLOOR SPACE SYSTEM (S00 8770/S00 8288/S00 6740)

5.1

That arising from consideration of a report by the Specialist Planner – Strategic/Section 94 to the Planning Development and Transport Committee on 6 March, 1999, on Potential Changes to the Heritage Floor Space System, it be resolved that -

- (A) the subject report be received and noted;
- (B) the request to award the Parcels Post Office Heritage Floor Space be declined and the applicant advised on Council's decision; and
- (C) no further zones or building types be included within the Heritage Floor Space system.

Carried.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - APPROVAL OF DRAFT AMENDMENT NO. 14: ADVERTISING AND NOTIFICATION (S008772)

5.2

That arising from consideration of a report by the Specialist Planner – Strategic/Section 94 to the Planning Development and Transport Committee on 6 March, 2000, regarding Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, it be resolved that Council -

(A) approve Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, generally in accordance with the proposed draft that is Column 2 in Attachment "A" to the subject report; subject to clause 11.7.3 being amended to read as follows -

11.7.3 Acknowledgment of Submissions

Submissions on development applications will not be formally acknowledged. If the matter is to be determined by a Committee/Council, where daytime contact details, such as a telephone number, fax or e-mail have been provided, all reasonable efforts will be made to contact those who have made submissions once the item is included on the Committee/Council Agenda. The agenda index pages for Committee/Council meetings can be found at Council's website on the Friday preceding the meeting.

(B) authorise the Lord Mayor to approve any minor drafting changes necessary for the approval of Draft Amendment No. 14 to Central Sydney Development Control Plan 1996.

Amendment. At the request of Councillor Turnbull, and by consent, the motion was amended by the deletion in clause (A) of point 11.7.3 and substitution of the following new point 11.7.3:

11.7.3 Acknowledgment of Submissions

If the matter is to be determined by a Committee/Council, where daytime contact details by telephone, facsimile and/or e-mail have been provided, reasonable efforts will be made to advise the submitter of the Committee/Council meeting date. However, the onus is on submitters to seek information about meeting dates, times and agendas from the planning officer dealing with the application, or the City of Sydney's Website.

Following determination of an application, all persons who made a submission are to be notified of the decision regarding the application.

Motion, as amended by consent, carried.

SYDNEY HARBOUR AND TRIBUTARIES - DISCUSSION PAPER: TOWARDS A VISION AND STRATEGIC PROGRAM (S010894)

5.3

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Development and Transport Committee on 6 March, 2000, regarding Sydney Harbour and Tributaries: Discussion Paper - Towards a Vision and Strategic Program, it be resolved that Council -

- (A) receive and note the subject report; and
- (B) endorse the lodgement of the proposed submission at Attachment "A" to the subject report with the Department of Urban Affairs and Planning as a response to their request for submissions in response to the Discussion Paper.

Carried.

PROPOSED DRAFT DELEGATIONS TO CSPC/COUNCIL FROM THE HERITAGE COUNCIL OF NSW AND ASSOCIATED LEGISLATIVE ISSUES (D021307)

5.4

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 6 March 2000, on Proposed Draft Delegations to the Central Sydney Planning Committee/Council from The Heritage Council of NSW and Associated Legislative Issues it be resolved that -

- (A) the subject report be received and noted;
- (B) the submission, as circulated to Councillors at the meeting of the Planning Development and Transport Committee, be forwarded to the Heritage Council of NSW for consideration in the preparation of delegations of powers under the Heritage Act 1977 to the City of Sydney;
- (C) a further report be submitted to Council and the Central Sydney Planning Committee once formal delegations from the Heritage Council have been received for comment:
- (D) a further report on staff resources be prepared once the final delegations have been issued and the extent of those delegations have been analysed in terms of the likely demand on existing staff resources;
- (E) the submission, as circulated to Councillors at the meeting of the Planning Development and Transport Committee, requesting review of the Environmental Planning and Assessment Act 1979 and the Heritage Act 1977, with a view to streamlining the assessment process for heritage items under both Acts, be forwarded to the Director General of the Department of Urban Affairs and Planning for consideration.

Carried.

CITY OF SYDNEY AWNINGS POLICY 2000 (S011044)

5.5

That arising from consideration of a report by the Specialist - Urban Design and Architecture to the Planning Development and Transport Committee on 6 March 2000 on City of Sydney Awnings Policy 2000, it be resolved that:

(A) Council endorse the Draft City of Sydney Awnings Policy 2000, shown at Attachment A to the subject report, for the purposes of public exhibition for a period of 28 days; and

(B) following the public exhibition period, a further report be submitted to Council for the adoption of the Awnings Policy 2000 incorporating submissions and any consequential amendments if necessary.

Carried.

DESIGN EXCELLENCE GUIDE (S001217)

5.6

That arising from consideration of a report by the Specialist - Urban Design and Architecture to the Planning Development and Transport Committee on 6 March 2000 on Design Excellence Guide, it be resolved that -

- (A) Council endorse the preparation of a Design Excellence Guide, including the process of calling for submissions from interested architects and designers by means of a general advertisement in the Royal Australian Institute of Architects bulletin and on the Council's Internet site, together with a targeted mailout of particular members of the architectural profession; and
- (B) a further report be submitted to the Planning Development and Transport Committee when a first draft of the Design Excellence Guide is available.

Carried.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 – DRAFT AMENDMENT - DESIGN EXCELLENCE AND COMPETITIVE PROCESSES (S006408)

5.7

That arising from the consideration of a report by the Strategic Planning and Research Manager to the Planning Development and Transport Committee on 6 March 2000, on a Draft Amendment to Central Sydney Development Control Plan 1996 on Design Excellence and Competitive Processes, it be resolved that:

- (A) Council exhibit a Draft Amendment to Central Sydney Development Control Plan 1996 on 'Design Excellence and Competitive Design Processes', in accordance with the document at Attachment A to the subject report;
- (B) Council authorise the Lord Mayor to finalise drafting relating to Draft Amendment to Central Sydney Development Control Plan on Design Excellence and Competitive Design Processes, for the purpose of a public exhibition in accordance with Section 72 (Development Control Plans) of the Environmental Planning and Assessment Act 1979, and Part 3 (Development Control Plans) of the Environmental Planning and Assessment Regulation, 1994;

- (C) Council adopt the Draft Amendment to Central Sydney Development Control Plan 1996 on 'Design Excellence and Competitive Design Processes' as at Attachment A to the subject report, as an interim policy until the commencement of the Development Control Plan;
- (D) at the expiration of the exhibition period, a further report be prepared on this matter for consideration by Council.

Carried.

DEVELOPMENT APPLICATION: SYDNEY TECHNICAL COLLEGE, 19 MARY ANN STREET, ULTIMO (D/1999/01016)

5.8

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 March 2000, in relation to Development Application D99-00684 made by Department of Education and Training for the site at 19 Mary Ann Street, Ultimo for erection of the building F, it be resolved that:

- (A) consideration of the application be deferred for twenty one (21) days to allow for additional negotiations with the applicant to achieve improvement to the facade of the building including architectural language and materials;
- (B) authority be delegated to the General Manager to determine the application in consultation with the Chairperson of the Planning Development and Transport Committee, having regard to the outcomes achieved (or otherwise) pursuant to Clause (A).

Note - Mr Peter Ross addressed the meeting of the Planning Development and Transport Committee on Item 5.8.

Carried.

