



7 MAY 2001

Meeting No 1330

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 4.40pm on 7 May 2001 pursuant to Notice 8/1330 dated 3 May 2001.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	179
2. Minutes by the Lord Mayor	179
3. Memoranda by the General Manager.....	179
4. Matters for Tabling	179

<u>Subject</u>	<u>Page No.</u>
Reports of Committees -	
5. Priorities and Outcomes Committee - 11 April 2001.....	181
6. Finance, Properties and Tenders Committee - 30 April 2001.....	185
7. Planning Development and Transport Committee - 30 April 2001.....	188
Reports to Council -	
8. 2000 Development Monitoring Report	257
9. Questions -	
Questions On Notice.....	258
Questions Without Notice	261
10. Motions	266

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 4.40pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council meeting of 2 April 2001

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

Minutes of Extraordinary meeting of Council of 9 April 2001

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

That the minutes of the Extraordinary meeting of Council of 9 April 2001, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary meeting of Council of 30 April 2001

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

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

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

There were no Minutes by the Lord Mayor for this meeting of Council.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

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

Moved by Councillor Turnbull, seconded by Councillor Greiner-

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

Carried.

PETITION

The Chairman (the Lord Mayor) tabled a petition opposing change to Prince Alfred Park pool, signed by 4,562 persons from various suburbs and states, including people from overseas, and noted that approximately 2,500 of the signatories were from a realistic catchment area around Prince Alfred Park Pool.

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

That the petition, which reads as follows, be received and noted.

Text of the petition:

“Save the Prince Alfred Park Swimming Pool!

The population of Inner Sydney area tripled in the last several years and continues to increase. In a similar way increases the level of pollution. At the same time the recreation areas and recreation facilities for residents are in decline. The residents of Surry Hills and Redfern have only one recreation area, the Prince Alfred Park Swimming pool. It is a place for people of any income. Here the residents can relax, children can play and have swimming lessons. It is a clean and healthy place free of drugs, hooliganism and any other crime.

Unfortunately, this place has been neglected for many years by Sydney City Council, which has now plans of replacing the existing pool by a 25m pool.

It contradicts the common sense and directed against the wishes of the residents.

This plans should be strongly opposed.

Hands Off of Our Pool!”

Carried.

ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE 11 APRIL 2001

PRESENT

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

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.34 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

Closed meeting

At 5.35pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 5.1 to 5.5 (inclusive) on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 6.45 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 11 April 2001 be received and noted, and the recommendations set out below for Items 5.1, 5.3 and 5.4 be adopted, with items 5.2 and 5.5 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

Closed meeting

At 5.35pm the Priorities and Outcomes Committee resolved -

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

- Section 10A (2)(c) of the Local Government Act 1993 to discuss Items 5.1-5.4 inclusive on the agenda as these matters comprise 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)(a) of the Local Government Act 1993 to discuss Item 5.5 on the agenda as this matter comprises 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 5.1 to 5.5 were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public, and were subsequently dealt with by Council in open session.

COMPETITIVE TENDERING ROUND TWO: RECREATION AND COMMUNITY SERVICES – APPROVAL TO PROCEED TO TENDER (S013495)

5.1

That arising from the consideration of a report by the Project Manager, City Service Development to the Priorities and Outcomes Committee on 11 April 2001, on “Competitive Tendering Round Two: Recreation and Community Services”, it be resolved that:

- (A) the recreation and community services package, consistent with Column 3 in Attachment A to the subject report, be put to tender;
- (B) Living City Services and RANS Management Group be invited to tender for operation and management of the City’s recreation and community services and facilities;
- (C) staff be requested to further review services for effectiveness and value for money, and provide a report to the Priorities and Outcomes Committee as soon as possible, with a report thereafter annually, prior to the next contract business plan;
- (D) staff be requested to report back in summary form on the key classes of programs in respect of performance assessment.

Carried.

COMPETITIVE TENDERING ROUND TWO - MAINTENANCE OF PARKS, OPEN SPACES, AND STREET TREES – APPROVAL TO PROCEED TO TENDER (S013791)

5.2

That arising from consideration of a report by the Project Manager to the Priorities and Outcomes Committee on 11 April 2001, on Competitive Tendering Round Two - Maintenance of Parks, Open Spaces and Street Trees - Approval to Proceed to Tender, it be resolved that -

- (A) the report and attachments be adopted;

- (B) subject to members of the Priorities and Outcomes Committee being satisfied with the draft tender document, tenders be invited for the Maintenance of Parks and Open Spaces, and for Street Trees, in accordance with the approved program. The two contracts may be separate or bundled, and should include provision for an additional one-off schedule of rates for the formative prune and other services in respect of street trees;
- (C) a further report be provided on a timetable for the completion of outstanding capital works in respect of street trees, including a review of the master plan, completion of setts and other outstanding works.

Amendment. At the request of Councillor Turnbull, and by consent, the motion was amended by the addition of the following words at the end of the first sentence in paragraph (B):

“which involves proceeding to tender forthwith.”

Motion, as amended by consent, carried.

COMPETITIVE TENDERING ROUND TWO: CIVIL INFRASTRUCTURE ASSETS MANAGEMENT AND MAINTENANCE – APPROVAL TO PROCEED TO TENDER (S015749)

5.3

That arising from consideration of a report by the Project Manager, City Service Development, to the Priorities and Outcomes Committee on 11 April 2001, on Competitive Tendering Round Two: Civil Infrastructure Assets Management and Maintenance, it be resolved that the civil infrastructure assets management and maintenance service, consistent with the service level specified in Attachment A to the subject report, be adopted and put to tender

Carried.

PROPERTY SERVICES – COMPETITIVE TENDERING – APPROVAL TO PROCEED TO TENDER (S014056)

5.4

That arising from consideration of a report by the Facilities Manager to the Priorities and Outcomes Committee on 11 April 2001, on Property Services - Competitive Tendering - Approval to Proceed to Tender, it be resolved that tenders be called for the provision of property services as described in the subject report, subject to the tender documents reflecting a base figure for specified services and a possible property maintenance contingency at Council’s discretion.

Carried.

STAFF ORGANISATIONAL STRUCTURE

5.5

That arising from consideration of a Memorandum by the General Manager to the Priorities and Outcomes Committee on 11 April 2001, on 'Staff Organisational Structure' it be resolved that:

- (A) Council confirm the organisational structure as shown in the attachment dated 10 April 2001, to the subject Memorandum by the General Manager, in accordance with Sections 332(1) & 333 of the Local Government Act 1993;
- (B) Council amend the Delegations to the General Manager made by resolution of Council on 20 September 1999 in respect to clause 13 to read "the approval of the organisation structure at Director level" with the Lord Mayor's concurrence to be obtained for structural changes involving M3 level managers, and preserving the Lord Mayor's existing delegations, in respect of the Office of the Lord Mayor;
- (C) Council declare the Director level positions as 'senior staff' for the purpose of the Local Government Act 1993, section 332(2), with a further proviso that the Lord Mayor shall be consulted with respect to any appointment to the unit manager (M3) level and preserving the Lord Mayor's existing rights in respect of the appointment of all Office of the Lord Mayor staff, ie, to be fully consulted.
- (D) Council approve, on the advice of the General Manager
 - (i) the deletion of the position of Director Corporate Resources (Deputy General Manager) and allocation of Information Technology, Property, Finance and Risk Management to the existing position of Director Legal and Secretariat;
 - (ii) the renaming of the position of Director Legal and Secretariat as Director Corporate and Legal Services;
 - (iii) the allocation of the Contracts and Assets Management Unit to the Director City Projects;
 - (iv) the allocation of the Employee Services Unit to the Office of the General Manager.

Amendment. At the request of the Lord Mayor, and by consent, the motion was amended by the addition of the following new clause (E) -

- (E) that matters of delegation of authority and organisational structure be further reviewed in the context of the adoption of the final budget in June 2001.

Motion, as amended by consent, carried.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 30 APRIL 2001

PRESENT

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

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

At the commencement of business at 4.34 pm, those present were -

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

Councillor Fabian Marsden was also present.

