



**6 AUGUST 2001**

**Meeting No 1336**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45pm on 6 August 2001 pursuant to Notice 14/1336 dated 2 August 2001.

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### 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 5.45pm those present were:-

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

Councillor Farr-Jones left the meeting at 7.05 pm during discussion on Item 13(2) and returned at 7.10 pm prior to discussion on item 14.

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

### Opening Prayer

The Lord Mayor opened the meeting with prayer.

**ITEM 1. CONFIRMATION OF MINUTES****Minutes of Extraordinary Meeting of 21 June 2001**

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

That the minutes of the Extraordinary meeting of Council of 21 June 2001, as circulated to Councillors, be confirmed.

Carried unanimously.

**Minutes of Council Meeting of 2 July 2001**

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

That the minutes of the meeting of Council of 2 July 2001, as circulated to Councillors, be confirmed.

Carried unanimously.

**Extraordinary Meeting of Monday 30 July 2001**

Moved by Councillor Turnbull, seconded by Councillor Ho -

That the minutes of the Extraordinary meeting of Council of 30 July 2001, as circulated to Councillors, be confirmed.

Carried unanimously.

**ITEM 2. ADDITIONAL MATTER FOR COUNCIL**

FILE NO:

DATE: 6/8/01

**MINUTE BY THE LORD MAYOR****To Council:**

A Confidential Memorandum has been prepared by the Acting General Manager for consideration by Council at its meeting on 6 August 2001, on Organisational Efficiency.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That the order of business be altered such that the confidential Memorandum by the General Manager on Organisational Efficiency be deferred and dealt with after all other business.

Carried.

**ITEM 3A. OUTCOME IN GOLDSPAR COURT OF APPEAL PROCEEDINGS  
(S008782)**

FILE NO: S008782

DATE: 3/8/01

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

Attached is a report from the Director Corporate and Legal Services relating to the successful outcome in the Court of Appeal of proceedings commenced by Goldspar.

**Recommended** that this report be received and noted.

(SGD) JOHN KASS  
Acting General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 6 August 2001, on Outcome of Goldspar Court of Appeal Proceedings, it be resolved that -

- (A) the Memorandum and the accompanying report by the Director Corporate and Legal Services be received and noted;
- (B) the staff, particularly the Director Corporate and Legal Services and all his staff involved in the case, be congratulated on this outcome, and that Council express its appreciation for their diligence and perseverance throughout this lengthy process.

Carried unanimously.

**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.

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

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

Carried.

**ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 30 JULY 2001**

**PRESENT**

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

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

At the commencement of business at 3.38 pm, those present were -

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

Councillor Fabian Marsden was also present.

**Closed meeting**

At 3.44 pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 5.2 and 5.3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 3.50 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 30 July 2001 be received, and the recommendations set out below for Items 5.1 to 5.3 (inclusive) be adopted.

Carried.

The Committee recommended the following:-

**INVESTMENTS HELD BY COUNCIL AS AT 31 MAY 2001 & 30 JUNE 2001  
(AO2-00360)**

**5.1**

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 30 July 2001, on Investments Held by Council as at 31 May 2001 & 30 June 2001, it be resolved that the report be received and noted.

Carried.

**Closed meeting**

At 3.44 pm the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of

Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 5.2 on the agenda as this matter comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 5.3 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for 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 5.2 and 5.3 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

**TOWN HALL HOUSE - RENEWAL OF LEASE TO CROWE ASSOCIATES PTY LTD OF SUITES 1 & 2, LEVEL 17 (L02-00872)**

**5.2**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 30 July 2001 on Town Hall House – Renewal of lease to Crowe Associates Pty Ltd of Suites 1 & 2, level 17 – it be resolved that a new lease be granted to this lessee on the terms as set out in paragraph 7 of the subject report.

Carried

**LEVEL 16 BASE BUILDING REFURBISHMENT - APPROVAL TO ACCEPT TENDER (S015980)**

**5.3**

That arising from consideration of a report by the Project Manager, City Projects to the Finance, Properties and Tenders Committee on 30 July 2001, on Level 16 Base Building Refurbishment - Approval to Accept Tender, it be resolved that:

- (A) Council award the contract for the base building refurbishment of Level 16 Town Hall House, 456 Kent Street Sydney, to Olympia Pty Ltd in the sum of \$286,000.00

(B) authority be delegated to the General Manager to enter into a contract.

(C) all relevant documents be executed by Council's attorney.

Carried.



**ITEM 6. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE 30 JULY 2001**

**PRESENT**

Councillor Fabian Marsden  
(Chairman)

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

At the commencement of business at 6.07 pm those present were -

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

Councillor Turnbull arrived at the meeting of the Community Services, Small Business and Tourism Committee at 6.10 pm, at the conclusion of discussion on Item 6.1.

**Adjournment**

At 6.11 pm, the meeting of the Community Services, Small Business and Tourism Committee adjourned to enable a meeting of the Planning Development and Transport Committee to commence.

At the resumption of the meeting of the Community Services, Small Business and Tourism Committee, at 7.00 pm, those present were -

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

**Closed Meeting**

At 7.01 pm the Community Services, Small Business and Tourism Committee resolved to close the meeting to the public to discuss Item 6.2 on the Agenda.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 7.10 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday, 30 July 2001 be received, and the recommendations set out below for Items 6.1 and 6.2 be adopted.

Carried unanimously.

The Committee recommended the following:-

### **Declaration of Interest**

Prior to discussion on Item 6.1 at the meeting of the Community Services, Small Business and Tourism Committee, Councillor Marsden declared an interest in this item, in that he is a member, and holds a position of public officer, of the City of Sydney Historical Association.

### **ALLOCATION OF GRANTS - LOCAL COMMUNITY GRANTS PROGRAM 2001/2002 (S010735)**

#### **6.1**

That consideration of this matter be deferred to the meeting of Council on 6 August 2001.

Carried.

*(Note - This matter was dealt with by Council as Item 8 on the Business Paper).*

### **Closed Meeting**

At 7.00 pm, the Community Services, Small Business and Tourism Committee, resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 6.2 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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 is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Item 6.2 was then dealt with by the Community Services, Small Business and Tourism Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session.