<u>PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY</u>

The Planning Development and Transport Committee recommended that Council note that Items 5.9, 5.10 and 5.12 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

Item 5.11 was listed separately on the Business Paper for Council's consideration.

DEVELOPMENT APPLICATION: 469 - 481 KENT STREET SYDNEY (CIVIC HOUSE) (D99-00907)

5.9

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 6 March 2000, in relation to Development Application D99-00907 made by Cox Richardson Architects and Planners for the site at 469-481 Kent Street Sydney for conversion of the premises to a backpackers hostel, associated uses and a basement level bar, it be resolved that consent be granted to the application, subject the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

(1) Development must be in accordance with Development Application No. D1999/00907 dated 9 November 1999 and the Statement of Environmental Effects titled ""Proposed Development 469-481 Kent Street, Sydney" prepared by Cox Richardson Pty Ltd dated November 1999, the Fire Engineering Design Brief prepared by ARUP Fire Engineering dated February 2000 and drawings numbered:-

981116/A/001 Rev 08

98116/A/002 Rev 08

981116/A/003 Rev 08

981116/A/004 Rev 08

981116/A/005 Rev 08

981116/A/006 Rev 08

981116/A/010 Rev 08

981116/A/011 Rev 08

981116/A/012 Rev 08

981116/A/014 Rev 08

prepared by Cox Richardson Pty Ltd dated 15 February 2000 (received by Council 21 February 2000) and as amended by the following conditions:

BUILDING HEIGHT

(2) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 36.93 (AHD).

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).

FLOOR SPACE RATIO

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

The Floor Space Ratio of the proposal must not exceed 5.6:1 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 5,372 sqm.

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).

CONSOLIDATION OF LOTS FOR PROTECTION OF BOUNDARY WINDOWS

(4) Prior to release of the Construction Certificate for the premises the two lots contained within the subject site (known as Lot C DP 435519 and Lot B DP 435519) shall be consolidated into one allotment and the plan lodged and register with the NSW Land Titles Department. Alternatively a 3 metre wide easement for light and air and unlimited in height (registered on the title of both properties) shall be provided for the benefit of the windows proposed on the northern side boundary of Civic House 481 Kent Street. Proof of such registration shall be provided to Council prior to a Construction Certificate under the Environmental Planning and Assessment Act 1979 being issued for the premises.

EASEMENT FOR LIGHT

(5) Prior to release of the Construction Certificate for the premises a 3 metre wide easement for light (unlimited in height) shall be obtained for all windows that face the right-of-carriageway to the rear of the site to benefit the two lots contained within the site (known as 469-481 Kent Street Sydney, Lot C DP 435519 and Lot B DP 435519) and shall be registered with the NSW Land Titles Department. Proof of such registration shall be provided to Council prior to a Construction Certificate under the Environmental Planning and Assessment Act 1979 being issued for the premises.

HERITAGE

- (6) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (7) The applicant is to commission experienced trades person (as appropriate) that are skilled in traditional building and engineering trades to advise on the conservation of the place and carry out any work required.
- (8) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building that is listed as a Heritage Item. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.

- (9) A Services plan is required prior to the release of the construction certificate to the satisfaction of the Director of City Development. The services plan must indicate the manner in which intervention into significant fabric has been minimised such as reusing existing penetrations to significant fabric, bundling ducting together ducts to minimise the need for new penetrations, and, introducing new penetrations in less significant fabric. Consideration must be given to rationalising existing services and reducing the visual impact of existing bulkheads particularly around the existing lift service core. The Services Plan must be accompanied by a heritage impact statement that explains how the above is achieved and what the impact of the proposed services will be.
- (10) The following design amendments are required to the proposal:
 - (a) The new wall in the toilets that screen the toilets from the light well in the central bay of Civic House (level basement 1) shall be deleted to allow the light well to be read from the inside of the building.
 - (b) The proposed wall within the arch recess in the proposed toilets on the southern bay of Civic House should be deleted to allow the arch to be read. This should occur on all levels of Civic House.

Details in response to the above issues are to be to the satisfaction of the Director of City Development prior to the release of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (11) Further detail be provided regarding the materials and finishes for all external work. Details in response to this issue are required to the satisfaction of the Director City Development prior to the release of the Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (12) The following works to be included in the project's construction program on the warehouses at 477 481 Kent Street:
 - (a) The condition of the external facades of Civic House should be assessed and a condition report provided to the Director of City Development prior to release of the construction certificate. The Director may require urgent conservation work identified in the report to be completed to his satisfaction prior to the release of the occupation certificate.
 - (b) The extent and condition of timber floorboards in Civic House should be investigated to the satisfaction of the Director. Opportunities to expose original floorboards, particularly in public areas, should be investigated. Details of the investigation are to be provided to the satisfaction of the Director of City Development who may require exposure of some floorboards with Civic House.

- (c) Where new stud walls abut original structural timber columns the stud walls should be recessed back from the outer face of the column to allow them to be interpreted as part of the structural grid of the building.
- (d) Any new openings in original walls should be carried out by placing an opening within the wall rather than full demolition of the wall. This can be achieved by retaining either a square or round arch within the wall itself.
- (e) Where original / significant openings are being closed up a recess should be retained in the opening to allow an interpretation of the original openings.
- (13) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.
- (14) The pavement lightwells in the footways adjoining the site must be upgraded and maintained according to the requirements of and to the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PAVING AND FOOTWAYS

(15) Paving shall be provided on the public footways adjoining the site in accordance with Council's requirements. Full details of the paving and base shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: The construction of any stone paving and the base shall be in accordance with Council's "Paving Design Policy".

AMENITY OF HOSTEL

- (16) All hostel rooms shall be used for short stay accommodation only (ie under 28 days length of stay).
- (17) The number of occupants in any room shall not exceed 1 person per 2 sqm of useable floor space.
- (18) Natural light must be provided to all bedrooms to comply with Part F4 of the Building Code of Australia. Proof of registration of easements for natural light must be submitted to Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

FIRE SAFETY

(19) Existing openings in the external walls of the building must be protected to comply with C3.2 of the Building Code of Australia.

(20) Prior to issue of a construction certificate, a fire engineering design brief must be prepared to justify the departures of the proposed design from the deemed to satisfy provisions of the Building Code of Australia.

DELETION OF ROOF LEVEL POOL

(21) The pool shown on the roof of 477-481 Kent Street shall be deleted and forms no part of this consent.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

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

The form of recording is to be as follows:-

- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- (b) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- (c) 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;
- (d) 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;

- (e) A summary report of the photographic documentation, detailing;
 - (i) the project description, method of documentation, and any limitations of the photographic record; and
 - (ii) 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.
 - (iii) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (23) The glass shop front must not be tinted, screened by blinds, signage, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

(24) 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.

PROVISION OF BICYCLE AND MOTOR CYCLE PARKING

(25) Bicycle and motorcycle parking shall be provided within the premises basement level.

TOUR BUSES

(26) If buses are proposed to service the site the applicant shall obtain separate approval under the Roads Act 1993 for any changes required to the onstreet parking arrangement on Kent Street, at no cost to Council, (if required) to ensure that buses servicing the premises result in minimal disruption to local traffic arrangements.

NOISE

- (27) The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or

below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

- (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055.

 "Acoustics Description and Measurement of Environmental Noise".
- (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

SECTION 61 CONTRIBUTION

(28) 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".
- (ii) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (c) 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.

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

(d) Timing of Payment

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

ARCHAEOLOGICAL INVESTIGATION

- (29) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977, if required.
 - (a) 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.
 - (b) 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.
 - (c) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
 - (d) 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.
 - (e) 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.