Apology

Councillor Robert Ho extended his apology for his inability to attend the meeting of the Finance, Properties and Tenders Committee owing to prior commitments.

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

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

Carried.

Closed meeting

At 4.36 pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 6.1 and 6.2 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 4.53 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 April 2001 be received, and the recommendations set out below for Items 6.1 and 6.2 be adopted.

Carried.

The Committee recommended the following:-

Closed meeting

At 4.36 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 Items 6.1 and 6.2 on the agenda as these matters 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 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 6.1 and 6.2 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.

SUSSEX STREET AND NAPOLEON STREET, SYDNEY ADJOINING 20-24 SUSSEX STREET MORETON'S HOTEL - LEASE RENEWAL (L02-00016/1)**6.1**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 30 April 2001, on Sussex Street and Napoleon Street, Sydney Adjoining 20-24 Sussex Street Moreton's Hotel – Proposed Leases, it be resolved that approval be given to:-

- (A) The granting of a lease pursuant to section 153 of the Roads Act 1993, to the lessee of the adjoining premises 20-24 Sussex Street, Sydney currently Taverns Pty Ltd for a period of five years, of part of Sussex Street shown stippled on plan S4-130/602 at Attachment B to the subject report, and containing an area of about 230 square metres for use as an outdoor dining area in connection with the hotel at a rental to be determined by the General Manager.
- (B) The granting of a lease pursuant to section 149 of the Roads Act 1993, to the lessee of the adjoining premises 20-24 Sussex Street, Sydney currently Taverns Pty Ltd for a period of five years, of part of Napoleon Street shown hatched on plan S-130/602 at Attachment B to the subject report, and containing an area of about 23 square metres for storage purposes at a rental to be determined by the General Manager, also both leases are subject to the conditions in the schedule at Attachment A to the subject report.
- (C) The execution of all relevant documentation by Council's Attorney.

Carried.

CONTRACT FOR INSTALLATION AND MAINTENANCE OF PARKING METERS (S015173)**6.2**

That arising from consideration of a report by the Acting Director Living City Services to the Finance Properties and Tenders Committee on 30 April 2001 on Contract for Installation and Maintenance of Parking Meters, it be resolved that: -

- (A) Council ratify the administrative decision taken to bid for the provision of services involving installation and maintenance of 441 WES parking meters in four locations in Leichhardt Council area, namely, Balmain, Rozelle, Leichhardt and Glebe;
- (B) authority be delegated to the General Manager to finalise the terms and enter into a contract with Wilsons Equipment Services to provide the services set out in (A), provided that any future variation to the contract be subject to prior consultation with the Lord Mayor or Councillors;
- (C) Council's Attorney be authorised to execute all documentation;
- (D) the General Manager be requested to provide Council with a draft policy covering the management and variation of contracts;
- (E) the General Manager be requested to provide Council with a draft policy framework for Council's involvement in the provision of services to other bodies.

Carried.

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

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.13 pm those present were -

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

Apology

Councillor Robert Ho extended his apologies for his inability to attend the Planning Development and Transport Committee due to prior commitments.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

Order of Business

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

6. Development Application: 61-65 Regent Street, Chippendale
5. Development Application: 1 Wylde Street, Potts Point
4. Development Application: 232-236A Elizabeth Street Surry Hills
7. Section 96(2) Application: 16-30 Bunn Street, Pyrmont
3. Central Sydney Development Control Plan 1996 - Draft Amendment No 16: Visitor/Tourist Accommodation
1. Progress Report on Development Applications
2. 2000 Development Monitoring Report

The meeting of the Planning Development and Transport Committee concluded at 8.05 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of 30 April 2001 be received, and the recommendations set out below for Items 7. 1 to 7.4 (inclusive) be adopted, with Items 7.5 to 7.7 (inclusive) being noted.

Carried.

The Committee recommended the following:-

PART "A" - 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 April 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

2000 DEVELOPMENT MONITORING REPORT (S003607)**7.2**

That consideration of this matter be deferred to the meeting of Council on 7 May 2001.

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

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT NO. 16: VISITOR/TOURIST ACCOMMODATION (Z96-00358)**7.3**

That arising from consideration of a report by the Specialist Building Surveyor and Acting Strategic Planning and Research Manager to the Planning Development and Transport Committee on 30 April 2001, regarding Draft Amendment No. 16 to Central Sydney Development Control Plan 1996 and Draft Policy for the Provision of Visitor/Tourist Accommodation, it be resolved that Council -

- (A) exhibit Draft Amendment No. 16 to Central Sydney Development Control Plan 1996, as amended at the meeting of the Planning Development and Transport Committee, and the Draft Policy for the Provision of Visitor/Tourist Accommodation;
- (B) advise providers of backpacker and other visitor/tourist accommodation of the exhibition when it commences;
- (C) authorise the Lord Mayor to finalise any minor drafting required to the draft amendments for the purposes of a public exhibition in accordance with Section 72 (Development Control Plans) of the Environmental Planning and Assessment Act 1979, and Part 3 (Development Control Plans) of the Environmental Planning and Assessment Regulation, 2000;
- (D) adopt Draft Amendment No. 16 to Central Sydney Development Control Plan 1996 shown at Attachment A to the subject report, as amended at the meeting of the Planning Development and Transport Committee, and the Draft Policy for the Provision of Visitor/Tourist Accommodation shown at Attachment B to the subject report, as an interim policy until the commencement of the draft amendments and draft policy; and
- (E) adopt Draft Amendment No. 16 to Central Sydney Development Control Plan 1996 shown at Attachment A to the subject report, as amended at the meeting of the Planning Development and Transport Committee, and the Draft Policy for the Provision of Visitor/Tourist Accommodation shown at Attachment B to the subject report, as a policy for the entire City of Sydney area, and that Council write to other consent authorities in the City of Sydney (ie. Sydney Harbour Foreshore Authority and Department of Urban Affairs and Planning) to request that they adopt the draft DCP amendments and supporting policy as a policy.

Carried.

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

DEVELOPMENT APPLICATION: 232-236A ELIZABETH STREET SURRY HILLS (D/2001/0140)

7.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee in relation to Development Application D/2001/140 made by Rucksack Pty Ltd on 30 April 2001 for the site at 232-236a Elizabeth Street, for demolition of the existing building and construction of a new 9 level backpacker hostel building, it be resolved that -

- (A) subject to (B), authority be delegated to the Lord Mayor to determine the application on receipt of the concurrence, or otherwise, of the Department of Urban Affairs and Planning, as required by SEPP 10;

- (B) subject to obtaining the concurrence of the Department of Urban Affairs and Planning, the Lord Mayor determine the development application having regard to the following draft conditions, and any other conditions which may be imposed by the Department of Urban Affairs and Planning:-

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2001/140, dated 6 March 2001 and the Statement of Environmental Effects prepared by JBA urban Planning Consultant Pty Ltd, dated march 2001 and drawings numbered DA01, DA02, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, all issue E, prepared by Jahn Associates Architects, all dated 1 March 2001 and as amended by the following conditions:

APPROVED DESIGN

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

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 3.98:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 1885.8sqm.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (5)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 40.11 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the

Principal Certifying Authority (PCA) (Council or a private accredited certifier).

OCCUPANCY RATE

- (6)
- (a) The total maximum number of beds shall not exceed 422.
 - (b) The total number of beds allocated to each room shall not be increased above what is detailed on the plans approved with this application.
 - (c) Areas set aside within the building for communal space are to be used as such and are at no time to contain beds and be used as additional sleeping space.

PLAN OF MANAGEMENT

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

MANAGEMENT

- (9) 24 hour management must be provided to tourist accommodation facilities using an on-site manager/s, resident caretaker (who is over 18 years of age and is a permanent resident of the premises) or other approved management structure. The manager/caretaker must be briefed of the Plan of Management

and Emergency Management and Evacuation Plan, and must be a contact point for occupants in the event of an emergency. An up to date register detailing the name and length of stay of the on-site manager/resident caretaker must be kept on the premises at all times.