### **Declaration of Interest**

Prior to discussion on Item 6.2 at the meeting of the Community Services, Small Business and Tourism Committee, Councillor Farr-Jones declared an interest in this item, in that he is a member of the Wesley Mission Board.

**HOMELESSNESS STRATEGY: REPORT ON THE BROKERAGE PROGRAM  
(S015993)**

**6.2**

That arising from consideration of a report by the Senior Project Coordinator - Safe City and Homelessness Strategy, to the Community Services, Small Business and Tourism Committee on 30 July 2001 concerning the review of the Homelessness Brokerage Program, it be resolved that -

- (A) Council approve the continued operation and funding of the Brokerage Program for a further three years (July 2001 - June 2004) based on the proposal presented in the subject report, subject to a tender process, to be approved by the Priorities and Outcomes Committee, with the aim of reducing overheads and creating greater operating efficiencies, and on the basis of continuing support throughout the three years by Department of Housing;
- (B) Council approve funding of \$180,000 for 2001/02, involving an increase of \$40,000 from the budget approved by Council, with subsequent years adjusted for CPI.
- (C) a Program transition process be undertaken as recommended in the subject report, including consultation with existing providers;
- (D) a transition phase (maximum of 18 weeks including a full tender process) for the existing Program model and broker contracts be implemented before introducing any new model;
- (E) provisional commitment of an extra \$15,000 in Council funds be approved for one-off establishment costs if an entirely different provider agency is selected.

Carried.

**ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 30 JULY 2001**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

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

At the commencement of business at 6.12 pm those present were -

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

**Order of Business**

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

3. Integrated Development Application: 54 Regent Street, Chippendale
5. Development Application: 69-73 Pitt Street, Sydney
4. Section 96(2) Modification: 646 Harris Street and 2-10 Ultimo Road, Ultimo
2. Central Sydney Local Environmental Plan 1996, Draft Amendment No. 13 - Regent Street (South) and Central Sydney Development Control Plan 1996, Draft Amendment No. 16 - Regent Street (South)
1. Progress Report on Development Applications

The meeting of the Planning Development and Transport Committee concluded at 6.59 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of 30 July 2001 be received, and the recommendations set out below for Items 7.1, 7.2 and 7.5 be adopted, with Items 7.3 and 7.4 being noted.

Carried.

The Committee recommended the following:-

**PART "A" - TO BE DETERMINED BY COUNCIL****PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)****7.1**

That arising from consideration of a report by the Acting Manager Development to the Planning Development and Transport Committee on 30 July 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

**CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996, DRAFT AMENDMENT NO. 13 - REGENT STREET (SOUTH) AND CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996, DRAFT AMENDMENT NO. 16 - REGENT STREET (SOUTH) (S016015)****7.2**

That arising from consideration of a report by the Acting Area Planning Manager to the Planning Development and Transport Committee on 30 July 2001, regarding Central Sydney LEP 1996, Draft Amendment No. 13 and Central Sydney DCP 1996, Draft Amendment No. 16, it be resolved that:

- (A) Council approve, for submission to the Minister for Urban Affairs and Planning for gazettal, Draft Amendment No. 13 to Central Sydney LEP 1996, as shown at Attachment A to the subject report, subject to a further provision in the LEP that has the effect that should the owners of the sites within the Regent Street LEP area jointly prepare a Development Plan which is adopted by Council, Council may consider an increase in height from 12m to 15m and an increase in FSR from 2:1 to 3:1, if and only if the proposed Development Plan exhibits design excellence;
- (B) Council approve Draft Amendment No. 16 to Central Sydney DCP 1996 (as shown at Attachment B to the subject report), and forward an adopted copy to the Department of Urban Affairs and Planning with Draft Amendment No. 13 to the Central Sydney LEP 1996;
- (C) authority be delegated to the Lord Mayor to approve any drafting changes as may become necessary pursuant to the provisions of Clause (A) for gazettal or resulting from consideration of Draft Amendment No. 13 to Central Sydney LEP 1996 and Draft Amendment No. 16 to Central Sydney DCP 1996 by the Central Sydney Planning Committee;
- (D) the Acting Director City Development is to advise those who made submissions regarding Draft Amendment No. 13 to Central Sydney LEP 1996 and Draft Amendment No. 16 to Central Sydney DCP 1996 of this Resolution; and

- (E) Draft Amendment No. 16 to Central Sydney DCP 1996 should commence upon gazettal of Draft Amendment No. 13 to Central Sydney LEP 1996.

Carried.

**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 7.3 and 7.4 were determined by the Planning Development and Transport Committee under delegated authority.

**INTEGRATED DEVELOPMENT APPLICATION: 54 REGENT STREET, CHIPPENDALE (D2001/00229)**

**7.3**

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 30 July 2001 in relation to Development Application D2001/00229 made by Gormic Constructions for the site at 54 Regent Street Chippendale to demolish the existing Co-Masonic Temple and construct an eight storey residential building comprising 28 residential apartments, ground level retail and the provision of 19 vehicle parking spaces, it be resolved that the development application be refused for the following reasons:

- (1) The proposed development is inconsistent with the aims, objectives and provisions of the Central Sydney Local Environmental Plan 1996, the Central Sydney Development Control Plan 1996, and the Central Sydney Heritage Local Environmental Plan 2000 which seek to ensure that the design of a new building presents an appropriate design response to adjacent and surrounding development and streetscape in general. In particular:
  - (a) the building by virtue of its bulk, scale and form would constitute a dominant and intrusive element in the streetscape which adversely impacts on important vistas of the nearby heritage listed Mortuary Station.
  - (b) the building design, in general fails to incorporate richness of detail and architectural interest (design excellence).
  - (c) the proposed development does not comply with the amenity controls contained in the Central Sydney Development Control Plan 1996.
- (2) The proposal is inconsistent with the aims, objectives and provisions of the Central Sydney Local Environmental Plan (Draft Amendment 13) and Development Control Plan (Draft Amendment No 16) that seek to ensure that

appropriate development occurs consistent with the existing scale and preservation of significant vistas along Regent Street (south). In particular:

- (a) building height of 12 metres.
  - (b) street frontage height of 9 metres.
  - (c) FSR of 2:1.
- (3) The proposed vertical clearance of the driveway is deficient and will have an adverse impact on the access requirements of loading/unloading trucks and garbage collection vehicles.
  - (4) The Statement of Environmental Effects, Heritage Impact Statement and supporting documentation is inadequate and insufficient to make a proper assessment of the proposed development.
  - (5) The proposal is not in the public interest.

