



2 JULY 2001

Meeting No 1334

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.35pm on 2 July 2001 pursuant to Notice 12/1334 dated 28 June 2001.

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PRESENT

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

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

At the commencement of business at 5.35pm those present were:-

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

The General Manager, Director Corporate and Legal Services, Director City Development, and Director Living City Services were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

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

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

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

That the apologies from Councillors Greiner and Ho be accepted and leave of absence from the meeting be granted.

Carried.

Photographing of Council Meeting

At this stage of the meeting the Chairman (the Lord Mayor) advised Council that a request had been received from The Daily Telegraph to take photographs at the meeting.

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

That permission be granted for photographs to be taken by The Daily Telegraph for the following period of no more than five minutes at the meeting of Council.

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council meeting of 4 June 2001

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 4 June 2001, as circulated to Councillors, be confirmed

Carried.

Note - The minutes of the extraordinary meeting of Council held on 21 June 2001 will be submitted for confirmation to the meeting of Council to be held on 6 August 2001.

Note - a Minute by the Lord Mayor, introducing a Memorandum by the General Manager on Review of the City's Membership of IMROC, was circulated to Councillors at the meeting.

ITEM 2A. REVIEW OF THE CITY'S MEMBERSHIP OF THE INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS (IMROC)

FILE NO: S014457

DATE: 2/7/01

MINUTE BY THE LORD MAYOR

To Council:

At the last Council meeting, arising from a Question without Notice, I instructed the General Manager to report on Council's arrangements with IMROC. The required matters to consider included the purpose of IMROC; membership; financial contributions and in kind support; and benefits/disadvantages of continuing with this group.

Attached is a report from staff that outlines the substantial support that this organisation receives. The report indicates quite clearly that this support is disproportionate to the

benefits to the City of Sydney. For example in the last year alone the total cash and in kind support exceeds \$172,000 . This has increased dramatically since the original membership amount which was \$100 in 1991.

I am also concerned to learn that the membership fee is likely to increase from \$26,000 to \$30,000 for 2001/02. On top of this is the current free rental and much other assistance by way of systems and staff time. Separately the General Manager has advised IMROC that notwithstanding any Review of Membership, full market rental and the clear separation of Council's operations from that of IMROC shall occur progressively from 1 July through to 1 August 2001.

As outlined in the recent Budget Statement, further economies and stronger accountability for value for money must be manifest in all our considerations. The staff report concludes that IMROC does not represent value for money and the disadvantages outweigh the benefits of membership.

Accordingly I believe we can better use both the funds directly given to IMROC and achieve direct revenue improvements from the value in kind support (rental of space).

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 2 July 2001, on Review of the City's Membership of the Inner Metropolitan Regional Organisation of Councils, (IMROC) it be resolved that:

- (A) the Minute of the Lord Mayor be noted:
- (B) the General Manager's Memorandum of 29/06/01 be noted and the recommendations contained therein be adopted.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

REVIEW OF THE CITY'S MEMBERSHIP OF THE INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS (IMROC)