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

- (10) The manager/resident caretaker must be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Plan of Management and Emergency Management and Evacuation Plan.
- (11) The premises and surrounds, including furniture, utensils, beds and bed linen must be kept in good repair, clean, healthy and free from vermin.
- (12) The premises must be regularly check to ensure that fire safety and the essential fire safety measures in the building are maintained, and that all exits and egress paths are clear and free of locks and obstructions.
- (13) Public liability insurance is recommended to cover paying guests.

LICENCED PREMISES

- (14) The hours of operation of the licensed premises and restaurant must be restricted to between 7am and Midnight, 7 days per week.
- (15) The premises shall always be operated/managed in accordance with the Code of Practice for the premises, signed and dated 6 February 2001.
- (16) 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).
- (17) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (18) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (19) 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 (100) 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.

PLACE OF PUBLIC ENTERTAINMENT

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

COACH STOP

- (21) An application for the proposed coach stop on Elizabeth Street is to be submitted to Council for consideration and approval by the Sydney Traffic Committee.

AWNING

- (22) The proposed awning over the Elizabeth Street public footway is to comply with Councils requirements and not to extend within 800mm of the kerb in that street.

TELECOMMUNICATIONS PROVISIONS

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

SECTION 61 CONTRIBUTION

- (25) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
- (a) **Cash Contribution Required**

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

CONSISTENCY OF DRAWINGS

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

DISABLED ACCESS

- (27) 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.

DEMOLITION/SITE RECTIFICATION

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

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of 500 000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 500 000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or

- i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

REPORT TO BE COMPLIED WITH

- (29) The development shall be in accordance with the recommendations of Timar Partnership Pty Ltd Building Services, Consulting Engineers Energy Conservation Study dated March 2001.

EXTERNAL LIGHTING

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

REMOVAL OF GRAFFITI

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

NOISE

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

following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

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

CARE OF BUILDING SURROUNDS

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

WINDOW CLEANING

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

SIGNS

- (35) Advertising signage is not permitted to be erected on the southern elevation of the building.
- (36) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
- (37) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

WASTE, MANAGEMENT AND SECURITY

- (38) Prior to issue of an Occupation Certificate and/or prior to commencement of the use, the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is

to be placed on the public way, eg, footpaths, roadways, plazas, and reserves at any time.

- (39) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays to avoid noise disruption to the surrounding area.

TRAFFIC AND PARKING DURING CONSTRUCTION

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

BUILDING CODE OF AUSTRALIA

- (42) 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.
- (43) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

PUBLIC DOMAIN PLAN

- (44) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.

- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non-complying parts to be rectified prior to issue of this letter.

RECEPTACLES FOR CIGARETTE BUTTS

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

- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

MODELS

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

Note:

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

GLAZING

- (48) All external glazing in the development must be clear and untinted.
- (49) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- (50) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

UNDER AWNING LIGHTING

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

HEALTH

- (52) 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.
- (53) Any room or area used for the preparation, storage, service, delivery and/or conveying of food and/or beverage for sale must comply with the requirements of the National Code for the Construction and Fit out of Food Premises and the NSW Food (General) Regulation 1997.
- (54) Detailed plans of the kitchen and bar fit out shall be submitted to Council for further consideration. The plans should include the location of appliances and wall, floor and ceiling details and be submitted to Council prior to approval of the construction certificate.

DEMOLITION DETAILS

- (55) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).
- (56) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

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

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the *Guidelines for Temporary Protective Structures* (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
- (d) Dust Control:-
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process.

Compressed air must not be used to blow dust from the building site.

- (e) Disconnection of Gas and Electrical Supply;
 - (f) Fire Fighting:-
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
 - (g) Access and egress:-
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
 - (h) Waterproofing of any exposed surfaces of adjoining buildings;
 - (i) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the *Protection of the Environmental Operations Act 1997*.
 - (j) Working hours, in accordance with this Development Consent;
 - (k) Confinement of demolished materials in transit;
 - (l) Proposed truck routes, in accordance with this Development Consent;
 - (m) Location and method of waste disposal and recycling in accordance with the *Waste Minimisation and Management Act 1995*.
- (57) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.
- (58) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Report/s of adjoining buildings.

- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

(59) The following environmental protection measures are required:-

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's *Erosion and Sediment Control Manual* and the Department of Housing Manual *Managing Urban Stormwater - Soils and Construction (August 1998)*.
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the *NSW Protection of the Environmental Operations Act 1997*, whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (60) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (61) 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.
- (62) 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.
- (63) 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:-
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;

- (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (64) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(65)

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

- (iii) Contact Sydney Water, Ph. 132092.

STORMWATER AND DRAINAGE

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

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

UTILITY SERVICES

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

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

ALIGNMENT LEVELS

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

- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
- (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at

proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(69) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-

- (a) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

(70) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.

(71) Documents required with the application include:-

- (a) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
- (b) Evidence that public utility drawings have been inspected;
- (c) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
- (d) A Security Deposit for reinstatement of public way.

(72) The Road Opening Permit will be subject to conditions that must be complied with.

(73) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the *Guidelines for Temporary Protective Structures* (April 2001).

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(74) The following environmental protection measures are required:-

- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's *Erosion and Sediment Control Manual* and the Department of Housing Manual *Managing Urban Stormwater – Soils and Construction (August 1998)*.
- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the *NSW Protection of the Environment Operations Act 1997*, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

BARRICADE PERMIT

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (76) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (77) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.
- (78) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (79) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

NUMBERING

- (80) 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.
- (81) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

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

STRUCTURAL DETAILS

- (83) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;

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

Notes:

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (g) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (h) Council reserves the right to randomly audit any geotechnical documentation.
- (84) 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.

CERTIFICATION OF MECHANICAL VENTILATION

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

HOURS OF WORK AND NOISE

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

USE OF MOBILE CRANES

- (88) 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.
- (89) 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.
- (90) 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.
- (91) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

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

- (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (f) Council reserves the right to randomly audit any structural documentation.
- (92) 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.
- (93) If required, the owner must dedicate to EnergyAustralia, free of cost, an area of land to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note - Mr Graham Jahn addressed the meeting of the Planning Development and Transport Committee on Item 7.4.

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

The Planning Development and Transport Committee recommended that Council note that Items 7.5 to 7.7, inclusive, were determined by the Planning Development and Transport Committee under delegated authority.

DEVELOPMENT APPLICATION: 1 WYLDE STREET, POTTS POINT (D2001/0005)

7.5

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 30 April 2001 in relation to the Integrated Development Application D2001/00005 made by Wolff Architecture Pty Ltd for the site at 1 Wylde Street, Potts Point for the restoration and adaptive re-use of the heritage listed buildings "Bomera", "Bomera Stables" and "Tarana" with associated carparking, landscaping and their subdivision into 3 torrens title allotments and the strata-subdivision of 'Tarana' into three (3) residential apartments and the award of heritage floorspace, it be resolved that -

- (A) the award of Heritage Floor Space not be approved as it is contrary to the provisions of the Central Sydney Development Control Plan 1996; and
- (B) development consent be granted subject to the following conditions -

Schedule 1A

Approved Development, Contributions and Covenants

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
 - (a) Development Application No. D2001/0005 dated 30 January 2001
 - (b) Statement of Environmental Effects titled "Integrated Development Application- Conservation, Residential Use and Subdivision- 'Bomera' and 'Tarana', 1 Wylde Street, Potts Point prepared by Mike George Planning Pty Ltd and dated December 2000;
 - (c) The Conservation Management Plan/Statement of Heritage Impact dated January 2001 titled "'Boomera' and 'Tarana' 1 Wylde Street, Potts Point" prepared by Graham Brooks and Associates Pty Ltd Architects and Heritage Consultants;
 - (d) The BCA Report titled "1 Wylde Street, Potts Point NSW 2011" prepared by Building Safety Services Pty Ltd dated December 2000;