(30) All loading and unloading operations must be carried out via the rear entrance at all times.

HOURS OPERATION

- (31) The hours of operation of ancillary uses within the premises are restricted as follows:-
 - (a) The basement bar may only operate between the hours of 11.00 am and 12.00 midnight, 7 days a week, inclusive.
 - (b) The ground floor cafe may only operate between the hours of 7.00 am and 9.00 pm, 7 days a week, inclusive.

USE OF BASEMENT BAR

- (32) 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).
- (33) 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.
- (34) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (35) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (36) 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.
- (37) Access to and from the basement level bar from the rear right-of-way is to be for emergency use only (eg in the case of a fire).
- (38) No flashing signage visible from the public way shall be installed.
- (39) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (40) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.

- (41) Gaming machines, amusement devices or the like are not permitted to be installed in the premises.
- (42) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (43) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.

SIGNS

(44) 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.

USE OF CAR PARK

(45) The proposed car parking is to be used for servicing the premises and staff parking only.

LOADING BAY

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

Schedule 1B

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

WASTE MANAGEMENT

(48)

- (a) Amended plans shall be submitted prior to the release of the Construction Certificate which detail the size and extent of garbage facilities proposed in the site's basement level, to the satisfaction of the Director City Development.
- (b) The following requirements apply to storage and waste handling:

- (i) 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).
- (ii) 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.
- (iii) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:
 - a. The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - b. The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - c. The location and design of any garbage chutes or compaction units required by Council's Code.
 - d. The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

- (49) The building must be designed to comply with Part D3 of the Building Code of Australia and Council's Access Policy, including the provision of:-
 - (a) Access for disabled persons to the ground floor café, and the self catered kitchen and dining room at Basement level 1, in accordance with the City of Sydney Access Policy and Building Code of Australia.

- (b) Access to a minimum of 6 beds for persons with disabilities to comply with D3 of the Building Code of Australia sanitary facilities for persons with disabilities to comply with F2.4 of the Building Code of Australia.
- (c) The premises must be designed to provide mechanical ventilation to all habitable rooms.

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.

MECHANICAL VENTILATION

- (50) The bar area in the basement is to be air conditioned.
- (51) The mechanical ventilation plant and associated ductwork shall be located such as to minimise the noise effect on the adjacent residential building and its location and design shall be to the satisfaction of the Director City Development.

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (52) 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.
- (53) 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.

Repeat (i) and (ii) for any revision, or staged submission of structural drawings.

Notes:

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

SANITARY FACILITIES

- (54) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (55) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Schedule 1D

Conditions to be complied with during construction

CONTROL OF VERMIN

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

HOURS OF WORK AND NOISE

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (58) 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

- (59) 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.
- (60) 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.

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

(61) 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.

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

Notes:

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

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

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.

Council reserves the right to randomly audit any structural documentation.

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

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

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

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

OR

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.

- (65) 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.
- (66) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (67) 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.
- (68) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.

HISTORIC MARKER

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

Schedule 2

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

Carried unanimously.

Note - Mr Colin Campbell and Mr Peter Grishenko addressed the meeting of the Planning Development and Transport Committee on Item 5.9.

DEVELOPMENT APPLICATION: 35-39 ULTIMO ROAD, HAYMARKET (D/99/00695)

5.10

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 March 2000, in relation to Development Application DA 99/00695 made by Hideout Investments Pty Ltd for the site at 35-39 Ultimo Road Haymarket, for alterations and additions to the entrance and basement of tenancies 7b, 8b, 9b, 10b, 11b, for use as new 24 hour, 7 days/week pub, bistro, function room and gaming room, as well as alterations to the ground floor café area, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

- (1) Development must be in accordance with Development Application No. D 99/00695 dated 10/09/99 and
 - (a) information and drawings numbered DA-01 A1 to DA-06 A1, dated June'99 and prepared by "DM" of Caldis Cook Group Chartered Architects;

- (b) information and drawings contained in the Statement of Heritage Impacts, dated June '99 (revised December 99), prepared by Caldis Cook Group Architects;
- (c) information contained in the letters dated 16 December 1999, 20 January 2000, and 29 February 2000 from Caldis Cook Group;
- (d) information contained in the "Notes on the Air Conditioning Design" by Engineering Consultants of Australia Pty Ltd dated 21/1/00;

and as amended by the following conditions:

- (2) The applicant shall submit a report, prepared by a specialist acoustic engineer, that shall:
 - (a) establish the maximum noise levels to be produced by the activities on the subject premises;
 - (b) establish the maximum acoustic levels that may be experienced by the building's hotel residents without negative impact on their amenity levels;
 - (c) detail all measures to be implemented within the development site to attenuate the noise levels identified in (a) above to ensure that the level identified in (b) above is not exceeded.

The report and its recommendations shall be submitted to, and approved by, the Director City Development, prior to the issue of the Construction Certificate and the approval of the application for a Place of Public Entertainment. The applicant shall implement the recommendations and attenuation measures that are approved and required by the Director City Development.

OPERATION OF PREMISES

- (3) The premises shall always be operated and managed in accordance with the Management and Security Plan for the operation of "Catacombs Hotel" dated December 1999. Prior to the issue of the Construction Certificate a copy of this Plan shall be signed by the Licensee and submitted to the Council.
- (4) 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).
- (5) CCTV surveillance cameras shall be restricted to the inside of the building and the Management/Licensee shall comply with Council's policies on the use of CCTV cameras.

- (6) Under-awning lighting shall be provided at the ground floor entrance. This shall be submitted to, and approved by, the Director City Development prior to release of the Construction Certificate.
- (7) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (8) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (9) The hours of operation for the basement uses of tavern, bistro, function room and gaming room are regulated as follows:
 - (a) The hours of operation of the premises shall be restricted to between 8.00am and midnight on Mondays to Sundays (inclusive);
 - (b) Notwithstanding (a) above, the premises may operate for the following additional hours:
 - (i) from midnight on Thursdays to 3.00 am on Fridays;
 - (ii) from midnight on Fridays to 3.00am on Saturdays;
 - (iii) from midnight on Saturdays to 3.00am on Sundays.

for a trial period of 1 year from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.

- (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.
- (10) The hours of operation for the existing ground floor café for the cooking and serving of breakfast food and non-alcoholic beverages in the subject basement area, are to be from 6.00 am to midnight, 7 days a week.
- (11) The eating and dining facilities are to be available during all of the hours of operation of the licence.

- (12) 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.
- (13) The gaming area shall be restricted to the eastern end of the basement area, as indicated on the approved plans.
- (14) The maximum number of gaming machines shall not exceed 20.
- (15) The maximum number of persons at any time shall not exceed 305.
- (16) No automatic teller machines (ATM) shall be installed in the premises.
- (17) No flashing signage visible from the public way shall be installed.
- (18) Signs shall be placed in clearly visible positions within the building requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (19) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.
- (20) The Manager/Licensee of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (21) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
- (22) The use of the premises shall not give rise to any one or more of the following:
 - (a) transmission of vibration to any place of different occupancy greater than specified in AS 2670;
 - (b) an indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055: "Acoustics Description and Measurement of Environmental Noise";

- (d) an "offensive noise" as defined in the Noise Control Act, 1975; or
- (e) the emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (f) The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with Parts 1 and 2 of Schedule 7 of the Noise Control Act 1975 for outdoor measurements, and AS 2107 for indoor measurements.
- (23) Gaming machines, amusement devices or the like are not permitted on the ground floor of the premises.
- (24) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- Where licensed premises holds, or obtains a Place of Public Entertainment Approval, each specific area to which the approval refers, shall display in a prominent position, a sign which states "This Area Is Approved for 305 Persons' in letters a minimum 25mm in height on a contrasting background.