FILE NO: S014457
DATE: 29/6/01

MEMORANDUM BY THE GENERAL MANAGER

PURPOSE

1. To review the City's membership of the Inner Metropolitan Regional Organisation of Councils (IMROC).

BACKGROUND

2. In response to a Question Without Notice from Councillor Coulton on 4 June 2001 (see Attachment A) about whether the City achieves value for money in relation to its membership of IMROC, the Lord Mayor asked the General Manager to provide a report.
3. A review of IMROC membership that examines elements like purpose, membership, year the City joined, financial contributions/membership fees, benefits, disadvantages and projects is at Attachment B. Summary and conclusions of this review are presented below.
4. The City has been a member of IMROC since it was established in 1991. IMROC was formed to allow member Councils to work together to achieve benefits for their communities through communication and cooperation, advocacy, resource sharing, joint projects and service arrangements. Ashfield, Burwood, Canada Bay, Leichhardt, South Sydney and Strathfield Councils are also members. Lane Cove and South Sydney Council's are part members but maintain full membership of other Regional Organisations of Councils.
5. The City's direct financial contribution to IMROC has increased substantially from \$100 in 1991 to \$64,350 in 2000/01. Since 1996, the City has also hosted the IMROC secretariat in Town Hall House. In this capacity, considerable support services have been provided by Council to the secretariat including accounting, payroll, foregone rent, access to IT and telephone hardware and network, mail delivery/distribution, supply management, access to visitor carparking and occasional use of the City's light fleet pool. The value of these services during 2000/01 is estimated at \$107,975.00. Foregone rent (estimated at \$54,375) represents the largest component of this assistance. In total, the City's contribution to IMROC during the last financial year 00/01 is estimated at \$172,325. A detailed breakdown is included in Attachment B.
6. The membership fee for 01/02 has been set by IMROC at \$30,000. The City has allocated funds in the 01/02 budget for this amount. IMROC is also seeking further financial support from the City on a project basis for projects including Shaping our Region (\$33,000 pa. for 3 years) and a contribution toward the salary of a Regional Supply Officer.
7. IMROC cites a range of benefits as a result of participating in their organisation. These include financial value, regional planning projects, project management services, partnerships with the state government, networking and information sharing, strategic regional responses and input to state-wide policy development.
8. City officers participating in IMROC supply projects and information technology projects (eg *Sydney's Information Highway*) report that participation in their areas deliver positive outcomes. However, this success can partly be attributed to a high level of expert input by the City's Supply Manager (10% of his total workload) and the Spatial Information Manager (1 day per month).

9. On the other hand, officers involved in IMROC projects including *Parramatta Road, Shaping our Region, PlanFIRST, the Records Management Policy and State Records Act Compliance* represents poor value for money. They perceive a number of disadvantages that outweigh any advantages like:
 - (a) the significant time, effort, finances invested for little return to the City of Sydney;
 - (b) unequal participation of member Councils. Sharing of resources and expertise tends to be a one-way street with the City providing and other councils receiving;
 - (c) IMROC's policy directions have at times conflicted with City of Sydney policy;
 - (d) Some IMROC project groups are not well supported by IMROC staff;
 - (e) IMROC has not consulted the City in the preparation of vital policy papers. The quality of some of IMROC's submissions is considered to be of poor quality.
10. A scan of reports and resolutions of Council in relation to IMROC reveals a number of occasions since 1992 where Councillors expressed concerns about its dealings with IMROC particularly its strategic directions, ongoing requests for financial contributions and policy conflicts between IMROC and the City.
11. Overall, the City receives a poor return for its investment in IMROC (\$172,325 in 2000/01 as well as significant staff resources). In several areas the disadvantages outweigh the advantages. Under these circumstances and in the interest of sound management, the City cannot justify ongoing membership of this organisation.
12. Clause 22 of the IMROC Constitution states that *'a council may withdraw from membership of the Organisation on giving six months notice of termination to the Organisation. When such termination takes effect, no contribution shall be refunded, no funds will be distributed and the constitution remains in force between the remaining members of the Organisation.* The membership fee for 2001/2002 has been set at \$30,000. This amount is due now and will not be refunded should the City terminate its membership now.
13. IMROC currently has outstanding unpaid accounts up until 30 June 2001 of \$5,368.01

PROPOSAL

14. That the City:
 - (a) terminate its membership of IMROC in accordance with Clause 22 of its constitution (ie. pay half the required membership fee being \$15,000 minus any outstanding unpaid accounts and provide six months notice);
 - (b) given the recent contribution of \$22,000, seek to continue its involvement in the Sydney Information Highway with no further financial contribution;

- (c) cease provision of City services to IMROC from 1 July 2001, including bookkeeping, mail delivery/distribution, tender services, supply management services, access to visitor carparking and any other sundry services;
- (d) discontinue access to the City's phone and IT network (including connection to the City server) from 1 August 2001;
- (e) make available office space to IMROC, on a market rental basis, if requested from 1 August 2001.