- (e) The Landscape Heritage Report titled “‘Bomera’ and ‘Tarana’ Wylde Street, Potts Point prepared by D M Taylor Landscape Architects Pty Ltd and dated November 2000;
 - (f) Historical Archaeological Assessment dated December 200 and prepared by D J Mider;
 - (g) The Acoustic Consultants Report t titled “‘Bomera’ and ‘Tarana’ 1 Wylde Street, Potts Point prepared by Quartz Consulting Services and dated November 2000;
 - (h) And the following drawings:
 - (i) DA01 & DA02 C dated 01.03.01, DA03 D dated 14.03.01, DA04 C dated 01.03.01, DA05 B dated 30.01.01, DA06 & 07 C dated 01.03.01, DA08 – DA10 B dated 30.01.01, DA11 & DA 12 A, dated 21.12.01, LPDA 01 C dated 01.03.01 and LPDA 02 C dated 01.03.01 prepared by Wolff Architecture;
 - (ii) Drawing titled ‘Landscape Design Guidelines LA03A dated 6.12.00 prepared by D M Taylor Landscape Architects Pty Ltd;
 - (iii) Subdivision Proposal Issue 2 dated 5.03.2001;
 - (iv) Strata Plan Sheets 1-4 Issue 2 dated 29.01.01
- and as amended by the following conditions:

APPROVAL UNDER SECTION 60 OF THE NSW HERITAGE ACT, 1977

- (2) Under the Integrated Development provisions of the Environmental Planning and Assessment Act 1979 a further application must be made for approval under Section 60 of the NSW Heritage Act, 1977 prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

APPROVED DESIGN

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

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 0.486:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 1795.4sqm.

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

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

The form of recording is to be as follows:-

- a. Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- b. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- c. 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
- d. selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;

- e. A summary report of the photographic documentation, detailing;
 - i. the project description, method of documentation, and any limitations of the photographic record; and
 - ii. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.

Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

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

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

(b) **Amount of Contribution**

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

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

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

(d) **Timing of Payment**

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

CONSISTENCY OF DRAWINGS

- (8) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.
- (9) The architect of the project as approved should not be changed without prior notice to Council.
- (10) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 2000. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.

ARCHAEOLOGICAL INVESTIGATION

- (11) The recommendations contained in the Archaeological Assessment Report prepared by Dana Mider are to be implemented and are to supplement the following requirements as appropriate:
- (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) The physical investigation should encompass archaeological monitoring, detailed recording and controlled salvage in areas subject to ground disturbance. If underfloor ceiling space deposits are encountered, they need to be removed by archaeological means. Well preserved and significant archaeological deposits and features should be conserved in situ where feasible.
 - (g) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

HERITAGE CONDITIONS

- (12) The Conservation Management Plan prepared for Bomera and Tarana prepared by Graham Brooks and Associates Pty Ltd dated January 2001, the Historical Archaeological Assessment dated December 2000 and prepared by D J Mider and the Landscape Heritage Report dated November 2000 prepared by DM Taylor Landscape Architects Pty Ltd are to be used as the basis for all future conservation work and maintenance work to the properties.

Notwithstanding the above, the Conservation Management Plan shall be amended in consultation with the Director of City Development to include a heritage management and approval process for future alterations (both minor and major, internal and external) for the entire site including 'Bomera', 'Tarana' and the "Stables", the gardens, landscape areas, dividing fences, carparking and driveways.

- (13) External colour schemes for each building shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (14) An Interpretation Plan shall be prepared by suitably qualified conservation practitioner and shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (15) A suitably qualified conservation practitioner and archaeologist is to be involved as part of any project teams throughout the duration of the project and superintend all work on-site, as appropriate.

Building contractors, project managers and trades personnel who are experienced with working on historic buildings/sites should be selected to work on the project.

- (16) The installation of partition, fixtures, fittings and benches and the like are not to interfere with the fenestration of the building.
- (17) Where possible, any materials salvaged from the site and the buildings should be used elsewhere on the site and the buildings, as appropriate.
- (18) The detailed policies outlined in Sections 7.0, 8.0, 9.0 and 10.00 of the Conservation Management Plan prepared by Graham Brooks and Associates and dated January 2001 are to be followed, adhered to and used to guide all conservation works, including the future maintenance and management of the place.
- (19) The Statement of Policy and the Management guidelines for Implementation of the Gardens contained in the Landscape Heritage Report prepared by D M Taylor Landscape Architects Pty Ltd dated December 2000 should form the basis for all future works to the site. In this regard, the garden should continue to reflect the mid to late 19th century garden.

- (20) Any items of contemporary fitout, including wall linings to facilitate new surface finishes, should be installed such that they can be removed at a future time with the minimum of damage to early building fabric.
- (21) Where existing or significant doorways are to be closed to create the division between internal flats, the door case joinery and the appearance of the doorway from each side is to be retained, subject to the installation of acoustic and fire separation provisions.
- (22) All missing existing fireplace components are to be reconstructed.
- (23) Surviving examples of early painted finishes in various locations through the buildings are to be conserved in-situ where possible. They then can be recorded and painted over with new colour schemes. The early colour schemes are to be taken as a guide to the redecoration of the principal rooms, although the early colour schemes do not necessarily need to be reproduced.
- (24) Where early floor boards are in deteriorated condition and cannot be retained, or where they have already been removed, new floor boards should be installed that match the size, profiles and species of the surviving floor boards.
- (25) Extant early timber joinery should be retained and conserved where possible.
- (26) Where new materials are introduced, they should closely match the original or adjacent materials. Evidence of changes should not be so well matched as to be impossible to read on close inspection.

LAND SUBDIVISION

- (27) A separate application must be made to Council to obtain approval and endorsement of the final Plan of Subdivision and execution of the Subdivision Certificate in accordance with Section 109C(1)(d) of the Environmental Planning and Assessment Act 1979.
- (28)
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An immediate application for a Certificate should be made to obtain a Notice of Requirements from Sydney Water.

- (b) Written confirmation that a Compliance Certificate has been obtained must be submitted to Council prior to the issue of a Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

Note: Sydney Water may require the construction of works and/or the payment of developer charges or contributions, details of which will be provided in the Notice of Requirements from Sydney Water. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout. Contact Sydney Water, Central Region, Rockdale (Urban development Section).

- (29) Any proposal to Strata subdivide part of the site will require a separate application to obtain approval of the final Strata Plan and issue of a Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended.
- (30) The proposed Right of Access 1.9 Wide within lot 2 adjacent to the eastern wall of the building erected on lot 3 is to be deleted from the Plan of Subdivision.
- (31) Appropriate documentary Easements for Services are to be created over all service ducts, conduits, mains etc, supplying essential services (Electricity, gas, telephone etc.) to a dwelling erected upon a lot in the subdivision which occupy part of an adjacent lot(s) in the subdivision. Such easements are to be created pursuant to Section 88B of the Conveyancing Act 1919, in stratum if so desired, appurtenant to the serviced lot, burdening the affected parts of the adjacent lot(s) and to Council's satisfaction.
- (32) Appropriate documentary Easements for Drainage are to be created over the drainage pipes and associated structures draining stormwater from a lot in the subdivision which occupy part of an adjacent lot(s) in the subdivision. Such easements are to be created pursuant to Section 88B of the Conveyancing Act 1919, to the alignments of Wylde Street and Cowper Wharf Roadway, in stratum if so desired, appurtenant to the source lot, burdening the affected parts of the adjacent lot(s) and to Council's satisfaction.
- (33) An appropriate documentary Right of Way is to be created over the part of the paved vehicle and pedestrian access driveway within proposed lot 1 to be used for access from Wylde Street to the building erected on proposed lot 3. Such Right of Way is to be created pursuant to Section 88B of the Conveyancing Act 1919, burdening the affected part of lot 1, appurtenant to proposed lot 3, in terms granting rights of vehicle and pedestrian access and all to Council's satisfaction.