SECTION 61 CONTRIBUTION

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

(a) Cash Contribution Required

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

(b) Amount of Contribution

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

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

(d) **Timing of Payment**

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

HERITAGE

- (27) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 1992. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.
- (28) The demolition of the recessed brick panel to enable provision of the additional fire escape exit to Thomas Lane shall be undertaken in a manner such that no parts of the bounding piers are altered or damaged.
- (29) The work involving penetrations of the walls between shop bays for air conditioning ducts shall not damage any of the brick voussoirs.
- (30) The roof level location of the air conditioning plant and the connecting lines shall be such that the plant and lines will not be visible from surrounding streets.

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

(32) A separate development application shall 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.

SIGNS

- (33) 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.
- (34) Portable signs must not be placed on the footway or other public areas.

- (35) The applicant shall submit to Council, and have approved, an application under Section 68 of the Local Government Act 1993 for a Place of Public Entertainment Licence prior to the issue of the Construction Certificate.
- (36) All doors in a path of travel required for egress shall have a clear width of not less than 1 metre.
- (37) Smoke hazard management shall be provided in accordance with E.2.2 of the BCA96.
- (38) The place of public entertainment shall be separated from all other parts of the building having a FRL of 60/60/60 in accordance with NSW H101.2 of the BCA96.
- (39) In any place of public entertainment the ceiling height shall not be less than 2.7 metres in accordance with F3.1 of the BCA96.

Schedule 1B

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

- (40) 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 a Certificate.

SANITARY FACILITIES

- (41) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (42) 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.
- (43) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

Schedule 1C

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

DESIGN OF FOOD PREMISES

(44) 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.

- (a) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of either:
 - (i) the Certifying Authority with the construction certificate application, ie.

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

*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

(ii) the Principal Certifying Authority prior to the commencement of the work, ie.

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

*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

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

WASTE MANAGEMENT

- (45) A Waste Management Plan, to the satisfaction of the Principal Certifying Authority, for the construction period of the proposed development must be submitted before commencement of work on the site.
- (46) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. The Architect, or other appropriately qualified person experienced in Waste Handling Design and Environmental Management, must submit such Certification.

- (47) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal.
 - (c) 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.

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

- (48) 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.
- (49) 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.
- (50) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy of the Certificate must be submitted to Council if it is not the PCA.
 - (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:

- a. The relevant clauses of the Building Code of Australia (BCA);
- b. The relevant conditions of Development Consent;
- c. The Architectural Plans incorporated with the Construction Certificate; and
- d. The relevant Australian Standards listed in the BCA (Specification A1.3).
- (i) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (51) Prior to issue of an Occupation Certificate and/or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:
 - (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
 - (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-

Appropriate tertiary qualifications in Civil or Structural Engineering; AND

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

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

Appropriate current professional indemnity insurance.

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.

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

Council reserves the right to randomly audit any structural documentation.

Schedule 1D

Conditions to be complied with during construction

CONSTRUCTION DURING THE OLYMPICS

(52) 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.

CONTROL OF VERMIN

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

HOURS OF WORK AND NOISE

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (55) 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.

Schedule 1E

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

- (56) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (57) 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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (58) 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.
- (59) 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
- (60) 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.
- (61) 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.
- (62) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.

(63) 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.

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

Carried.

DEVELOPMENT APPLICATION: 263-265 CASTLEREAGH STREET, SYDNEY (D99-00821)

5.11

That consideration of this matter be deferred to the meeting of Council on 13 March 2000.

Carried.

Note - This matter was dealt with by Council as Item 6.1 on the Business Paper.

Note - Mr John Roth addressed the meeting of the Planning Development and Transport Committee on Item 5.11.

DEVELOPMENT APPLICATION: COMMONWEALTH BANK (MONEYBOX BUILDING) 108-120 PITT STREET SYDNEY (D/99/00810)

5.12

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 March 2000, in relation to Development Application D/99/00810 made by Commonwealth Custodial Services Ltd for the site at 108-120 Pitt Street Sydney, for conservation and new works to the Commonwealth Bank building and an award of 12,950 Sq.m of heritage floor space, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

(1) Development must be in accordance with Development Application No. D/99/00810 dated 13 October 1999 and the Conservation Management Plan Issue B prepared by Tanner and Associates, dated February 2000 and drawings numbered DA.01 Revision B, DA.05/1 Revision A, DA.05/2 Revision A, DA.05/3 prepared by Tanner and Associates received 15 February 2000, and Statement of Environmental Effects prepared by Scott Carver dated October 1999 and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

- (2) The owner is awarded 12,950 Sq.m of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, subject to the following terms:-
 - (a) The owner shall complete the conservation work approved by this development consent and future building approval(s) under section 68 of the Local Government Act 1993 to the satisfaction of Council, prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building.

- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
- (d) The owner will be registered as the owner of 12,950 Sq.m of heritage floor space only following the completion of paragraphs (a) (c) of this condition, to the satisfaction of Council.

SECTION 61 CONTRIBUTION

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

(a) Cash Contribution Required

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

(b) Amount of Contribution

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997".
- (c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

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

SIGNS

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

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

NOISE

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

 "Acoustics Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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

HERITAGE

- (8) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the approved works.
 - (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 form of recording is to be as follows:-
 - (i) 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:-
 - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (iii) 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;
 - (iv) 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;
 - (c) A summary report of the photographic documentation, detailing;
 - (i) the project description, method of documentation, and any limitations of the photographic record; and
 - (ii) 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.

- (d) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (9) All conservation work shall be carried out as detailed in the revised DA submission, prepared by Tanner & Associates Pty Ltd, Issue B, February 2000. The conservation work must be completed and approved by the Director City Development prior to the registration of the HFS award.
- (10) The applicant is to prepare an on-going maintenance schedule, which outlines all cyclic future maintenance works and inspections to be undertaken. The maintenance schedule is to be submitted to Council for approval prior to the release of the construction certificate. All works identified as yearly works in the cyclic maintenance schedule are to be carried out to the satisfaction of the Director City Development prior to the registration of the HFS award.

Schedule 1B

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

- (11) Further design details, including material samples and drawings must be provided in relation to the conservation and refurbishment of the:
 - (a) Sanitary facilities;
 - (b) General Manager's Dining Room and associated rooms (First Floor);
 - (c) General Manager's Suite, including office, ante room, conference room and dining room (Second Floor);
 - (d) Dining Room and Ante Room (Fifth Floor),
 - and are to be submitted to the Director City Development for approval prior to the release of the construction certificate.
- (12) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

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

WASTE MANAGEMENT

(14)

- (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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

CERTIFICATION OF MECHANICAL VENTILATION

- (16) 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.

STRUCTURAL CERTIFICATION

- (17) 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (18) 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.

Schedule 1D

Conditions to be complied with during construction

HERITAGE

- (19) The applicant is to commission an experienced conservation expert to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation expert is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration and reconstruction. The conservation expert is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (20) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed HFS scope of works.
- (21) The conservation expert (as noted in condition no. 9) is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of the HFS award.
- (22) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, or irreversible damage to original fabric (not identified in the scope of work of the application) of the heritage item.