Carried unanimously.

Note - Mr Peter Hanna addressed the meeting of the Planning Development and Transport Committee on Item 7.3.

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

**7.4**

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 30 July 2001, in relation to the Section 96 Application to modify Development Application D1997/00899 made by Universal Land (Duke) Pty Ltd for the site at 646 Harris Street, Ultimo for demolition of the existing building and erection of a part nine, part ten residential/commercial building with three and a half levels of basement parking, it be resolved that the application be approved as follows:

- (A) That the description of the development be modified as follows:

“Demolition of existing buildings and erection of a part nine, part ten level residential/commercial building with ~~three~~ two and a half levels of basement parking.”(Amended 30 July 2001)

- (B) That Schedule 1 details of approved development be modified as follows:

<b>Building Height (SREP 26 Definition)</b>	32m
Building Height (RL AHD)	36m
<b>Site Area</b>	565.7m <sup>2</sup>
<i>Component Floor Space Area:</i>	
Business	<del>114.8m<sup>2</sup></del> 350 m <sup>2</sup>
Residential	<del>3,642.6m<sup>2</sup></del> 3,407.4m <sup>2</sup>
<b>Gross Floor Area (SREP 26 Definition)</b>	3,757.4m <sup>2</sup>
<b>Total Gross Floor Area (including residential)</b>	3,757.4m <sup>2</sup>
<b>Total Floor Area (for Affordable Housing Contribution)</b>	4,312.6m <sup>2</sup>
<b>Floor Space Ratio (SREP 26 Definition)(business)</b>	<del>0.20:1</del> 0.62:1
<i>Unit Mix Residential Units:</i>	
Bedsit/studio	<del>± 0</del>
One bedroom	<del>9</del> 27
Two bedroom	<del>26</del> 13
Three bedroom	<del>9</del> 8
<b>Total Residential Units</b>	<del>45</del> 48
<i>Number of Car Parking Spaces:</i>	
Business	<del>± 2</del>
Residential	<del>38</del> 29
<b>Total Parking Spaces (maximum)</b>	<del>39</del> 31
<i>Other Vehicle Spaces:</i>	
Disabled	<del>± 2</del>
Bicycle	<del>23</del> 29
Service Vehicle	1

(C) That Condition (1) be amended to include the submitted plans as follows:

DA01C, DA02C, DA03F, DA04E, DA05E, DA06E, DA07E, DA08B, DA09C, DA10C, DA11D, DA12C dated 16 April 2001 prepared by Stephen Bowers Architect (Amended 30 July 2001) and as amended by the following conditions:



- (D) That condition (4) be modified as follows:

**FLOOR SPACE RATIO**

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

- (a) The Floor Space Ratio for the Business use must not exceed ~~0.20:1~~ 0.62:1 calculated in accordance with Sydney Regional Environmental Plan No. 26 - City West. For the purposes of the calculation of FSR, the Gross Floor Area of the Business Component is ~~114.8m<sup>2</sup>~~ 350m<sup>2</sup>, and the total Gross Floor Area is 3,757.4m<sup>2</sup>. (Amended 30 July 2001)

Prior to issue of Certificate of Classification of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) of the development.

- (E) That Condition (7) be modified as follows:

**SECTION 94 CONTRIBUTION**

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

**(i) Cash Contribution Required**

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

**(ii) Amount of Contribution**

The amount of the contribution shall be ~~\$264,440.74~~ \$284,793.07. (30 July 2001)

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

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

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

- a. Open Space - 64%
- b. Community Facilities - 9.5%
- c. Roads and Associated Infrastructure - 26.2%
- d. Administration - 0.3%

**(iv) Timing of Payment**

The contribution shall be paid prior to the release of the building approval under Section 68 of the Local Government Act 1993 for the construction of the development. Payment shall be made payable to the City of Sydney by bank cheque. (Personal or company cheques will not be accepted).

**(v) Indexing**

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

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

(F) That condition (9) be modified as follows:

**AFFORDABLE HOUSING CONTRIBUTION**

(9) The Affordable Housing Contribution is as follows :

- (a) In accordance with clause 59 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before any building approval is granted under section 68 of the Local Government Act 1993, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning (City West Office, Level 2, 137 Pyrmont Street, Pyrmont), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be ~~\$72,010.17~~ \$68,008.19 (Amended 30 July 2001)
- (b) Before any Certificate of Classification is granted under the Local Government Act 1993, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

(G) That condition (23) be modified as follows:

- (23) The awning/canopy must comply with the ~~Draft City of Sydney Awnings Policy 1998~~. The City of Sydney Awnings Policy 2000 (Amended 30 July 2001)

That condition (73) be modified as follows:

~~(73) Appropriate access to the building shall be provided for up to three telecommunications carriers to the satisfaction of Council. Details shall be provided with the Application for building approval under Section 68 of the Local Government Act 1993 for construction of the development.~~

(73) 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 (Amended 30 July 2001).

That condition (92) be modified as follows:

(92) A separate application must be submitted at the appropriate time for the specific use of the ~~retail/commercial unit~~ Tavern to Harris Street. (Amended 30 July 2001).

The addition of new Conditions (94) to (111) as follows:

(94) The prospective 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).

(95) The prospective 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.

(96) The prospective Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

(97) The prospective 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.

(98) The prospective Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area).

(99) The hours of operation of the proposed Tavern shall be restricted to between 10.00 a.m. to 11.00 p.m. on Mondays to Saturdays (inclusive) and 10.00 a.m. and 10.00 p.m. on Sundays.

- (100) Gaming machines, amusement devices or the like are not permitted to be installed in the premises.
- (101) 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.
- (102) No flashing signage visible from the public way shall be installed.
- (103) Signs shall be placed in clearly visible positions within the proposed Tavern requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (104) 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.
- (105) Footpath lighting shall be provided along Harris Street for the full frontage of the site. The location, design and illumination of such lighting shall ensure pedestrian safety, shall be at a minimum level of 10 lux in the horizontal and vertical plane and shall be approved by the Director City Development and installed prior to commencement of the proposed Tavern use.
- (106) 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.
- (107) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the proposed Tavern, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant or other matters considered appropriate by Council have been satisfactorily implemented.
- (108) 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.
- (109) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a development application under the Environmental Planning and Assessment Act, 1979 and an application under Section 68 of the Local Government Act, 1993.