- (34) An appropriate documentary Right of Way is to be created over the part of the paved vehicle and pedestrian access driveway within proposed lot 1 to be used for access from Wylde Street to the basement parking area of proposed lot 2. Such Right of Way is to be created pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to proposed lot 2, burdening the affected part of proposed lot 1, in terms granting rights of vehicle and pedestrian access and all to Council's satisfaction.
- (35) Appropriate documentary Easements for Overhang and Encroachment are to be created over the parts of the eaves and gutter of the buildings erected upon lots 2 and 3 in the subdivision which are encroaching upon lot 1. Such easements are to be created pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to lots 2 and 3 respectively, burdening the affected parts of lot 1, in terms including rights for the eaves and guttering and all other encroachments such as suspended service pipes, sills, downpipes, rain-heads, architectural embellishments and building foundations to remain upon the lot burdened and all to Council's satisfaction.
- (36) Appropriate documentary Easements for Access and Maintenance are to be created over the parts of lot 1 adjacent to the boundaries occupied by the face of walls of the buildings erected upon lots 2 and 3 in the subdivision which are reasonably required for access to undertake maintenance and repair of such walls and attachments. The easements are to be created pursuant to Section 88B of the Conveyancing Act 1919, in stratum if so desired, appurtenant to lots 2 and 3 respectively, burdening the affected parts of lot 1, in terms granting rights of access and use to undertake repairs, upkeep and maintenance of the walls and encroachments and all to Council's satisfaction.
- (37) Appropriate documentary Easements for Light and Air are to be created over the parts of lots 1 and 2 adjacent to the boundaries occupied by the face of walls of the buildings erected upon those lots which are required for the transmission of natural light and air to the interiors of those buildings. Such easements are to be created pursuant to Section 88b of the Conveyancing Act, burdening each of lots 1 and 2 in the subdivision, appurtenant to the adjacent lot, in stratum if so desired and to the satisfaction of Council.
- (38) A appropriate documentary Positive Covenant is to be created pursuant to Section 88B of the Conveyancing Act 1919 burdening all lots in the subdivision, appurtenant to Sydney City Council, in terms requiring compliance with the provisions of the approved Conservation Management Plan for "Bomera" and "Tarana", No.1 Wylde Street, Potts Point and prohibiting any work on the exterior of the buildings or the external grounds of the site which may compromise the heritage fabric or significance of the buildings and site and which is inconsistent with or contravenes the provisions of the approved Conservation Management Plan. The Plan is to be incorporated into the Part 2 terms of the instrument and Sydney City Council is to be given exclusive rights to release, vary or modify the covenant.

- (39) In order to protect and ensure the conservation of the heritage fabric and significance of the “Bomera” and “Tarana” site as an integrated Schedule 1 heritage listed item in Council’s Local Environmental Plan 1996 and as listed on the State Heritage Register, a documentary Restriction as to User is to be created pursuant to Section 88B of the Conveyancing Act 1919, respectively burdening each of the lots in the subdivision, appurtenant to the other lots in the subdivision.

Such Restriction as to User is to be created in terms prohibiting any work on the building(s) erected on the lot burdened or within the external grounds of the lot which affect or alter the exterior appearance or fabric of the building(s) or grounds, without the consent of the registered proprietors of the lots benefited *and furthermore*, the instrument is to be created in terms which prohibit the lodgement of a Development Application to Sydney City Council for permission to undertake any such aforementioned work without written consent of the registered proprietors of the lots benefited and prohibit any such aforementioned work which may compromise the heritage fabric or significance of the site and which is considered inconsistent with or contravenes the approved Conservation Management Plan for Bomera and Tarana. Such work is to be exclusive of any ongoing maintenance and upkeep or any repairs to the exterior of the building(s) or fabric of the exterior grounds of the lot burdened provided such work does not alter the fabric or exterior appearance of the building(s) and external grounds.

The Restriction as to User is to be created to Council’s satisfaction which authority is to be given exclusive rights to release, vary or modify the restriction.

STRATA SUBDIVISION

- (40) Approval of the final Strata Plan and issue of a Strata Certificate for the subdivision is to be obtained in accordance with the provisions of Section 37 of the Strata schemes (Freehold Development) Act 1973 as amended.
- (41) The final Strata Plan is to be consistent with the approved plans for the development of the “Tarana” site and building (Proposed lot 2 in the Plan of Subdivision of the development site) accompanying this consent.
- (42) The following conditions apply to car parking:
- (a) The on-site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, licence or transfer ownership of any car parking spaces to those other than an occupant, tenant, or resident of a unit in the building.

- (b) The Strata Plan is to include the creation of a documentary Restriction as to User pursuant to Section 88B of the Conveyancing Act 1919 burdening each of the car parking and store room part-lots in the Strata plan, appurtenant to the other respective lots in the scheme, in terms to the effect of (a) above and the exclusive power to release, vary or modify the restriction is to be vested in Sydney City Council

VEHICULAR SPACES

- (43) Car parking and service provision shall satisfy Council's LEP and DCP 1996.
- (44) The layout of the car parking shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (45) All loading, unloading and other construction activities shall be accommodated on-site except that:-
 - (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on-site once the development has reached ground level.
 - (c) If a Work Zone is warranted, such an application must be made to Council prior to the commencement of work on site. An approval for a Work Zone may be given for a specific period and certain hours of the day to reflect the particular need of the site of such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (46) All costs of traffic management measures associated with the development shall be borne by the developer.
- (47) The following car parking requirements apply:-
 - (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 2 residential spaces to 'Bomera';
 - (ii) 2 residential spaces to the 'Stables'; and
 - (iii) 2 residential spaces to each of the 3 units within 'Tarana'.
 - (b) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

(48) The following conditions apply to car parking:-

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

BUILDING NAME

(49) Any change to the name of the buildings is to be subject to the approval of Council.

REMOVAL OF GRAFFITI

- (50) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (51) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.

Schedule 1B

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

DESIGN MODIFICATIONS

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

- (a) The new planter box structure in the driveway forecourt shall be redesigned to ensure that vehicular manoeuvrability is not impeded. In this regard, the eastern side of the planter is to be deleted to improve the dimension of the driveway at this point to assist in left hand vehicular turn from the Tarana car park onto Wylde Street.
- (b) A revised Landscaping Scheme for the southern boundary of the site is to be prepared to the satisfaction of the Directory City Development. The landscaping is to be selected having regard to the Recommended Plant List provided by the project Landscape Architects, set out at Attachment B to the subject report, which details trees such as crepe myrtle which would be consistent with 19th Century landscaping. In addition, the landscaping is to be selected to ensure that the potential to impact on the paving and drainage of the adjacent site is minimised.

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

- (53) Final design details for the glass lift proposed in the stair lobby of 'Tarana' shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The lift over-run will not be permitted to protrude above the roofline of the building and should be designed to ensure that work is fully reversible, leaving the original staircase intact.
- (54) Details of the proposed reconstruction of the skylight in the former billiards room of 'Bomera' shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (55) Details of the installation of the new windows into the former billiards room of 'Bomera' shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The windows should be designed to match/suit the early architectural character of the adjacent windows in the room.
- (56) Details of the final design for the installation of the mezzanine floor, the extension of the balcony linking to the new spiral stair and the unit fit-out of the western room in Tarana (Unit 3) shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The design of the room shall ensure that the original qualities of the room remain discernible and the work proposed is being undertaken in a manner which is fully reversible.
- (57) Details of any security door proposed to be installed at the entry to the basement carpark of 'Tarana' are to be submitted shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The design and location of the door should seek to minimise its visual impact on the streetscape and the heritage buildings.

LANDSCAPING OF THE SITE

- (58) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems;
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

NOISE REDUCTION

- (59) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:

a. Sleeping areas (night time only: 2200-0700)	35dB
b. Living areas (24 hours)	45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

a. Sleeping areas (night time only: 2200-0700)	45dB
b. Living areas (24 hours)	55dB

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

BUILDING CONDITIONS

- (60) Solutions to the BCA conditions, as detailed below, are to be devised in consultation with the Director City Development and the Heritage Council. Separate Section 60 approval from the Heritage Council may be required to be obtained for this work. These conditions are to be satisfied prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

A fully resolved BCA Compliance Report, with appropriate architectural details, shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. This Report shall indicate how compliance is achieved while minimising potential impacts on significant fabric and should be prepared under the guidance of an experienced conservation architect. This Report is to include information on separation between adjoining residential units, protection of external openings, the matters detailed in the BCA conditions below and any other matters appropriate to ensure BCA compliance.