HOURS OF WORK AND NOISE

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

- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

LOADING AND UNLOADING DURING CONSTRUCTION

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

NO OBSTRUCTION OF PUBLIC WAY

(25) 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.

CONSTRUCTION DURING THE OLYMPICS

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

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

HISTORIC MARKER

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

OCCUPATION CERTIFICATE

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.

Carried.

ITEM 6. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 13 MARCH 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 4.37 pm those present were -

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

The meeting of the Planning Development and Transport Committee concluded at 5.10 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 13 March 2000 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

PART "A" - DETERMINED BY COUNCIL

AMENDED DEVELOPMENT APPLICATION: 263-265 CASTLEREAGH STREET, SYDNEY (D99-00821)

6.1

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 13 March 2000, in relation to Development Application D99-00821 made by Henroth Pty Ltd for the site at 263-265 Castlereagh Street Sydney, for construction of a new office level and plant room on the existing building, it be resolved that consent be granted subject to the following conditions -

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D99-00821 dated 15 October 1999, as amended by drawings numbered 9908.02a and 9908.03 prepared by Henroth Pty Ltd dated 9 March 2000 and as amended by the following conditions:
- (2) The applicant shall fully detail and document all levels (RL's), dimensions and roof pitch angles of the proposed addition to the satisfaction of the Director City Development, such documentation shall be submitted for the approval of the Director City Development prior to release of the construction certificate.

FLOOR SPACE RATIO

- (3) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 10.59:1 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 6885 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 440 sqm (or the total additional floor area after the required setback is created) of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 10.17:1 as specified in the Central Sydney Local Environmental Plan 1996.

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 77.1 (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).

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.

CONSISTENCY OF DRAWINGS

(6) 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.

PARTITIONS

(7) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

EXTERNAL LIGHTING

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

RECEIVING DEVICE

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

NOISE

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

- (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Schedule 1B

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

MODEL

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

Notes:

- (a) The models are to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.
- (b) The model must be amended to repeat any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.
- (12) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.
- (13) 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.

STORMWATER AND DRAINAGE

- (14) 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.

Schedule 1C

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

STRUCTURAL CERTIFICATE

- (15) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be submitted to the attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
- (16) 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 1994), 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);

(c) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (17) 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.

CONSTRUCTION DURING THE OLYMPICS

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

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (19) The hours of construction and work on the development shall be:-
 - (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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

- (20) 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.
- (21) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (22) 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.
- (23) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (24) 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.
- (25) 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.
- (26) 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.
- (27) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

Note - Mr Simon Townsend, Mr Siong Yap and Mr John Roth addressed the special meeting of the Planning Development and Transport Committee on Item 6.1.

Carried.

ITEM 7. DEVELOPMENT APPLICATION: GOWINGS BUILDING 452-456 GEORGE STREET, SYDNEY ('SPECIAL SIGNAGE' ON SOUTHERN FACADE) (D00-00055)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Director City Development to Council on 13 March 2000 in relation to Development Application D00-00055 made by Cody Outdoor Advertising Pty Ltd for the site at 452-456 George Street (southern façade) to erect an illuminated advertising wall sign, it be resolved that:-

(A) Consent be granted, subject to the following conditions:-

APPROVED DEVELOPMENT

(1) Development must be in accordance with Development Application No. D00-00055 dated 27 January 2000 and the Statement of Environmental Effects: Proposed Signage, 452-456 George Street, Sydney prepared by Scott Carver Urban Planning, dated October 1999 and drawing numbered Job No. 14513 prepared by Barry Smith Bateman & Associates Pty Ltd dated 23 August 1999 and as amended by the following conditions:-

INSTALLATION OF WALL COVERING

(2) Before installation of the Special Sign, the applicant shall use solid sheeting, plywood or the like to cover over the existing "Gowings" painted wall sign, and paint this covering to match the existing wall. At the conclusion of the five year use period of the Special Sign, the covering shall be removed exposing the original painted sign and any attachment sites of the covering shall be repaired. Both the installation of the covering and its removal shall be completed to the satisfaction of the Director City Development.

LIGHTING DEVICES

(3) The detail of the lighting devices, their locations, luminosity and means of ensuring that there is no light spillage beyond the face of the sign to be illuminated, to be submitted, to the satisfaction of the Director, City Development, prior to the issue of a construction certificate under the Environmental Planning and Assessment Act, 1979.

REMOVAL OF SIGN

- (4) The sign and any associated structure, including the coverage to the existing painted wall sign, must be removed and the building/site reinstated, within a period of 5 years from the date of consent.
- (5) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

HOURS OF WORK AND NOISE

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

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

USE OF MOBILE CRANES

- (7) 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 before hand 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.
- (8) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see(b));

- (b) A Structural Certificate for Design, submitted in the form of Attachment S1 (Section 1), OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - (i) the relevant clauses of the Building Code of Australia (BCA);
 - (ii) the relevant conditions of Development Consent;
 - (iii) the Architectural Plans incorporated with the Construction Certificate, and
 - (iv) the relevant Australian Standards listed in the BCA (Specification A1.3)
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (9) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1 (Section 2) OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted after:
 - (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings and;
 - (b) The drawings listed on the Certificate have been checked with those listed on the final Design Certificate/s.

Notes

- (c) An appropriately qualified practising structural engineer certifying shall have:-
 - (i) Tertiary qualifications in Civil or Structural Engineering;
 - (ii) Member of the Institution of Engineers Australia and listed on the National Professional Engineers Register NPER (Structural);
 - (iii) Appropriate current professional indemnity insurance acceptable to the building owner.
- (d) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.
- (10) Advertising material on the approved wall sign shall not constitute "ambush marketing" and all proposals for advertising on the sign shall be referred to SOCOG for comment in all circumstances where this is a relevant issue.

- (11) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- (12) The sign shall not flash.
- (B) Council notes that the subject Special Sign has been assessed and approved under the provisions of Part B of Section 8.4 of the Central Sydney DCP 1996 (Special Signs) and that, in the absence of such a provision, it would not have approved the subject application.

Amendment moved by Councillor Greiner, seconded by Councillor Farr-Jones -

That the motion be amended by the deletion in condition (4) of the words "5 years" and the substitution of the words "2 years".

The amendment was lost on the following show of hands -

- Ayes (2) Councillors Farr-Jones and Greiner
- Noes (5) The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

The motion was carried on the following show of hands-

- Ayes (5) The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull
- Noes (2) Councillors Farr-Jones and Greiner

Motion carried.

ITEM 8. CITY OF SYDNEY STREET OUTREACH SERVICE: EVALUATION OF EXPRESSIONS OF INTEREST, EOI NO. 0899 (S008854)

Moved by Councillor Turnbull, seconded by Councillor Greiner-

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

Carried.

ITEM 9. QUESTIONS ON NOTICE

TRAFFIC MANAGEMENT IN PARK STREET (S010694)

1. By Councillor Greiner -

Question

Lord Mayor, traffic management in Park Street is a shambles. There is no justifiable reason for traffic to take 15 minutes to clear from Elizabeth to George Streets, travelling west.

The reason for the traffic congestion could well be related to problems caused by the Woolworth's loading dock. Cars which have slipped down the kerbside lane towards George Street are forced to merge into the adjacent lane to clear trucks delivering supplies.

Also, the City Plaza site will come on stream shortly and similar problems will emerge unless traffic is carefully managed on that site as well.