- (110) The doors to Harris Street shall be kept shut at all times, except where required for direct ingress/egress (to limit noise) and mechanical ventilation, if required, shall be provided to meet BCA requirements.
- (111) For licensed premises, in addition to the sign showing the prospective 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.

Carried unanimously.

**DEVELOPMENT APPLICATION: 69-73 PITT STREET, SYDNEY NSW 2000  
(D/01/00338)**

**7.5**

That consideration of this matter be deferred to the meeting of Council on 6 August 2001.

Carried.

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

Note - Mr Geoff Gilbert addressed the meeting of the Planning Development and Transport Committee on Item 7.5.

**ITEM 8. ALLOCATION OF GRANTS - LOCAL COMMUNITY GRANTS PROGRAM 2001/2002 (S010735)**

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a report by the Manager, Contract and Asset Management Unit, to the Community Services, Small Business and Tourism Committee on 30 July 2001, and to Council on 6 August 2001, on Allocation of Grants - Local Community Grants Program 2001-2002, it be resolved that Council:

(A) allocate funds from the Local Community Grants Program for 2001/2002, as follows:

Organisation Name	Recommendation
Aunties and Uncles Co-op	\$3,000
Australian Red Cross	\$2,700
CASS Multicultural Playgroup	\$4,000
Central Sydney Community Transport Group	\$3,000
City Care Limited - HOPE Australia	\$1,500
City of Sydney Historical Association	\$1,500
Food Distribution Network	\$2,000
Gadigal Information Services	\$4,000
Lou's Place (Mission Australia)	\$2,300
Observatory Hill Environmental Education Centre	\$1,000
Older Women's Network	\$2,000
Shakespeare Globe Centre	\$2,500
Sister Freda Mission	\$3,000
Sydney Australian Chinese Children's Theatre	\$3,000
Sydney Youth Orchestra	\$3,000
Technical Aid to the Disabled	\$3,000
The Big Issue	\$4,000
The Mustard Seed Faith Community	\$2,000
Youth off the Streets	\$5,000
YWCA	\$4,500
<b>TOTAL</b>	<b>\$57,000</b>

(B) approve funding as above for two applications subject to specific provisos, namely:

- (1) with respect to the Gadigal Information Services' Koori Fair application, subject to locating a suitable venues to the City's satisfaction and obtaining necessary approvals or licences;

- (2) with respect to the Sydney Youth Orchestra's Toddlers' Proms application, subject to the performances being held in Council's community centres, as approved by council officers.
- (C) advise St Mary's Cathedral School to consider submitting an application under Council's Sydney Town Hall Hire Subsidy program;
- (D) delegate authority to the Lord Mayor to approve the unallocated funds from the 2001/2002 budget for further community/cultural programs, having regard to the City's support of the Ultimo Festival and other projects, as well as the Local Community Grants guidelines.
- (E) provide a grant to the Life Education Centre, the amount to be determined by the Lord Mayor in consultation with the Chairman of the Community Services, Small Business and Tourism Committee, up to a maximum of \$5,000.

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

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

That arising from a consideration report by the Manager, Contract and Assessment Management Unit to the Community Services, Small Business and Tourism Committee on 30 July 2001, and to Council on 6 August 2001, on Allocation of Grants - Local Community Grants Program 2001/2002, it be resolved that Council :

- (A) Allocate funds from the Local Community Grants program for 2001/2002 as follows :

Organisation Name	Assessment Committee Recommendation	Council Recommendation
Aunties and Uncles Co-op	\$3,000	\$3,000
Australian Red Cross	\$2,700	\$2,700
Barnados Australia	\$2,000	0
CASS Carer's Support	\$3,000	0
CASS Multicultural Playgroup	\$5,000	\$4,000
Central Sydney Community Transport Group	\$3,000	\$3,000
Chinese Elderly Welfare Assoc	\$1,000	0
City Care Limited - HOPE Australia	\$1,500	\$1,500
City of Sydney Historical Association	\$2,500	\$1,500
Food Distribution Network	\$2,000	\$2,000
Gadigal Information Services	\$5,000	\$4,000
International Conflict Resolution Alliance	\$1,000	0
Lou's Place (Mission Australia)	\$2,300	\$2,300
Observatory Hill Environmental Education Centre	\$1,000	\$1,000

Older Women's Network	\$3,000	\$2,000
Shakespeare Globe Centre	\$2,000	\$2,500
Sister Freda Mission	\$5,000	\$3,000
Sydney Australian Chinese Children's Theatre	\$2,000	\$3,000
Sydney Youth Orchestra	\$2,500	\$3,000
Technical Aid to the Disabled	\$3,000	\$3,000
The Big Issue	\$5,000	\$4,000
The Mustard Seed Faith Community	\$2,500	\$2,500
Youth off the Streets	\$5,000	\$5,000
YWCA	\$5,000	\$4,500
<b>Total:</b>	<b>\$70,000</b>	<b>\$57,500</b>

- (B) approve funding as above for two applications subject to specific provisos, namely:
- (1) with respect to the Gadigal Information Services' Koori Fair application, subject to locating a suitable venues to the City's satisfaction and obtaining necessary approvals or licences;
  - (2) with respect to the Sydney Youth Orchestra's Toddlers' Proms application, subject to the performances being held in Council's community centres, as approved by council officers.
- (C) advise St Mary's Cathedral School to consider submitting an application under Council's Sydney Town Hall Hire Subsidy program;
- (D) In recognition of the community's importance of the Ultimo Festival, a report to Council be submitted by the Manager, Contracts & Asset Management, to review and recommend funding options following consultation with appropriate stakeholders.

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

Amendment lost.