- (61) The building shall be treated against attack from subterranean termites in accordance with the Building Code of Australia Part B.
- (62) The fire resistance of the floor separating the proposed residential flats shall be upgraded to at least 60/60/60. Details of the proposed method of protection shall be submitted to the Principal Certifying Authority for approval prior to the commencement of work.
- (63) The openings in external walls where exposed to fire source features or openings adjacent to fire compartments shall be protected as required by BCA Part C.
- (64) The eaves of the proposed Class 1 buildings, where encroaching within the distances prescribed by the BCA Housing Provisions, shall be lined or otherwise treated with a suitable non-combustible material. Details of the proposed method of protection shall be submitted to the Principal Certifying Authority for approval prior to the commencement of work.
- (65) The openings in walls separating buildings or fire compartments shall be protected as required by BCA Part c and F. Details of the proposed method of protection shall be submitted to the Principal Certifying Authority for approval prior to the commencement of work.
- (66) The openings in the basement between the Class 1 dwelling and the carpark shall be protected as required by Part C of the BCA and the BCA Housing Provisions.
- (67) The openings in the basement between the residential flat building and he carpark shall be protected as required by Part C of the BCA.
- (68) The proposed lift inter-connecting the sole-occupancy unit and the carpark shall be fire-isolated as required by Part C of the BCA.
- (69) The perimeter of the basement carpark shall be located such that any floor separating the carpark and the residential building above achieves the FRL required by Part C of the BCA.
- (70) The floor of the cantilevered balcony serving the third bedroom of Flat 1 (Tarana) shall not lessen the required fir separation of the openings in external walls.
- (71) Any new balconies shall meet the requirements of the C2.6 of the BCA where applicable.
- (72) The basement carpark exit should comply with the BCA.
- (73) The carpark roof to which exits discharge shall have the FRL appropriate to the requirements of the Part d of the BCA.
- (74) The window openings to the stair serving flat 1 (Tarana) shall be protected where applicable with balustrading as required by Part D of the BCA.

- (75) The proposed new fence/balustrade, shall have non-climbable members as required by Part D of the BCA.
- (76) The new work shall be protected by each of the statutory fire safety measures applicable under the BCA. The proposed residential flat building not have construction fully meeting the requirements of the BCA Part C shall be provided with a smoke detection system complying with Clause 4 of the BCA Specification E2.2a.
- (77) The Class 1 dwelling shall be provided with smoke detectors as required by the BCA Housing Provisions.
- (78) The existing sandstone wall to the proposed ensuite serving Flat 2 (Tarana) shall be damp-proofed through the introduction of an independent wall meeting the requirements of Part F of the BCA.
- (79) All subsoil drainage shall be provided as required by Part F of the BCA.
- (80) The damp and weather proofing performance of the existing masonry walls shall not be impaired through the introduction of landscaping elements such as planter boxes or garden beds.
- (81) The proposed swimming pools and fence shall meet the requirements of the NSW Swimming Pools Act.
- (82) The proposed subdivision shall establish such cross-easements as are required for the maintenance of required fire separation between the buildings on adjacent lots.

PAVING MATERIALS

- (83) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

ACOUSTIC PRIVACY BETWEEN UNITS

- (84) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
 - (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.

- (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

STORMWATER AND DRAINAGE

- (85) Certification that stormwater will be disposed from the site in accordance with Council's standard requirements shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

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

- (87) 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)

Schedule 1C

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

WASTE MANAGEMENT

(88)

- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached **form W3** to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
- (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
- (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
- a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;

- e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal.
 - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

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

CERTIFICATION OF MECHANICAL VENTILATION

- (89) The details of any mechanical ventilation or air conditioning, if installed, must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red

- (d) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (90) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
 - (d) **Notes**
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (91) 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 *Draft Policy for Temporary Protective Structures* dated 21 February 2001.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR A ROAD OPENING PERMIT AND SHORING

- (92) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.

- (a) Documents required with the application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
 - (iv) A Security Deposit for reinstatement of public way.
- (b) The Road Opening Permit will be subject to conditions that must be complied with.
- (c) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the Draft Policy for Temporary Protective Structures dated 21 February 2001.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (94) The following environmental protection measures are required:-
- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.

- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
 - (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's *Erosion and Sediment Control Manual* and the Department of Housing Manual *Managing Urban Stormwater – Soils and Construction (August 1998)*.
 - (d) The Water and Sediment Control Statement shall be implemented during the construction period.
 - (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
 - (f) The applicant must also comply with the *NSW Protection of the Environment Operations Act 1997*, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.
- (95) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;

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

Notes:

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

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

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (97) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (e) **Note:** The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (98) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

(99) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

(100) 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.

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

CONTROL OF VERMIN

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

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

- (103) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.
- (104) 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.
- (105) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (106) 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

- (107) 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.
- (108) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

- (109) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (110) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (111) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (112) Any proposed electronic locks shall comply with the following:
- (a) The electronic locking device shall be power energised to the locking mode and shall be deactivated to release upon direct or response power termination to the device to enable the door to be opened by single handed action in the direction of egress;
 - (b) The smoke detectors shall be provided on both sides of the security door, 1500mm from the centre of the door in the position described in Clause 5.7.5 of AS 1905.1 (1990);
 - (c) The locking device shall consist of an approved electronic door interlock system such that in the event of fire being detected by the building's sprinkler system and smoke/thermal alarm system (including smoke detectors required in the mechanical ventilation system by AS 1668 (1991)), the locking system will be deactivated to release by the termination of power to enable the door to be opened by single-handed action in the direction of egress;
 - (d) An emergency switch/button, not contained in a protective enclosure, shall be provided in a conspicuous position in the lift lobby area adjacent to the subject door.
 - (i) The switch/button shall be available to deactivate the locking system by power termination in an emergency. A sign shall be provided to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) adjacent to the switch/button indicating its purpose;
 - (e) Suitable directional exit signs shall be provided to the satisfaction of the PCA (Council or a private accredited certifier);

- (f) Upon completion of work and prior to the operation of the security locking device and to the occupation of the subject tenancy, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate shall be submitted to Council if it was not the PCA.
- (113) The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.
- (114) 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.
- (115) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.
- (116) Any alterations to the existing sprinkler installation shall comply with the requirements of Specification E1.5 of the Building Code of Australia. A certificate from a competent person shall be submitted to the Principal Certifying Authority certifying compliance with this requirement.
- (117) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.
- (118) Any tenancy door giving access to an exit shall be capable of being opened without a key from inside the tenancy in accordance with D2.21 of the Building Code of Australia.
- (119) 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.
- (120) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

- (121) 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.
- (122) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (123) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (f) Council reserves the right to randomly audit any structural documentation.
- (124) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, OR a

Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council.

Notes

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

SYDNEY WATER CERTIFICATE

(125)

- (a) Prior to release of the final Strata Plan endorsed by Council under Section 37 of the *Strata Schemes (Freehold Development) Act 1973*, written confirmation that you have obtained a (Developer) Compliance Certificate under Section 73 of the *Sydney Water Act 1994* for the development must be submitted to Council; OR
- (b) Evidence must be submitted to Council that the requirements of Sydney Water with regards to the strata subdivision proposal have been satisfied.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges. Contact Sydney Water, Ph. 132092.

HISTORIC MARKER

- (126) 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

- (127) 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

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

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (130) 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.