Would you please ensure that an independent traffic management study of Park Street is undertaken to minimise continuous disruption to city traffic.

Answer by the Lord Mayor

The Director City Development advises that:-

'The intersection of Park and George Street, as with all other intersections in the city, operates on a cycle length of 110 seconds. The pedestrian scramble phase takes 36 seconds of this time, leaving 74 seconds for all other phases, that is, George Street, Park Street and the bus access from Druitt Street.

The section of Park Street between Elizabeth and George Streets is constantly fed with traffic: that is, left turn from Elizabeth Street then westbound on Park; right turn from Castlereagh Street then westbound on Park, and left turn from Pitt Street then westbound on Park, as well as westbound from William Street.

Park Street is a major westbound link from the eastern side of the city to points not only within the city but also across the city. The State Government has recently announced a proposal which will improve traffic conditions within the city, and particularly on Park Street, that is, the cross city tunnel. The City is working with the State Government on developing the cross-city tunnel including improvement opportunities at the surface level.

Having said this, the RTA have advised that in recent times they have been having difficulties in communicating with some of the intersections in Park Street between Elizabeth and George Streets. Action is in hand which should overcome these problems and this is expected to be completed within the next few weeks."

KERBSIDE PARKING (S010694)

2. By Councillor Greiner -

Question

Lord Mayor, I have received complaints from commercial property managers concerning the few kerbside car parking spaces in the CBD being converted to Loading and Truck Zones.

This makes it impossible for non-truck commercial traffic to park in the city streets. Commercial operators register their cars as business vehicles but in return receive no benefit over those registered to a privately registered motor car.

My question therefore, relates to -

- (1) How many car parking spaces have been converted to Loading and Truck Zones in the CBD?
- (2) Could a scheme be implemented to allow commercial vehicles to park at certain times of the day provided they purchase a sticker administered along the lines of the residents' parking scheme sticker?

Answer by the Lord Mayor

The demand for on-street parking has always been far greater in the city centre than the supply of available kerbside parking. Consequently the On-street Parking Policy adopted by Council on 22 April 1996 lists the needs of servicing businesses as a higher priority than short-term shopper and client parking. As a consequence of increased building construction activity and changes to business operations, such as just-in-time delivery, there has been a significant increase in the demand for parking for delivery vehicles in the CBD . This is particularly evident in the retail core around the Pitt Street Mall. Problems are also exacerbated by the current level of parking enforcement.

The Director City Development advises that

- "(1) over the past 18 months there have been approximately 200 car parking spaces in Central Sydney converted to mostly loading zones. Following the commencement of the Australian Road Rules in December 1999, most of the previous Truck Zones have now been converted to Loading Zones because a truck is now defined as a vehicle weighing (maximum loaded mass) more than 4.5 tonnes.
- (2) the type of vehicle that is permitted to use Loading and Truck Zones is determined by legislation, and the legislation does not allow for the introduction of permits or stickers as suggested. Moreover, such a scheme may exacerbate current parking problems by causing a proliferation of bogus permits and hamper legitimate business delivery needs.

With regard to permits, the City is able to implement parking permit schemes strictly in accordance with legislation and guidelines issued by the Roads and Traffic Authority. These guidelines limit the parking permit schemes that can be implemented to only four types, namely, Business, Commuter, Resident and Resident's Visitor parking Permit Schemes."

DOMESTIC & OVERSEAS TRAVEL (S010694)

3. By Councillor Greiner -

Question

Lord Mayor, will you please itemise for the Councillors the expenditure on both domestic and overseas travel, accommodation and associated expenses, for yourself, Councillors and any Council employees since September 1999?

In particular, why was your personal Press Officer allowed to travel to New Zealand? What was the cost? What benefits were gained? Why hasn't a report on the trip been circulated?

Answer by the Lord Mayor

Councillor Greiner, I presume you are referring to information provided to Councillors on a quarterly basis in the Q2 or Second Quarter Report which recently was received and discussed by all Councillors. I note that you did not make enquiries about this at the briefing that was provided for Councillors.

The information provided in the Quarterly Report is as follows:

" 9. Overseas Travel

Council's approval for expenses associated with side trips relevant to City of Sydney issues undertaken by the Lord Mayor during his visit to North America, in October 1999, to present conference papers, was reported in the Q1 Report for 1999/2000.

Four officers: Alec Lawson (Manager, Information Technology), Fleur Brown (Manager, Public Affairs), Craig Middleton (Press Secretary, OLM) and Kathryn Pearson (Program Manager, Major Events) visited Auckland, New Zealand between 16-21 October to observe preparations for the Louis Vuitton Challenge and the America's Cup as part of the preparations for our New Year's Eve 1999 and Olympic Operations Plans."

In respect of my visit to conferences in North America, the respective Universities paid for my airfares to both Boston and Los Angeles. As approved unanimously by Council on September 20 last year, this trip extended beyond Boston and LA to New York, London and Paris to allow inquiries relevant to the City's consideration of involvement in the Museum of Contemporary Art. My costs for the three week trip were about \$18,000. My Speechwriter/Researcher, who has been assisting me on this project, accompanied me and her costs were \$19,000.

In relation to the four officers who travelled to New Zealand I can advise Council their task was to observe media liaison operations (at a time when we were considering operating a City media centre during the Olympics) and other city preparations for the Louis Vuitton Challenge and the America's Cup, the largest sporting event in the region prior to the 2000 Games. This inspection tour was recommended by the General Manager, and approved on the basis that it was relevant to preparing the City of Sydney for New Year's Eve 1999 and the Olympics.

The General Manager advises the total cost of the trip was about \$9000.

I am surprised that you have not ceased your unfortunate habit of singling out Office of the Lord Mayor staff for special attention on these matters. As I mentioned previously, one of the critical things being observed was media liaison, from a City perspective, during an international sporting event. The Press Secretary of the Office of the Lord Mayor plays the central role in the City's media liaison functions and is entitled to be aware of the latest practice.

It should be noted that following this study tour, the City assisted some 21 international media representatives at New Years Eve alone, without complaint. Already this year, my office has coordinated dozens of international media requests and interviews relating to the City and the Olympics – resulting in extensive and excellent media coverage for the City of Sydney.

These are the only overseas trips for which I have current information.

The General Manager has recently returned from an overseas study trip which all Councillors were aware of. This was a study tour and I do not have costing at this stage. Additionally, the Director Living City Services recently attended an International City Management Association conference in Oregon and visited the New York City Council to study street cleaning for major events, which was approved by Council itself, not by me. I do not currently have available the cost of this.

Full details of all overseas trips are provided in the annual report.

I find the implied criticism in your question quite ironic. Prior to the elections last year you stated publicly your intention to personally "champion Sydney at home and abroad".

This is difficult to reconcile with your constant criticism of City staff who act in the manner that one would rightly expect from a City that is a growing international centre.

Indeed I will shortly be further "championing Sydney abroad". In the next few days I will be departing for Paris to attend the World Mayors Summit. The City of Paris believed Sydney's presence at that Summit was so important they are paying the airfares and accommodation of a staff member and myself.

Furthermore, as Mayor of the Olympic Host City, in May I will be attending the lighting of the Flame at Mount Olympus in Greece. I may take the opportunity to proceed from Greece to the World Bank Conference on Cities in Washington to further champion

Sydney. In Greece a staff member will accompany me and in Washington the General Manager will assist me. This trip will be part-funded by SOCOG.