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 9. DEVELOPMENT APPLICATION: 69 - 73 PITT STREET, SYDNEY NSW 2001 (D /01/00338)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Planner to the Planning, Development and Transport Committee on 30 July 2001 and to Council on 6 August 2001 in relation to Development Application D /01/00338 made by Crone Associates for the site at 69-73 Pitt Street for change of use and refurbishment to the existing building for the purpose of a late opening bar, it be resolved that consent be granted subject to the following conditions and subject to conditions 39 and 44 being revised to the satisfaction of the Acting Director City Development -

## **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.

Note 2: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D /01/00338 dated 12 June 2001 and Statement of Environmental Effects prepared by Crone Associates, dated 8 June 2001 and drawings numbered 21009/ADA1002, 21009/ADA1003, 21009/ADA1004 (including colour scheme), 21009/ADA1005, 21009/ADA1006, 21009/ADA1007 and 21009/ADA1008 prepared by Crone Associates dated 5 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.

**Note:** Any further works, other than those approved under this consent, shall require the submission of an application made under the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

**OTHER APPROVALS REQUIRED**

- (3) The proposed awnings, signage, signage strategy and satellite dish are not approved as part of this development application. A separate development application for any proposed signs which are either externally fitted or applied, awnings and the proposed installation of a satellite dish must be submitted for the approval of Council. Any proposed signage application must be accompanied by a signage strategy having regard to the heritage significance of the building, for Council approval.

**Note:**

- (i) Refer to development controls for “Heritage Signs” and “Signs in Special Areas” in Central Sydney DCP 1996 for guidance when preparing signage strategy.
- (ii) Approval for awnings, the satellite dish and signage may be handled under one development application.

**ENCROACHMENT ON PUBLIC FOOTWAY**

- (4) Council accepts the encroachment up to 0.5 metres on to the footway of Pitt Street for the purposes of a keg race as shown on submitted plans (21009/ADA1002A). However, the owner of the premises to which this development application refers must provide public risk insurance for \$10,000,000, with the City of Sydney as a named insured party, for any one occurrence to cover the area of encroachment onto the public way.

**FOOD PREMISES**

- (5) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

**ACCESS FOR PERSONS WITH A DISABILITY**

- (6) 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.

**REFLECTIVITY**

- (7) 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.

## SECTION 61 CONTRIBUTION

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

(i) **Cash Contribution Required**

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

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

(ii) **Amount of Contribution**

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

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

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

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

(iv) **Timing of Payment**

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

## HERITAGE

- (9) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (10) 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.

- (11) New work to timber framed entrances and windows at ground level is to be detailed so that it is clearly contemporary.
- (12) Reconstruction of window at first floor west side and door on ground floor north east corner are to be based on careful examination of the evidence and location and details should match the evidence closely. The new work may only be distinguishable from the original at close inspection only.
- (13) During the construction of the keg-race, if remains of the pavement light are discovered, they are to be carefully removed and stored on site with adequate protection for future repair and possible reinstatement.
- (14) Existing canopies/awnings are to be removed.
- (14A) Prior to the issue of a Construction Certificate the Director of City Development is to be satisfied that the any works to the external facades of the building shall be sympathetic to the heritage significance of those building elements.

## **DESIGN AMENDMENTS**

- (15) The following design amendments and/or details are required:
  - (a) In accordance with the provision of the Central Sydney DCP 1996 to improve the quality of the public domain and to contribute to the liveliness, vitality and safety of streets and laneways:
    - (i) the ground floor gaming area shall be relocated to the first floor of the premises; and
    - (ii) a well-designed and attractive entrance shall be provided along the Tank Stream Way frontage to the ground floor of the premises.
  - (b) Detail of the treatment of the bays from which fabric canopies are being removed. After their removal the existing fabric of the building should be made good, however, any reconstruction of historical detail must be justified on heritage grounds.
  - (c) Details of louvres proposed for the west facing windows are to be provided, including materials, colours and finishes. These elements are to be inserted so that the timber joinery is not removed and the work is reversible.
  - (d) Reconfiguration of location and/or dimensions of new lift core so as not to impact on the Pitt Street façade and window joinery.

- (e) Redesign of the proposed disabled entry (adjacent to lift) so that it serves both as an emergency egress and disabled access, whilst retaining the existing door and window alignment on the Pitt Street façade.
- (f) Further information is required to provide a heritage justification for the removal of the rusticated finish around what appears to be a 1928 opening on the west side of the building.

**Note:** With respect to this design element, there are inconsistencies between the west elevation and the ground floor plan. Clarification is required.

The above design amendments are to be to the approval of the Director City Development prior to the release of a construction certificate.

### **ARCHAEOLOGICAL INVESTIGATION**

(16)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

**Note:**

- (g) In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.
- (17) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (18) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any building fabric or furnishings from the site.
  - (a) The archival record of building fabric 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 building fabric 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.
- (19) The form of recording is to be as follows:-
  - (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
    - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
    - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
    - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
    - (iv) A summary report of the photographic documentation, detailing;
      - a. the project description, method of documentation, and any limitations of the photographic record; and

- b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

### **BUILDING NAME**

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

### **PUBS**

- (21) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).
- (22) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.
- (23) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.
- (24) 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.
- (25) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area)

### **GAMING ROOM REQUIREMENTS**

- (26A) Details of the following matters shall be submitted for the approval of the Director City Development prior to occupation of the premises and commencement of the use:
  - (a) Lighting for the gaming room shall vary between daylight hours and evening hours so that there is clear distinction between day and night within the gaming area.

- (b) A clock(s) shall be clearly displayed within the gaming area which is readily visible from each gaming machine for all patrons.
- (c) Signs shall be clearly displayed within the gaming area and on each gaming machine indicating the hazards of gaming/gambling and the names of persons and/or agencies to contact, together with the number of gambling help lines to call, in the event that a patron wishes to seek counselling about excessive dependence on gaming or gambling.
- (d) Beside the first floor gaming room, no gaming machines are permitted within the balance of the premises.

### **HOURS OF OPERATION**

(26) The hours of operation are regulated as follows:

- (a) The hours of operation of the premises shall be restricted to between 8.00 a.m. - midnight daily;
- (b) Notwithstanding (a) above, the premises may operate between 8.00am – 3.00am daily, 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.
  - (i) Notwithstanding (b) above, the Gaming Room may operate only between 8.00am – 2.00am daily, 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 within three months of the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.

(27) 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.

(28) No flashing signage visible from the public way shall be installed.

(29) 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.



- (30) 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.
- (31) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (32) 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.