- (131) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.
- (132) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (133) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (134) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (135) 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.
- (136) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

Schedule 2

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

Schedule 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the NSW Heritage Office are as follows:

- (137) All work shall be in accordance with the policies and management recommendations in the following Conservation Management Documents:
- (a) The Conservation Management Plan dated January 2001 by Graham Brooks and Associates Pty Ltd;
 - (b) The Historical Archaeological Assessment dated December 2000 prepared by D J Mider;
 - (c) The Landscape Heritage Report dated November 2000 prepared by D M Taylor Landscape Architects Pty Ltd.
- (138) A more detailed archaeological research design shall be submitted with the section 60 application and contain information relating to the impact of the proposed development on areas of archaeological potential which are to be depicted on site plans and indicate appropriate mitigation strategies for specific areas of the site. It must include specific guidelines in relation to the removal of walls, ceilings and floors within the building.
- (139) An archival record shall be prepared including measured drawings as existing and an archival photographic record before, during and after the development, documenting changes to the heritage fabric and any significant fabric uncovered during the course of the works. The archival record shall be prepared in accordance with Heritage Council guidelines and copies lodged in the local Council's library.
- (140) Design resolution and working drawings shall be finalised with the advice of a consultant/s experienced in the conservation of similar heritage items who shall ensure that work is in accordance with the conservation management documents.
- (141) Work shall be superintended on site by a consultant/s experienced in the conservation of similar heritage items who shall ensure work is in accordance with the conservation management documents.
- (142) The section of remnant kerb of the Wylde Street cul-de-sac is to be reinstated following the completion of the excavation works for the basement carpark.
- (143) The proposed swimming pools are to be substantially within-ground to mitigate adverse visual impact.
- (144) The closure of existing wall openings and the creation of new openings must minimise damage to and removal of original fabric and existing joinery is to be retained where possible.
- (145) Details of the achievement of satisfactory acoustic and fire separation of occupancies without severe impact on the original fabric of "Tarana" are to be lodged to the Heritage Office with the section 60 application.
- (146) Details of the proposed reconstruction of the skylight in the former billiard room in "Bomera" are to be lodged with the section 60 application to the satisfaction of the Director of the Heritage Office.

- (147) Details of the proposed extension of the gallery in the former billiard room of “Tarana” are to be lodged with the section 60 application to the satisfaction of the Director of the Heritage Office.
- (148) Details of the proposed lift in “Tarana”, minimising the damage to building fabric are to be lodged with the section 60 application to the satisfaction of the Director of the Heritage Office.
- (149) If a security grille is proposed to be installed for the basement car park it must be located towards the bottom of the ramp to avoid adverse visual impact on the heritage buildings and streetscape.
- (150) The boundaries of the proposed allotments should be relocated away from the walls of the buildings or easements for access created to facilitate building maintenance.
- (151) The perimeter sandstone walls of the “Tarana” site should become common property on the proposed strata plan to ensure coordinated management and maintenance of these structures.
- (152) The sandstone in the walls to be demolished near the vehicle access to the site is to be salvaged for use elsewhere on the site.
- (153) Under the Integrated Development provisions of the Environmental Planning and Assessment Act, a further application must be made for approval under Section 60 of the NSW Heritage Act, 1977 before works commence (application form attached).

Carried unanimously.

Note - Mr John Iremonger and Mr Graham Bakewell addressed the meeting of the Planning Development and Transport Committee on Item 7.5.

**DEVELOPMENT APPLICATION: 61-65 REGENT STREET, CHIPPENDALE
(D2000/00931/001)**

7.6

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

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 30 April 2001 in relation to Development Application D2000/00931 made by Sixty One Entertainment for the site at 61-65 Regent Street Chippendale, for the extension of trading hours and the carrying out of fire safety upgrade works, it be resolved that consent be refused for the following reasons -

- (1) the proposal would have a negative impact on the character, good order and amenity of the area;

- (2) the proposal would result in negative cumulative impacts in the locality with other late trading premises located within a 250 metre radius of the premises;
- (3) Council is not satisfied that operation of the premises is managed sufficiently to prevent adverse impacts on adjoining and nearby properties;
- (4) the proposal is inconsistent with the desired future character of the area;
- (5) the proposal is not in the public interest.

Carried unanimously.

Note - Ms Clare McLay, Mr Tony Evans and Ms Jeanette Brokman addressed the meeting of the Planning Development and Transport Committee on Item 7.6.

SECTION 96 (2) APPLICATION: 16-30 BUNN STREET, PYRMONT (D/1997/00563)

7.7

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

That arising from consideration of a report by the Specialist Planner to Planning Development and Transport Committee on 30 April 2001, in relation to the Section 96 (2) application for development application D1997/00563 made by Metro Apartments for the site at 16 – 32 Bunn Street, Pyrmont for the demolition of three storey buildings and construction of an eight storey residential building providing forty (40) units, 200m² ground level retail/commercial and restaurant space and 3 levels of basement parking for 40 vehicles, it be resolved that Condition 1 be amended to include the submitted plans as follows:

- WD 100 A dated 6 February 2001
- WD 104 A dated 6 February 2001
- WD 105 A dated 6 February 2001
- WD 106 A dated 6 February 2001
- WD200 A dated 6 February 2001
- WD202 A dated 6 February 2001

prepared by Joshua Farkash & Associates.

Carried.

ITEM 8. 2000 DEVELOPMENT MONITORING REPORT (S003607)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Acting Specialist Research Planner, Planning Policy, to the Planning Development and Transport Committee on 30 April 2001, and to Council on 7 May 2001, in regard to the 2000 Development Monitoring Report, it be resolved that the subject report be received and noted.

Carried.

ITEM 9. QUESTIONS ON NOTICE

DRAFT NATIONAL ALCOHOL PLAN (S014453)

1. By Councillor Greiner -

Question

Lord Mayor, I notice in a recent Sunday Telegraph article that the Draft National Alcohol Plan will give the public unprecedented input into hotel and club operating hours.

- (a) Will you assure Council that you will support and implement this initiative if it is accepted in the final report?
- (b) Would you provide Council with an update as to the previous General Manager's enquiries for a Social Impact Statement on the effect of the numbers of poker machines in the city and prospective demand; which you were to request to be completed by the Department of Gaming and Racing as per your answer to me on 24 July 2000.
- (c) As per the same answer, did you request the Licensing Court not to issue any further licenses for gaming machines?

Answer by the Lord Mayor

I have asked the General Manager to ensure that staff closely examine the draft National Alcohol Action Plan when it is made available by the Ministerial Council on Drug Strategy.

I draw your attention again to the detailed memorandum on Gaming Machines, which was included in the Councillors' Information Service distributed on 24 January 2001. This memorandum was in response to discussion at Council on 24 July 2000, on the social impacts of poker machines.

Work on preparing a social impact assessment on gaming, referred to in the final paragraph of the memorandum, was at that stage expected to be completed by February 2001. The General Manager will let Councillors know when an outcome of that project becomes available. The General Manager expects this information to be available by the end of June.

PUBLIC HOLIDAY PAY PARKING REGULATIONS (S014453)

2. By Councillor Greiner -

Question

Lord Mayor, I have received correspondence concerning an infringement notice on cars parked on Good Friday (a public holiday) on the western side of Mrs Macquarie's Road.

The correspondents believe that during a public holiday a ticket should not have been issued as parking restrictions are only enforceable during normal working or business hours, unless otherwise stated. This view is allegedly held by the Gladesville Police, the Traffic Management Centre at Pennant Hills Police, Ryde Council and Leichhardt Council.

The correspondent also notes that at Potts Point the metered parking signage makes reference to being applicable on public holidays.

Will you -

- (a) Investigate the basis of this complaint and ascertain whether the parking infringement was illegal, and
- (b) Determine whether Council is required to amend its parking signage to include the words "and public holidays".

Answer by the Lord Mayor

The Acting Director City Development has advised that:

- "(a) Mrs Macquarie's Road lies within the Domain/Royal Botanic Gardens and is a road under the care, control and responsibility of the Royal Botanic Gardens Trust not the City. Furthermore, any dispute in relation to the validity of issuing of parking infringement notices must be referred to the Infringement Processing Bureau (IPB) at Parramatta for consideration as outlined on infringement notices. The correspondent should make representations direct to the IPB if they believe the infringement to be invalid.
- (b) The City is able to introduce various forms of pay parking on public streets under its control provided that it uses schemes that have been approved by the Roads and Traffic Authority, and provided that schemes are in accordance with the Authority's guidelines as well as relevant legislation. It should be noted that the legislation and RTA guidelines make no mention of any exemption from pay parking restrictions on public holidays.