OPTIONS

- 15. continue membership of IMROC and all existing support of IMROC
- 16. continue membership of IMROC but withdraw all other support
- 17. continue membership and determine City involvement in any other projects on a case by case basis following consideration of a report on the direct and indirect financial costs/benefits versus direct outputs and outcomes
- 18. terminate membership of IMROC from 1 July 2001 and withdraw all other assistance provided by the City immediately
- 19. terminate membership of IMROC from 1 July 2001 and reduce its other assistance in a staged manner
- 20. explore the benefits of joining another ROC

CRITICAL DATES

- 21. The membership fee for IMROC is due on 1 July 2001

POLICY IMPLICATIONS

- 22. There are no policy implications arising from this matter. By withdrawing from IMROC, the City would rely on its own linkages with government to contribute to decision making and policy development.

FINANCIAL IMPLICATIONS/FUNDING CERTIFICATES

- 23. By implementing the proposal, the City would achieve a significant saving of around \$142,325 in 2001/02.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

- 24. Not applicable

CONSULTATION

25. The General Manager has met with the IMROC President Councillor Mark Bonanno and the Executive Officer Susan McHattie to discuss the City's support of IMROC. Relevant city officers were also consulted about their involvement in the organisation.

RELEVANT LEGISLATION

26. Not applicable

CONCLUSION

27. The City's involvement with IMROC does not represent value for money. Disadvantages outweigh the advantages of membership.

RECOMMENDATION:

That arising from consideration of a report by the General Manager to Council on 2 July on the review of the Inner Metropolitan Regional Organisations of Councils (IMROC), it be resolved that Council -

- (A) terminate its membership of IMROC and pay the required membership fee of \$15,000 (minus any outstanding unpaid IMROC accounts) and give six months notice of withdrawal;
- (B) given its recent contribution of \$22,000, continue to participate in the Sydney Information Highway;
- (C) cease provision of all City services to IMROC from 1 July 2001, including accounting, payroll, mail delivery/distribution, tender services, supply management services, access to visitor carparking and any other sundry services;
- (D) discontinue access to the City's phone and IT network (including connection to the City server) from 1 August 2001;
- (E) make available office space to IMROC, on a market rental basis, if requested from 1 August 2001.

(SGD) MURRAY DOUGLAS
General Manager

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

That arising from consideration of

- (i) a Minute by the Lord Mayor to Council on 2 July 2001, and
- (ii) a Memorandum by the General Manager to Council on 2 July 2001

on Review of the City's Membership of the Inner Metropolitan Regional Organisation of Councils (MROC), it be resolved that Council -

- (A) note the Minute by the Lord Mayor;
- (B) terminate its membership of IMROC and pay the required membership fee of \$15,000 (minus any outstanding unpaid IMROC accounts) and give six months notice of withdrawal;
- (C) given its recent contribution of \$22,000, continue to participate in the Sydney Information Highway;
- (D) cease provision of all City services to IMROC from 1 July 2001, including accounting, payroll, mail delivery/distribution, tender services, supply management services, access to visitor carparking and any other sundry services;
- (E) discontinue access to the City's phone and IT network (including connection to the City server) from 1 August 2001;
- (F) make available office space to IMROC, on a market rental basis, if requested from 1 August 2001.

The motion was carried on the following show of hands -

Ayes (3) - the Chairman (the Lord Mayor), Councillors Coulton and Turnbull

Noes (2) - Councillors Farr-Jones and Marsden

Motion carried.

ITEM 2B. PROPERTY SERVICES TENDER

At this stage of the meeting the Chairman (the Lord Mayor) advised Councillors that he intended to introduce a confidential Minute by the Lord Mayor on Property Services Tender.

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

That the order of business be altered such that the confidential Minute by the Lord Mayor be deferred and dealt with after all other business.

Carried.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

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

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

Centennial Park and Moore Park Trust - Centennial Parklands Annual Report 1999-2000

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

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

Carried.

ITEM 5. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 2 JULY 2001

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 3.45 pm those present were -

Councillors Coulton, Farr-Jones, Marsden and Turnbull.

Apologies

Councillor Kathryn Greiner extended her apologies for her inability to attend the Special meeting of Planning Development and Transport Committee as she was overseas.