## **NOISE**

- (33) The use of the premises shall not give rise to any one or more of the following:
  - (a) transmission of vibration to any place of different occupancy greater than specified in AS 2670;
  - (b) an indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;
  - (c) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055: "Acoustics – Description and Measurement of Environmental Noise";
  - (d) an "offensive noise" as defined in the Protection of the Environment Operations Act 1997, or
  - (e) the emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with the Protection of the Environment Operations Act 1997 for outdoor measurements, and AS 2107 for indoor measurements.

- (34) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to

Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant of other matters considered appropriate by Council have been satisfactorily implemented.

- (35) 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.
- (36) To limit noise coming from the premises, the doors to Tank Stream Way shall be kept shut at all times, except where required for direct ingress/egress. Further, mechanical ventilation, if required, shall be provided to meet BCA noise limiting requirements.
- (37) 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 within the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- (38) A separate application is required for a Place of Public Entertainment (PoPE) under Section 68 of the Local Government Act, 1993.
- (39) The proposed PoPE and non-PoPE areas of the building shall be separated by construction having a fire resistance level of 60/60/60 as required by the BCA.
- (40) Storage areas within the proposed PoPE shall be separated from the remainder of the building by construction having a fire resistance level of 60/60/60.
- (41) The electrical installation serving the building shall meet the requirements of BCA (NSW) Part H.
- (42) The number of persons to be accommodated under any separate approval to use the premises as a PoPE, shall be subject to further assessment.
- (43) Two exits shall be provided from any storey to be used as a place of public entertainment.
- (44) The proposed place of public entertainment shall be separated from other parts of the building by construction having a FRL of not less than 60/60/60.
- (45) The travel distance to the single exit serving the basement storey shall meet the requirements of BCA Part D.
- (46) The winder treads in the single stair serving the basement shall be deleted.
- (47) Any out-swinging doors serving as required exits shall be located so as not to encroach upon the footway during any part of their swing.

- (48) The proposed open stair serving as a required exit shall be fire isolated to the degree required to achieve compliance with BCA Part D, in accordance with the deemed to satisfy provisions.
- (49) The proposed lift service shall be accessible to people with disabilities as required by the BCA.
- (50) The building shall be provided with an automatic fire suppression system (fire sprinkler).
- (51) The building shall be provided with a fire hydrant system.
- (52) The location of the proposed fire hose reels shall meet the requirements of BCA Part E.
- (53) A system of smoke control, appropriate to the proposed use of the premises as a Place of Public Entertainment, and meeting the requirements of BCA (NSW) Part E shall be provided.

## **Schedule 1B**

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

#### **PUBLIC DOMAIN PLAN**

- (54) 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.

### **CERTIFICATION OF DESIGN OF FOOD PREMISES**

- (55) Prior to issue of a construction certificate under the *Environmental Planning and Assessment Act 1979*, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Plans and specifications of the design corresponding with and attached to a Design Certificate (see (b));
  - (b) A Certificate for Design of Food Premises, submitted in the form of Attachment F1, OR a Compliance Certificate (Form 10 of the *Environmental Planning and Assessment Regulation 1998*), to certify compliance with the:-
    - i. National Code for the Construction and Fitout of Food Premises;
    - ii. *Food Act 1989*;
    - iii. *Food (General) Regulation 1997*;
    - iv. The relevant clauses of the Building Code of Australia; and
    - v. Council's Ventilation Code; and
    - vi. Relevant conditions of Development Consent.

#### **Notes:**

An appropriately qualified person completing Attachment F1 must;

- i. be appropriately qualified and experienced in the design, codes and legislative provisions for food premises;

- ii. provide evidence of relevant experience in the form of a CV/Resume;
  - iii. have appropriate current professional indemnity insurance.
- (c) An appropriately qualified person issuing a Form 10 Compliance Certificate must have accreditation in accordance with the Environmental Planning and Assessment Act 1979.
- (d) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
  - (i) Separate certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

#### **PAVING MATERIALS**

- (56) Repaving of the public footway adjacent to the site, shall be in accordance with The Central Sydney Paving Design Policy.
- (57) 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).
- (58) 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.

**Note:** In resolution of any such alternate solution, it is possible that this may result in amendments to the development application approved design, which may require the submission and approval of a subsequent Section 96 application to modify the development consent.

## Schedule 1C

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

#### CERTIFICATION OF MECHANICAL VENTILATION

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

**STRUCTURAL CERTIFICATION**

(61) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:

- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
- (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
  - i. The relevant clauses of the Building Code of Australia (BCA);
  - ii. The relevant conditions of Development Consent;
  - iii. The Architectural Plans incorporated with the Construction Certificate; and
  - iv. The relevant Australian Standards listed in the BCA (Specifications A1.3);
  - v. Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) **Notes:**
  - i. An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
    - (a) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
    - (b) Corporate membership of the Institution of Engineers Australia or equivalent; AND
    - (c) Evidence of relevant experience in the form of a CV/Resume;
    - (d) Appropriate current professional indemnity insurance.



- ii. An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- iii. An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
- iv. Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- v. Council reserves the right to randomly audit any structural documentation.

#### **WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (62) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (a) 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 an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
  - (b) The Waste Management Plan must address demolition and excavation, 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 and excavation 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.
- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

**Note:**

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

**APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (63) 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.

**PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (64) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of 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.

#### **USE OF MOBILE CRANES**

(65) 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.

## **Schedule 1D**

### **Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority**

#### **HOURS OF WORK AND NOISE**

- (66) 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'.

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

#### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

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

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (68) The following requirements apply:-
- (a) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (b) 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.
- (69) 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.

- (70) 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.
- (71) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.
- (72) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

**Note:**

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

## **Schedule 1E**

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

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

#### **WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (74) 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.

### **COOLROOMS**

(75) The following requirements apply to coolrooms:-

- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
- (b) The door of the coolroom(s) shall be openable at all times from the inside without the use of a key.
- (c) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised angle iron or other approved material with the lowest shelf at least 150 mm clear of the floor.
- (d) Provision shall be made for the conveying of all refrigeration condensates to approved drainage fittings and all refrigeration, water and other service conduits shall be concealed in floors, walls or plinths.
- (e) The coolroom being capable of operating so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5°C and the coolroom shall be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the outside.
- (f) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (g) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s).