DESIGN EXCELLENCE (S106094)

4. By Councillor Greiner -

Question

Lord Mayor, has any analysis been undertaken regarding the financial ramifications of the implementation of the Design Excellence Code, and in particular -

- (a) the cost to the developer for an architectural competition or other expenses associated with the Design Excellence Code, and
- (b) the cost to the purchaser of strata titled apartments so designed?

Answer by the Lord Mayor

The Director City Development advises that:-

"A report was considered at the Council meeting on 15 June 1999 entitled "Central Sydney Local Environment Plan 1996 Draft Amendment 8 - Urban Form". This report included an analysis of the financial implications of the implementation of the design excellence competition provisions in Amendment No. 8.

The report found that the incentive to undertake a design competition (by way of reducing the amount of HFS otherwise required for the development by 50%) would compensate for any realistic costs associated with the staging of the competition as well as providing a reasonable incentive to developers in most cases.

As the financial impacts were found to be generally positive to applicants/developers, and as the competition requirement is not mandatory but is entered into voluntarily, an analysis on strata unit purchases was not necessary."

QUESTIONS WITHOUT NOTICE

COUNCILLORS' TRAVEL (S010703)

1. By Councillor Turnbull -

Question

Lord Mayor, I would like to refer to your comments on Domestic and Overseas Travel (page 23 and 24 of the Council Business Paper) and ask whether you are aware that the week before last I flew to Brisbane to deliver a paper to the Council of Capital Cities Lord Mayors' conference?

Answer by the Lord Mayor

Yes I was aware that you did because I approved you going there. In fact, you went there at my request to represent me at the Council of Capital Cities Lord Mayors' meeting, for which there is a standing authority within the Civic Office, Expenses and Facilities Policy.

I thank you for drawing it to my attention as, in preparing the answer to Councillor Greiner's Question on Notice, I omitted to include it.

LORD MAYOR'S PASSPORT (S010700)

2. By Councillor Greiner -

Question

Lord Mayor, have you got a passport? Are you due for a new one as your current passport must have so many stamps in it you must be due for a new one?

Answer by the Lord Mayor

Yes, I have my passport.

WORLD BANK MEETING (S010699)

3. By Councillor Farr-Jones -

Question

Lord Mayor, talking about passports it has jogged my memory that you and the General Manager are proposing to go to the World Bank meeting. I was just wondering what business you intend to discuss there?

Answer by the Lord Mayor

The World Bank has a Competitive Cities' Conference and is extremely interested in the dynamics and the drivers that affect cities, both developed and non-developed, and it has extensive loans to cities throughout the world in terms of infrastructure.

I had a very interesting discussion with Mr Wolfensohn at the conference I attended in Los Angeles and the program looks to be one of significant interest. I have to say that I found both the conferences I attended in Boston and Los Angeles very useful. They were very high level conferences and they were very appropriate people to actually discuss these issues with and get these sorts of perspectives. Coming just after I have been asked to go to Greece for the lighting of the Olympic flame, it seems appropriate that I come back via that route.

I invite the General Manager to respond to the question also.

General Manager

The World Bank has set up a unit called Urban Development which is looking at how it relates to cities. It has been an initiative of the new Chairman of the World Bank.

The woman who used to be in my position at the City of Wellington for many years and previously at an English Council has gone to work for the World Bank to try to set up a network of how the World Bank can best support cities. That is the business they are trying to develop. I met with her when I was in Washington and she met with the Lord Mayor when she was out here in November last year and she is trying to say how do you transfer skills from the developed cities of the world to the less developed cities of the world with the World Bank playing the facilitator role.

They are clearly interested in what Sydney is doing and they are certainly interested in the Lord Mayor and the very high profile of the Lord Mayor this year, particularly in gatherings when all the Mayors of the world come together. So it is in that context.

NEWSPAPER ARTICLE - LORD MAYOR (S010703)

4. By Councillor Turnbull -

Question

Lord Mayor, I would like to draw to your attention a report in Saturday's Sydney Morning Herald with the heading "Lord Mayor of the Wings, That's Frank" where Councillor Greiner was reported as having said that there is a very strong rumour that Frank Sartor will step down as soon as the Olympics are over and therefore he is milking the position for all that it's worth and taking the opportunity to get as much overseas travel as he can. Would you like to comment on that Lord Mayor?

Answer by the Lord Mayor

Councillor Turnbull, you are not seriously implying that Councillor Greiner spreads unfounded rumours, are you? Are you imputing that Councillor Greiner would spread unfounded and untruthful rumours? That would be a first!

I am used to the spreading of rumours and the propagation and relaying of rumours that are completely unfounded and untrue but, just to put your mind at ease Councillor Greiner, you are the one out there who is desperately trying to find something else to say that is negative.

I am sure all of you have noticed that the City's program since the last election has not been a weak one. We have a lot happening and there are a whole lot of new issues on the table that we are pursuing vigorously. This Council has not slowed down, we are not entering "Sleepy Hollow", nor will we after the Olympics. I have got a mandate until September 2003, which I have every intention of fulfilling, and if you keep giving me a hard time I might stay on beyond then. So watch it!

I am going to work very hard during the next three years, and I hope that you can keep up with the pace, Councillor Greiner.

CUSTOMS HOUSE (S010700)

5. By Councillor Greiner -

Lord Mayor, again in the weekend press, it must have been a rainy day on Saturday, I notice in the Weekend Australian of Saturday 11 March 2000, in a discussion of the Cultural Facilities of East Circular Quay, that Customs House has "... failed to capture even the locals' attention. People aren't sure what it is. A suggestion to hang banners on the exterior - a cheap advertising technique used by museums and galleries around the world - is being considered by Sydney City Council, which manages the site."

My question to you therefore Lord Mayor, is twofold.

1. Is this true that Council is proposing to hang banners on the site? and

2. Notwithstanding the work done by the City of Sydney Marketing Division, will you not agree that it is timely to undertake a review of the marketing strategies for Customs House as a whole so that more of the local community understands what Customs House offers, and also ensure that the marketing plan focuses on Customs House as a destination point in its own right?

Answer by the Lord Mayor

Let me just start the answer and then I will refer the question to the General Manager who is much more aware and involved in Customs House than I am.

There are a number of uses in Customs House that are going to do extremely well. Café Sydney is doing extremely well and the City Exhibition Space has an annual attendance that rivals at least two of Sydney's museums and for quite an economical cost on our part. A number of other spaces are doing well. There is one space unresolved.

I also draw your attention, Councillor Greiner, to the fact that if you talk down buildings like that you can do them commercial damage.

Customs House has been quite successful in my view but even if you don't agree with that I think it is something that we talk about as a Council without necessarily talking about it publicly because it doesn't help to have debate about those sorts of issue. However, I am satisfied that Customs House is doing quite well and when we resolve a couple of outstanding issues it will do very well and I now invite the General Manager to respond.

General Manager

In regard to the banner question, one of the tenants has raised that question with us and I will be raising that tomorrow at the City Venues Management Board meeting before coming back to Council. I presume that that person, who is a tenant at Customs House, was the source of Saturday's article given that they have raised it with me and I said that I will take it on board and get it resolved.

In regard to the marketing question, a decision was made with the tenants over the last twelve months that the marketing strategy would seek to promote individual tenancies in their own right at Customs House rather than taking the conglomerate approach that Customs House was the thing that would be promoted. What we have attempted to do, as everybody has agreed, is to promote the individual tenancies in their own right at Customs House. That is the strategic direction that we have tried very hard to stick to for twelve months.