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

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the apologies from Councillors Greiner and Ho be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

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

2. Response to the Air Quality, Transport & Traffic, Design and Construction proposals in the Cross City Tunnel Preferred Activity Report
1. Central Sydney Local Environmental Plan 1996 - Draft Amendment no. 12: KENS Site
3. Section 96(2) Modification: 646 Harris Street and 2-10 Ultimo Road, Ultimo
4. Development Application: 212-214 Elizabeth Street, Surry Hills

The meeting of the Planning Development and Transport Committee concluded at 4.40 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 Monday 2 July 2001 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted, with Items 5.3 and 5.4 being noted.

Carried.

The Committee recommended the following -

PART "A" - DETERMINED BY COUNCIL

CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT NO. 12: KENS SITE (S015937)

5.1

That arising from consideration of report by the Acting Strategic Planning and Research Manager to the Special Meeting of the Planning Development and Transport Committee on 2 July 2001, regarding Draft Amendment No. 12 to *Central Sydney Local Environmental Plan 1996*, and having regard to:

- (i) the urban design deficiencies of the Court approved scheme for the KENS site;
- (ii) the extensive site analysis within the Ken Maher/Hassell urban design study;
- (iii) the design competition process for the KENS site; and
- (iv) the urban design and environmental benefits of the winning entry from the design competition, as amended due to the consideration of the Central Sydney Planning Committee

it be resolved that Council:

- (A) delegate authority to the Lord Mayor to approve Draft Amendment No. 12 to Central Sydney Local Environmental Plan 1996 (the map sheet and Column 2 of Attachment "A" to the subject report) for submission to the Minister for Urban Affairs and Planning for gazettal, subject to receipt of appropriate façade length figures, which satisfy paragraph 30 of the subject report, to be inserted into clause 32(7)(e) of the Draft Amendment;
- (B) authorise the Lord Mayor to approve any other minor drafting changes resulting from consideration of Draft Amendment No. 12 to Central Sydney Local Environmental Plan 1996 by the Central Sydney Planning Committee;
- (C) should appropriate façade length figures and consequent revised building form (as referred to in (A) of this recommendation) not be received, or be considered unsatisfactory in achieving design excellence, the Lord Mayor, acting on the

delegation of the Council, shall not proceed with the approval of Draft Amendment No. 12 to Central Sydney Local Environmental Plan 1996; and

- (D) advise those who made submissions regarding Draft Amendment No. 12 to Central Sydney Local Environmental Plan 1996 of this resolution.

Carried.

Note - Mr Kimball Werner addressed the Special Meeting of the Planning Development and Transport Committee on Item 5.1.

RESPONSE TO THE AIR QUALITY, TRANSPORT & TRAFFIC, DESIGN AND CONSTRUCTION PROPOSALS IN THE CROSS CITY TUNNEL PREFERRED ACTIVITY REPORT (S006159)

5.2

That arising from consideration of a report by the Manager Transport and Access to the Special Meeting of the Planning Development and Transport Committee on 2 July 2001 on the Response to the Air Quality, Transport & Traffic, Design and Construction Proposals in the Cross City Tunnel Preferred Activity Report, it be resolved that -

- (A) Council approve the submissions at Attachments A and B to the subject report, as amended at the Special Meeting of the Planning Development and Transport Committee, and forward them to the Department of Urban Affairs and Planning;
- (B) Council request that a Committee of Management be established to address ongoing air quality, noise control and filtration issues, and that six monthly reports be provided to Council on the monitoring results.

Carried.

Note - Ms Berice Dudley, Mr Noel Murphy, Ms Margaret Wood, Ms Debra Berryman, Mr John Hutchinson, Ms Narelle Thirkettle, Mr Bill Anthes, Ms Olga Reader and Ms Catherine Goldman addressed the Special Meeting of the Planning Development and Transport Committee on Item 5.2.

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

The Planning Development and Transport Committee recommended that Council note that Items 5.3 and 5.4 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

SECTION 96 (2) MODIFICATION: 646 HARRIS STREET AND 2-10 ULTIMO ROAD, ULTIMO (D1997/00899)

5.3

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That consideration of this matter be deferred, at the request of the applicant.