(76) Clothes lockers for male and female staff shall be provided in the premises separate from food handling and storage areas.

### **HISTORIC MARKER**

(77) 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.

## NUMBERING

- (78) 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.
- (79) 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.
- (80) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (81) 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.
- (82) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (83) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (84) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (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.

(86) 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.

(87) **Notes:**

- (a) 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.
- (b) 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.
- (c) Council reserves the right to randomly audit any structural documentation.

## **Schedule 1F**

### **Conditions to be complied with during the use of Premises**

#### **WINDOW CLEANING**

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



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

## **Schedule 2**

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

Carried unanimously.

### **ITEM 10. ENVIRONMENTAL IMPACT STATEMENT: PROPOSED UNDERGROUND ELECTRICITY CABLE – SYDNEY CBD AND INNER SUBURBS – ENERGY AUSTRALIA (S026397)**

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

That arising from consideration of a report by the Specialist Planner to Council on 6 August 2001, in relation to EIS referral from Energy Australia, it be resolved that a copy of the submission at Attachment A to the subject report, as amended at the meeting of Council, be forwarded to Energy Australia for its consideration in the determination of the EIS of the proposed underground electricity cable in Sydney's CBD and Inner Suburbs.

Carried.

### **ITEM 11. REVISION OF 2001/02 BUDGET BY CARRYING FORWARD 2000/01 INCOMPLETE PROJECTS (S015503)**

Moved by Councillor Turnbull, seconded by Councillor Coulton-

That arising from consideration of a report by the Finance Manager to Council on 6 August 2001, and having regard to unspent project funds as at 30 June 2001, Council resolves to carry forward such under expenditures as listed in Attachment A to the subject report and increase expenditure by compensating amounts, namely -

- (A) in the operating budget by \$240,210
- (B) in the capital works program by \$933,751 and
- (C) on plant & assets by \$1,259,051

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.

## **ITEM 12. QUESTIONS ON NOTICE**

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

### **QUESTIONS WITHOUT NOTICE**

#### **DEVELOPMENT APPLICATION: 43-49 GOULBURN STREET (S014459)**

1. By Councillor Greiner -

##### **Question**

Lord Mayor, could Councillors please be advised why Ms Yan Ping Chen, the Tobaccanist at Shop 5, 43-49 Goulburn Street was advised that her DA No D/00399/01 for a flush mounted wall sign (similar in size to the adjacent ones on the same building) would not be approved and that she should therefore withdraw her application for same?

She has also been ordered to remove all advertising flags attached to the outside of her shop, yet other shops in close proximity (including the Council Kiosk opposite) still have their flags displayed. Why is this allowed to happen?

##### **Answer by the Lord Mayor**

I would agree with the sentiment of your question that all applicants and proprietors be treated equally.

I would ask, through the Acting General Manager, if we could have a report as to whether she has been treated differently, and, if so, why. If it is the case that she has been treated differently, she should be encouraged to appeal to the Small Permits Appeals Panel.

#### **COMMERCIAL STREETS OF THE WORLD CONFERENCE (S014460)**

2. By Councillor Ho -

##### **Question**

As you know I will be travelling to Beijing in September this year to attend the inaugural Commercial Streets of the World Conference, which will include participants from 13 countries - America, Canada, Russia, France, Australia, Argentina, Britain, Singapore, and others.

This travel will be undertaken at my own expense but I would be glad to represent Council on this visit.

In my role as Chairman of Council's Retail Advisory Committee, I have been seeking assistance in gathering suitable material for the Conference. Council's Retail Unit has

been helpful and has undertaken to provide copies of existing documents and graphics. While all the Conference participants are providing video material, there is no video material available from this Council.

Lord Mayor, my question is - could Council staff kindly provide me with a video of Pitt Street Mall so we can highlight this outstanding retail precinct of Sydney?

**Answer by the Lord Mayor**

Councillor Ho, I will ask the staff, through the Acting General Manager, to provide you with any video material they have. There were, one or two years ago, some videos of the City. They may be a little bit out of date.

Maybe the Communications Manager has some material. If you are meeting with the Mayor of Beijing we should also look at whether you should be given gifts or some other material to take with you.

Acting General Manager, could you please ask the Manager Protocol to look into this issue to see what assistance we can give.

**ABRAHAM MOTT HALL ACTIVITY CENTRE (S014459)**

3. By Councillor Greiner -

**Question**

Lord Mayor, following the setting up of the tennis club for the benefit of local children living in the Millers Point area, would Council now please consider the provision of a "Practice Wall" which the children could use for practice?

The Abraham Mott Hall Activity Centre was suggested as having an appropriate wall, which would be a great aid for the children who wish to practice their tennis when the court is not available.

**Answer by the Lord Mayor**

Councillor Greiner, my memory of the Abraham Mott Hall and the gym next door makes it difficult to see where the practice wall could be without the ball bouncing against the wall of the Hall. The people using the Hall inside may not appreciate that very much.

Certainly I will request that the Acting Director City Projects ask the Contract Manager to investigate whether there is scope for a practice wall. Provided it is sensible and not antagonistic I don't have a problem and I don't think my colleagues would have a problem.

**LAW ENFORCEMENT - ENTERTAINMENT PRECINCT (S014460)**

4. By Councillor Ho -

**Question**

Lord Mayor, today the Daily Telegraph has a special article stating the obvious appearance of organised youth gangs with an ethnic background causing a nuisance and fights in the Entertainment Precinct, Chinatown and the common area near the Entertainment Centre.

Have the Council's Law Enforcement Officers been instructed or informed of the situation? Do they have the right, the authority and the obligation to police it?

**Answer by the Lord Mayor**

Our Law Enforcement Officers do not have anywhere near the normal police powers. I don't even think they have special constable powers these days.

I invite the Director Living City Services to comment.

**Director Living City Services**

As I understand, some of the Council staff have special constable provisions. They have not received any special instructions but obviously they would normally respond to complaints in that area and they would cover that.

**Answer by the Lord Mayor (continued)**

I ask the Director Living City Services to see whether the Law Enforcement Officers can add value to those particular areas without changing the resources.