The alternative position put by Councillor Greiner is one which was discussed at the time and the group decided it wasn't the way to go.

Now, following on from that, of the individual tenancies, as the Lord Mayor said, some have gone spectacularly well, as I am sure most people would be aware, and some have not gone particularly well and there are discussions with those about how to boost those up to the expected levels.

I believe that the total complex will certainly meet budget this year and the targets we have set for it. In regard to the whole building, now that the ground floor tenancy has been resolved, I believe we will be moving forward because that has been one of the unknowns for quite some time. That was resolved last week so the building is fully tenanted.

Of the seven tenancies that we have five are probably doing very well and the two that haven't been are having discussions with us as to how to improve them. I suppose I have always been of the view that it is going to take 12 months or 18 months for the place to find where it wished to be and, of the tenants in there, that is their view as well.

ELECTRONIC MAIL (S010703)

6. By Councillor Turnbull -

Lord Mayor, I note that like many other like organisations, electronic mail is a primary form of communication within the Council. I ask the General Manager, through you Lord Mayor, what protocols, if any, the Council has to ensure that the confidentiality and privacy of electronic mail communication is as high as it can be? Not all of us wipe our email automatically, and I think it may be appropriate in certain circumstances for there to be a protocol for whatever emails are still on the server at the end of the week.

Answer by the Lord Mayor

I suppose I would add to that my additional question for the General Manager to respond to which is - do we have a privacy protocol in terms of information to the Council and is it something that you and the organisation can look at? I invite the General Manager to respond.

General Manager

I think we adopted a report in November 1999 which set a protocol for disposal of used emails. I thought we had agreed that we were wiping the server every three weeks, or it could be a month. I thought all emails were wiped at the same time, but I could be wrong.

I shall take that up tomorrow with the Information Technology Manager. Email is continually evolving. I don't think we are as on top of the issues which you raised as we should be and I shall take your question as a timely reminder to ask relevant staff to look at some of those issues.

Answer by the Lord Mayor (continued)

It is a broader question than the specific issue of email. It is about confidentiality, staff privacy, etc.

PHILLIP LANE (S010700)

7. By Councillor Greiner -

Question

Lord Mayor, I understand that discussions are under way concerning the closure of the southern section of Phillip Lane, and that Council is in clear breach of trust on this issue with commercial tenants co-located on the lane.

The Council officer's letter states that a turning area is proposed to extend into the Lend Lease development site, while still retaining the pedestrian area.

Lord Mayor, I ask two issues:

- 1. That Lend Lease immediately be refrained from parking any of their vehicles in that particular section of Phillip Lane due to the hindrance to traffic using the commercial buildings backing onto the lane; and
- 2. That this issue be resolved immediately and that the southern part of Phillip Lane be constructed in such a way that it provides a turning circle.

As an aside, this is necessary for the clientele of the medical practices along Macquarie Street, particularly with regard to the needs of the disabled clientele who attend rooms in these buildings.

Answer by the Lord Mayor

Councillor Greiner, I will ask the Director City Development if he can provide us with any additional information. But before I do, let me just say that I think it is unfortunate that you started your question by saying that Council has breached a trust. What you are saying is that Council has written a letter which is not complying, which may or may not be the same thing.

One shouldn't always presume that people have acted wrongly but I am very happy for you to raise the issue to explore the information. But one should not assume there has been some nefarious behaviour or improper behaviour or incompetent behaviour or whatever.

There are also two sides to the story and I understand that some of the negotiations are difficult because some of the parties are difficult to deal with. Now that doesn't mean that we shouldn't keep trying to resolve the issues outstanding as we are in fact trying to resolve with Lend Lease about the extent of the works in Phillip Lane.

In relation to this particular case I understand the Director City Development, John Kass, has had some meetings and I invite Mr Kass to enlighten us.

Director City Development

First of all with the issue of the turning area, certainly, in 1997/98 when that letter was written it was the case that we were looking at the matter of the turning circle as a live issue. Then the traffic staff brought to me a template of the turning circle that would be required. It would wipe out all the benefits of having a piazza, with the turning circle virtually taking up the entire public space created and I said there is no way in the world that I could support the use of that area as a turning circle when it was designed as a piazza.

The matter is going to the Traffic Committee this week where the issue will be resolved. There are a number of issues - there is the turning circle, and the availability of lay by spaces for use by nearby medical practices. I think we can address those but I think a turning circle at the end of the lane is not the appropriate thing to do without ruining the space.

An alternative has been suggested of putting in essentially a loading dock in the basement of the Renzo Piano building and I think that would be a bit of a tragedy as well to have a gaping wound inside the Renzo Piano building for the sake of creating a loading dock. That was certainly not the vision for that site. But I think there are other ways we can deal with that and it will be addressed in the report presented to the Traffic Committee.

I think there are ways of addressing those particular issues, but a turning circle in the lane is not possible. A turning circle in the piazza that has been created is totally inappropriate and I don't think a turning circle by way of a loading dock in the basement of the Renzo Piano building is a solution either.

ITEM 10. NOTICES OF MOTION

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

Closed meeting

At 7.00 pm, the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 8, 11, 12 and 3B on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

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

Items 8, 11, 12 and 3B were then dealt with by Council while the meeting was closed to the public.

ITEM 8. CITY OF SYDNEY STREET OUTREACH SERVICE: EVALUATION OF EXPRESSIONS OF INTEREST, EOI NO. 0899 (S008854)

Moved by Councillor Marsden, seconded by Councillor Ho-

That arising from consideration of a report by the Senior Project Manager, Homelessness Strategy, to Council on 13 March 2000, in relation to establishment of the Street Outreach Service, it be resolved that Independent Community Living Association be accepted as preferred provider for the City of Sydney Street Outreach Service.

Carried unanimously.

ITEM 11. IPOH LIMITED AND SYDNEY CITY COUNCIL DEVELOPMENT APPLICATION FOR REDEVELOPMENT OF THE BALLROOM ON LEVEL 3 TO A TEA ROOM AND FUNCTION CENTRE (L02-00834/1)

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

That arising from consideration of a report by the Manager Property and Assets to Council on 13 March 2000 on Ipoh Limited and Sydney City Council - redevelopment of the ballroom on level 3 of Queen Victoria Building and conversion of the space to a tea

room and function centre, it be resolved that Council's consent as owner be granted to the lodgement of the Development Application.

Carried.

ITEM 12. IPOH GARDENS AND ASSIGNMENT OF TRANSFERABLE FLOOR SPACE (D02-01710/2)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Manager, Property and Assets to Council on 13 March 2000, on Ipoh Gardens and Assignment of Transferable Floor Space, it be resolved that -

- (A) in accordance with clause 23.3 of the Agreement to Lease of the Capitol Theatre dated 3 March 1992, Council consent to the sale to Country State Development Pty Ltd of 486 square metres of transferable floor space as set out in the subject report;
- (B) Council's attorney be authorised to execute the final documentation;
- (C) the funds received by Council be placed in the Property Reserve.

Carried.

ITEM 3B. OLYMPIC ENTERPRISE AGREEMENT

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 13 March 2000, on Olympic Enterprise Agreement, it be resolved that Council endorse the major provisions of the Olympic Enterprise Agreement to allow the finalisation of the negotiations and approval process.

Carried.

At 7.23 pm the meeting concluded.

Chairman of a meeting of the Council of the City of Sydney held on 3 April 2000 at which meeting the signature herein was subscribed.