Carried unanimously.

DEVELOPMENT APPLICATION: 212-214 ELIZABETH STREET SURRY HILLS (D/2001/237)

5.4

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

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning, Development and Transport Committee on 2 July 2001 in relation to Development Application D/01/00237 made by Mulrone Architects Pty Ltd for the site at 212-214 Elizabeth Street for demolition of the existing building and construction of a new 4 level building, it be resolved that consent be granted subject to the conditions as detailed in the subject report, and amended at the Special Meeting of the Planning Development and Transport Committee as follows:-

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.2001/237, dated 20 April 2001 and the Statement of Environmental Effects prepared by Mulrone Architects Pty Ltd, dated 17 April 2001 and drawings numbered DA01, DA02, DA03, DA04, all issue C, prepared by Mulrone Architects, all dated 15 June 2001 and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The architect of the project as approved should not be changed without prior notice to Council.

FLOOR SPACE RATIO

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

- (a) The Floor Space Ratio of the proposal must not exceed 3.8:1 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 1237sqm.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(5)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 26.42 (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).

DESIGN MODIFICATIONS

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

- (a) To further restrict the visibility of the 4th floor and roof terrace levels from Blackburn Lane, a projecting masonry cornice/coping is to be attached along the length of the level 3 parapet in this elevation.

Details of the materials and working drawings of the design and location of the above amendments shall be submitted for the approval of Manager Heritage, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

OCCUPANCY RATE

(7)

- (a) The total maximum number of beds shall not exceed 132.
- (b) The total number of beds allocated to each room shall not be increased above what is detailed on the plans approved with this application.
- (c) Areas set aside within the building for communal space are to be used as such and are at no time to contain beds and be used as additional sleeping space.

ROOF TERRACE

- (8) Use of the roof terrace is not permitted after 10pm, 7 days per week. All guests of the hotel are required to vacate the terrace after this time. Details of the manner in which this is to be enforced shall be included in the Plan of Management.

DISABLED ACCESS

- (9)
- (a) Access and facilities 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.
- (b) In the event of the roof terrace being used as a recreational facility for guests of the hostel, disabled access is to be provided to the roof level, in accordance with the above condition.

STORAGE

- (10) A minimum of 0.6 cubic metres of secure storage space is to be provided for each guest within all sleeping rooms.

FIRE SAFETY

- (11) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.
- (12) Prior to occupation an Emergency Management and Evacuation Plan must be prepared to the satisfaction of the Principal Certifying Authority.

MANAGEMENT

- (13) 24 hour management must be provided to the premises using an on-site manager/s, resident caretaker (who is over 18 years of age and is a permanent resident of the premises) or other approved management structure. The manager/caretaker must be briefed of the Plan of Management and Emergency Management and Evacuation Plan, and must be a contact point for occupants in the event of an emergency. An up to date register, detailing the name and length of stay of the on-site manager/resident caretaker, must be kept on the premises at all times.

Note: For class 1b premises, supervision of the premises may be by an on-site manager, or caretaker who regularly visit the premises.

- (14) The manager/resident caretaker must be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Plan of Management and Emergency Management and Evacuation Plan.
- (15) The premises and surrounds, including furniture, utensils, beds and bed linen must be kept in good repair, clean, healthy and free from vermin.
- (16) The premises must be regularly checked to ensure that fire safety and the essential fire safety measures in the building are maintained, and that all exits and egress paths are clear and free of locks and obstructions.
- (17) Public liability insurance is recommended to cover paying guests.
- (18) The design, use and management of the premises is to ensure compliance with the Policy for the Provision of Visitor/Tourist Accommodation in the City of Sydney.

PLAN OF MANAGEMENT

- (19) A Plan of Management must be submitted and must address the following:
 - (a) Maintenance of fire safety in the building.
 - (b) A schedule providing proof of maximum occupancy rates as indicated on plans approved with this application.
 - (c) Nominate proposed maximum period of stay of guests.
 - (d) Measures to ensure that guest numbers do not exceed those permitted by the development consent.
 - (e) Measures to minimise noise impact on adjoining premises.
 - (f) Proposed staffing arrangements, including location of the residence of the site manager or resident caretaker.
 - (g) Proposed security measures to restrict unauthorised after hours access to the building.
 - (h) Proposed house rules eg. guest behaviour, activities and noise, consumption of alcohol, visitor policy.