**LAW ENFORCEMENT (S014459)**

5. By Councillor Greiner -

**Question**

Lord Mayor, I refer to correspondence which your office has received concerning loutish, drunken behaviour which may/may not be emanating from the Civic Hotel.

Could you please advise -

1. Whether this behaviour can be identified on CCTV;
2. Whether the Law Enforcement Officers can regularly patrol the area; and
3. If discussions could be then held with the licensee to determine better management?

**Answer by the Lord Mayor**

I will ask the Director Living City Services to investigate the matter. We don't use CCTV to police behaviour per se but to assist in the prevention of crimes against the person or in the case of serious property damage.

**ITEM 13. NOTICES OF MOTION**

**CROSS-CITY TUNNEL – POLLUTION REDUCTION (S014465)**

1. Moved by Councillor Greiner, seconded by Councillor Farr-Jones –

That as a matter of public interest and in the light of new overseas evidence, this Council implore the Minister for Roads the Hon Carl Scully, and the RTA to further investigate the installation of electrostatic precipitators to aid pollution reduction in the ventilation system of the cross-city tunnel.

Amendment moved by Councillor Turnbull, seconded by Councillor Marsden -

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

1. That Councillor Greiner bring any new information (which was not publicly available at the time Council approved its submission to the Minister for Urban Affairs and Planning) about electrostatic precipitators for the filtration of microfine particulates in the Cross City Tunnel to the attention of the Hon Carl Scully MP, Minister for Transport, the Hon Andrew Refshauge MP, Minister for Planning and Urban Affairs (consent authority), the Lord Mayor and other Councillors;
2. That Council seek expert advice on the findings in the recently published enquiry by the Legislative Council into the M5 East tunnel that is relevant to the issue of filtration of tunnel emissions of ultrafine particulates for the Cross City Tunnel;
3. That Council seek expert advice which should be provided on an ongoing basis as to the availability of tunnel filtration technology that effectively and adequately filters out dangerous ultrafine particulates;
4. That Councillors be advised or briefed on these issues in a timely manner as and when new developments occur;
5. That Council approach the Minister for Transport, the Minister for Urban Affairs and Planning and any other relevant government authorities with any new technological information about tunnel filtration.

The amendment 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

Amendment carried.

The substantive motion was carried unanimously.

**ILLEGAL PARKING (S014465)**

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

That following a series of complaints to all Councillors concerning the illegal parking of one particular van, and problems with parking of armoured vehicles on the public way, Council amend the DCP to make special allowances for those customers of the city who can evidence a need for special parking arrangements to be allocated to them in order to not undermine the integrity and professionalism of Council's Law Enforcement Officers and/or the NSW Parking Police.

Amendment. At the request of the Chairman (the Lord Mayor) and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion -

That Councillors refer any issues in respect of parking to the Sydney Traffic Committee; any issues in respect of enforcement matters to the Director Living City Services; and that a report on any matters raised be circulated to Councillors via the Councillors Information Service.

The motion, as amended by consent, was declared carried.

**Closed meeting**

At 7.10 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 14 and 15 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

Section 10A (2)(a) of the Local Government Act 1993 to discuss Item 3B on the agenda as this matter comprised discussion of personnel matters concerning particular individuals;

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

Items 14, 15 and 3B were then dealt with by Council while the meeting was closed to the public.

**ITEM 14. TENDER FOR THE INSTALLATION, MAINTENANCE & REMOVAL OF MARTIN PLACE CHRISTMAS TREE 2001-2003 (S014818)**

Moved by Councillor Turnbull, seconded by Councillor Greiner-

That arising from consideration of a report by the Project Manager, City Projects to Council on 6 August 2001 on Tender for the Installation, Maintenance and Removal of Martin Place Christmas Tree 2001-2003, it be resolved that:

- (A) Council reject all tenders and enter into negotiations with tenderers and other suppliers to ensure that the Installation, Maintenance and Removal of Martin Place Christmas Tree 2001 fits within the approved budget as outlined in paragraphs 17 and 18 of the subject report and the works are executed by a suitably qualified contractor;
- (B) Council decline to invite fresh tenders as it is unlikely that a more satisfactory result would be achieved by inviting fresh tenders as it is doubtful that a new tender with the same service level specification would attract additional tenderers and achieve greater cost savings for Council, and there is no room to negotiate a reduced scope of works for the installation, maintenance and removal of the Christmas Tree;
- (C) Council allocate additional funding for the installation, maintenance and removal of the Martin Place Christmas Tree as outlined in paragraph 17 of the subject report.
- (D) authority be delegated to the Acting General Manager, in consultation with the Lord Mayor, to enter into a contract following negotiations if the contract sum is in accordance with the approved budget.
- (E) the Acting General Manager be requested to investigate other options for the supply or modification of the Christmas Tree;
- (F) Council's attorney be authorised to execute all relevant documents.

Carried unanimously.

**ITEM 15. TENDER FOR PARK HOUSE LIFT UPGRADE (S014925)**

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

That arising from consideration of a report by the Project Manager to Council on 6 August 2001 on Tender for the Park House Lift Upgrade, it be resolved that -

- (A) Council reject all tenders;
- (B) Council decline to invite fresh tenders as it is unlikely that a more satisfactory result would be achieved by inviting fresh tenders in view of the uniqueness of the installation and limited resources in the market;



- (C) authority be delegated to the General Manager to negotiate with the tenderers as described in paragraph 6 of the subject report for the upgrade of the passenger lift only, within the allocated budget;
- (D) Council's attorney be authorised to execute all relevant documents.

Carried.

### **ITEM 3B. ORGANISATIONAL EFFICIENCY**

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

That arising from consideration of a Memorandum by the Acting General Manager to Council on 6 August 2001, on Organisational Efficiency, it be resolved that:

- (A) the Acting General Manager commence consultations with staff and the Unions from 7 August 2001;
- (B) the Acting General Manager approve the conduct of an Expression of Interest program for Voluntary Redundancy, commencing 3 September 2001 for a period of four weeks in accordance with Enterprise Agreement 2001;
- (C) the Acting General Manager make financial provisions for the resulting Voluntary Redundancies and redeployment program from the 2001/02 Budget, subject to the concurrence of the Lord Mayor.

Carried unanimously.

At 8.20pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 27 August 2001 at which  
meeting the signature herein was subscribed.