CARE OF BUILDING SURROUNDS

- (20) 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.

PLACE OF PUBLIC ENTERTAINMENT

- (21) No public entertainment, as defined under Local government Act, 1993 is to be provided within the premises unless approved by a separate Place of Public Entertainment (POPE) development application.

TELECOMMUNICATIONS PROVISIONS

- (22) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting shall be provided for telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (23) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

SECTION 61 CONTRIBUTION

- (24) 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

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

DEMOLITION/SITE RECTIFICATION

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

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of 200 000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 200 000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

EXTERNAL LIGHTING

- (27) 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.

REMOVAL OF GRAFFITI

- (28) 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

- (29) 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.

SIGNS

- (30) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
- (31) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

WASTE MANAGEMENT (USE)

- (32) Prior to issue of an Occupation Certificate and/or prior to commencement of the use, the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas and reserves at any time.
- (33) 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.

TRAFFIC AND PARKING (CONSTRUCTION)

- (34) All loading, unloading and other construction activities shall be accommodated on site except that:
- (a) If, during excavation, it is not feasible for loading and unloading to take place on site, Council may consider the provision of a Work Zone. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a work zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified period and certain hours of the day 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.
- (35) All costs of traffic management measures associated with the development shall be borne by the developer.

BUILDING CODE OF AUSTRALIA

- (36) The proposal shall comply with the following BCA requirements.
- (a) The existing timber floor shall be upgraded to provide a fire resistance level of 90/90/90.
 - (b) The building shall be constructed in Type A construction.
 - (c) The external opening in the north-eastern corner shall be protected in accordance with C3.4 of Building Code of Australia. If protected with external wall-wetting sprinklers, the windows shall be fixed glazing. This will affect the requirement of natural ventilation.

- (d) The external openings in the southern elevation shall be protected in accordance with C3.4 of Building Code of Australia. If protected with external wall-wetting sprinklers, the windows shall be fixed glazing. This will affect the requirement of natural ventilation. The aggregate window areas shall not occupy more than 1/3 of the area of the external wall of the storey in which they are located.
 - (e) Two exits shall be provided in the basement to comply with D1.2.
 - (f) Protective balustrades shall be provided in accordance with D2.16.
 - (g) Required essential fire services shall be provided in accordance with Part E.
 - (h) The natural light and ventilation shall comply with Part F4.
 - (i) The sound transmission and insulation criteria shall comply with the requirements of Part F5 of Building Code of Australia or the development consent whichever is more stringent.
 - (j) The room sizes shall comply with Part F3.
- (37) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (38) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.

PUBLIC DOMAIN PLAN

- (39) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.

- (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require

substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.

- (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non-complying parts to be rectified prior to issue of this letter.

RECEPTACLES FOR CIGARETTE BUTTS

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

ELECTRICITY SUBSTATION

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

MODELS

- (42) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (43) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

GLAZING

- (44) All external glazing in the development must be clear and untinted.
- (45) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

UNDER AWNING LIGHTING

- (46) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane. Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

DEMOLITION DETAILS

- (47) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).

- (48) Prior to the commencement of demolition work a licensed demolisher who is registered with the Work Cover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the Work Cover Authority.

The Statement must be in compliance with *AS2601-1991 Demolition of Structures*, the requirements of Work Cover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the *Guidelines for Temporary Protective Structures* (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
- (d) Dust Control:-
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
- (e) Disconnection of Gas and Electrical Supply;
- (f) Fire Fighting:-
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
- (g) Access and egress:-
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
- (h) Waterproofing of any exposed surfaces of adjoining buildings;
- (i) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the *Protection of the Environmental Operations Act 1997*.
- (j) Working hours, in accordance with this Development Consent;
- (k) Confinement of demolished materials in transit;

- (l) Proposed truck routes, in accordance with this Development Consent;
 - (m) Location and method of waste disposal and recycling in accordance with the *Waste Minimisation and Management Act 1995*.
- (49) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.
- (50) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (c) Dilapidation Report/s of adjoining buildings.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (51) 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 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* and the Department of Housing Manual *Managing Urban Stormwater – Soils and Construction (August 1998)*.
- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) 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.
- (f) The applicant must also comply with the *NSW Protection of the Environment Operations Act 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (52) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-
- (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 demolition and/or excavation period.

WASTE MANAGEMENT (CONSTRUCTION)

(53)

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (54) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Council's 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(55)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the *Sydney Water Act 1994* must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) **Note:**
- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Contact Sydney Water, Ph. 132092.

STORMWATER AND DRAINAGE

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

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

(57) To ensure that utility authorities are advised of the development:-

- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ALIGNMENT LEVELS

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

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

- (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (59) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
 - (a) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

- (60) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.
- (61) Documents required with the application include:-
 - (a) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
 - (d) A Security Deposit for reinstatement of public way.
- (62) The Road Opening Permit will be subject to conditions that must be complied with.
- (63) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the *Guidelines for Temporary Protective Structures* (April 2001).

APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE

- (64) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-
- (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards and the *Guidelines for Temporary Protective Structures* (April 2001).
 - (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 works on site.

BARRICADE PERMIT

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (66) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (67) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.
- (68) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (69) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

LOT CONSOLIDATION

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

NUMBERING

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

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

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

STRUCTURAL DETAILS

- (74) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
- (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;

- (c) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
- (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (g) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (h) Council reserves the right to randomly audit any geotechnical documentation.
- (75) 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 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).
- (76) 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.

MECHANICAL VENTILATION/AIR CONDITIONING

- (77) Mechanical ventilation or air conditioning must be provided to all sleeping and recreation rooms in the premises in accordance with Council's Ventilation Code, the Building Code of Australia and relevant Australian standards.

CERTIFICATION OF MECHANICAL VENTILATION

- (78) 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.

HOURS OF WORK AND NOISE (CONSTRUCTION)

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

USE OF MOBILE CRANES

- (81) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
 - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.
- (82) 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.
- (83) 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.
- (84) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (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.
- (85) 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.

Carried unanimously.

ITEM 6. QUESTIONS**Questions On Notice**

There were no Questions On Notice for this meeting of Council.

Questions Without Notice

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

ITEM 7. NOTICES OF MOTION

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

Condolence - the late Hephzibah Tintner

At this stage of the meeting, the Deputy Lord Mayor, Councillor Lucy Turnbull expressed her sincere regret and condolences to the Lord Mayor on the recent death of his partner Hephzibah Tintner, whose passing was a sad loss to all who had known her. Councillor Nick Farr-Jones also expressed condolences to the Lord Mayor on behalf of himself and Councillor Greiner.

At the invitation of Councillor Turnbull, the Lord Mayor, Councillors and staff stood in silence as a mark of respect to the late Hephzibah Tintner.

Closed meeting

At 5.55 pm the Council resolved -

That the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 2B on the agenda as this matter comprised discussion of commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it;

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

Item 2B was then dealt with by Council while the meeting was closed to the public.

Note - a confidential Minute by the Lord Mayor, introducing a Report by the Facilities Manager, was circulated to all Councillors at the meeting.

2B. PROPERTY SERVICES TENDER (S014056)

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

That arising from consideration of

- (i) a Minute by the Lord Mayor, and
- (ii) a report by the Facilities Manager

to Council on 2 July 2001 on Property Services Tender, it be resolved that -

- (A) the Minute by the Lord Mayor be noted;
- (B) all tenders be rejected;
- (C) the General Manager be authorised to negotiate with the preferred tenderer identified in the subject report by the Facilities Manager
- (D) authority be delegated to the General Manager, after consultation with the Lord Mayor and consistent with the standing delegations of the General Manager, to directly enter into a contract;
- (E) Council's attorney be authorised to execute all relevant documentation.

Carried unanimously

At 6.05pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 6 August 2001 at which
meeting the signature herein was subscribed.