Ticket parking schemes are controlled by parking restriction signs that specify the days and times when these pay parking schemes are in operation, regardless of whether one or more days are a public holiday. If a driver fails to purchase a ticket during the days and times specified on the signs, or fails to adequately display the ticket for inspection by parking patrol officers, or over-stays any time limits that apply, then the legislation provides for the issue of a parking infringement notice.

In some instances restrictions that only apply on a public holiday may be appropriate to control specific parking problems that may be prevalent only on a public holiday. However, it is unnecessary for the words 'and public holidays' to be included on signs that apply on normal business days or weekends.

Furthermore, the introduction of the additional words 'and public holidays' onto the City's pay parking signage is not considered appropriate for the following reasons:

- There is no legislative requirement;
- Signs would become cluttered with unnecessary information;
- Driver understanding of the meaning of restrictions may be hampered during the times that they usually apply, that is at times other than public holidays, and
- The high cost of asset replacement would be an unnecessary burden of the City's resources, and lead to confusion that may render existing signs unenforceable prior to replacement.”

QUESTIONS WITHOUT NOTICE

INQUIRY INTO THE STRUCTURE OF LOCAL GOVERNMENT (S014462)

1. By Councillor Turnbull -

Question

Would the Lord Mayor like to comment on the announcement in the newspaper yesterday about the final recommendations of the Sproats Inquiry and the likelihood of a contingency coming into effect in the light of the other Councils not being very happy to be amalgamated with us?

Answer by the Lord Mayor

Thank you for your question, Councillor Turnbull. I think the Sproats Report vindicates Council's position. People will recall Council submitted seven options, of which we favoured three - eight to four councils, eight to two councils and eight to one. Professor Sproats' recommended option is similar to the eight to four option - a little bit different, but not that different.

I think if you read Professor Sproats' conclusions we are vindicated all the way through. Arguments about the central business district as a department are rejected, arguments about using the Regional Organisations of Councils (i.e. the ROCs) as a vehicle to manage resources are rejected, arguments about the financial viability of being strong have been upheld. The need for regionalism and regional thinking and strategic thinking was very strongly upheld in the report.

The first submission we made last December, which talked about the strategic failures of local government, was overwhelmingly endorsed by Professor Sproats. I think Professor Sproats has addressed a lot of those issues. I don't entirely agree with his proposed boundaries; I think it should have been recommended that Paddington be part of the City. If you read the historical information, Paddington really belonged to the City.

But setting that aside, I think Professor Sproats has made a very genuine effort to try and recast local government, not just amalgamate councils in a clumsy kind of way. I think there is a difference, as recasting is about changing the whole template and amalgamation is just making things bigger by lumping them together. I think this is a difference that escapes some people. Professor Sproats' word was "recast".

Professor Sproats also said he was attracted to the idea of eight councils into two, but he did not recommend that.

As for the contingency mentioned in the report, I don't know what the Government is going to do. The Government has said it wants to stick to its policy, it wants to consult the Councils. I could write the submissions from each of the Councils right now. I could do it in my sleep. It is extremely predictable.

I think that the basic problem is that the policy of no forced amalgamations (interpreted to mean that the councils have to agree) is a flawed policy. It is like suggesting that when

boundary redistributions for State and Federal elections are undertaken, that the Members of Parliament should settle the new boundaries. It is a complete nonsense.

You will never get support from councillors if it involves diminishing their turf. The benefits to residents and ratepayers should always be number one and I think boundaries should be set by someone independent. I think that as the debate ensues that will become pretty clear. The newspapers today were all quite strongly of the view that there should be change.

We will wait and see what happens, I have no idea what will happen. The contingency plan seems to me to be a very mean and miserable tweaking rather than addressing the fundamental issues. That is my view, I don't know if the rest of the Council shares my view, but that is my view on the matter.

INQUIRY INTO THE STRUCTURE OF LOCAL GOVERNMENT (S014459)

2. By Councillor Greiner -

Question

Lord Mayor, I hope that the State Government changes its mind about its policy of no forced amalgamations. It was your heavy-handed approach to facilitating negotiations with other Councils, using push-polling, glossy brochures and badgering the Councils, which I think has put them offside.

Will you now show leadership and write to your fellow Mayors encouraging them to engage in consultation and facilitation with their ratepayers as to the future of their own local government areas?

Answer by the Lord Mayor

Thank you Councillor Greiner for your question that is technically out of order.

I know you need to find a reason to criticise but can I say this. The councillors took their positions long before I made any comments and, in fact, we saw that with the Woodward Inquiry into potential changes between South Sydney, Botany and Randwick, which became frustrated and collapsed because the councillors started squabbling with each other.

To suggest for a minute that the City's position, or my position in particular, in any way affected their motivation is just completely untenable. The comments that were made in response to them were made well after all their submissions had been lodged. If you were fair you would have a look at some of the nasty personal nonsense that South Sydney and Leichhardt ran.

I always responded in terms of what I thought of the processes and in the context of the latter part of the debate I made my position known fairly strongly and clearly. But you need to go back and see how the debate evolved and you will see that they took very strong and very personal positions.

There has been no push polling. There was some proposition testing. Proposition testing is extremely different to push polling. It says: "if that - would you think this?" A lot of proposition testing is quite reasonable, eg, "if you felt that you got rate reductions, would you support boundary changes?" It is not push polling. Push polling is when you make a straight, often dishonest, statement about someone and then say "will that influence your vote?"

You need to read the polling. When you look at the poll there was only about one question in that chain of questions that was objected to, where we were testing a particular proposition. There was another question that tested several propositions but most of the questions, about whether those polled would want to move into the City, were completely neutral questions with no proposition testing.

So if you read the polling, it is an extremely fair representation. I have had all kinds of advice that it was not push polling. It was accountable and it was out there.

"DAY OF MOURNING" SITE - ELIZABETH STREET (S014458)

3. By Councillor Farr-Jones -

Question

I have a question following up on a Question Without Notice which I actually raised in July last year. It related to our Reconciliation Statement and Indigenous Strategy. You might recall that we resolved in May of last year -

"...arising from consideration of a report by the Senior Project Manager, City Service Development, to the Community Services, Small Business and Tourism Committee on 29 May 2000, on Reconciliation Statement and Indigenous Strategy, it be resolved that the General Manager be asked to liaise with the Metropolitan Aboriginal Land Council to determine appropriate ways that Council could assist with the restoration and refurbishment of the key historic Day of Mourning site at 150-152 Elizabeth Street."

I ask the same question that I asked without notice in July last year, to which I didn't get a response, and it is: what has happened pursuant to the discussions with the Metropolitan Aboriginal Land Council?

Answer by the Lord Mayor

This issue may have been swamped by other matters over the Olympic period. I ask that the General Manager re-assign a member of staff to investigate this matter and to respond to your question.

SIGNAGE - TOWN HALL HOUSE (S014459)

4. By Councillor Greiner -

Question

Lord Mayor, on a number of occasions I've come across members of the community who, having entered Town Hall House from Kent Street, have become lost trying to find the Library.

Tenants in the high rise section of Town Hall House have also noted that there is very poor signage on the ground floor.

Through you to the General Manager, would it be possible for signage to be placed beside both the elevators servicing the 10 floors of Council as well as the high rise tower to indicate the appropriate tenancies?

Answer by the Lord Mayor

I ask the General Manager to address this issue.

HOMELESSNESS PROGRAMS (S014458)

5. By Councillor Farr-Jones -

Question

Lord Mayor, I have a question prompted by discussion on staff organisation structure. As the General Manager looks at his budget before June my mind goes back to the Olympics last year and resources and funds and programs which were developed, which I suppose would come under the heading of "welfare", especially with the focus on homelessness.

Given, particularly, the conditions that are currently occurring outside, I would ask whether, in the staff organisation structure, those issues of welfare and homelessness are being addressed, whether resources are being committed and whether actually, post-Olympic Games, any outcomes in relation to those welfare programs were documented.

Answer by the Lord Mayor

There are a number of homelessness programs as you know - just to repeat them there is the Homeless Persons Information Service, which is in the budget at about \$400,000 to \$500,000 a year, there is the Brokerage Scheme, to which I think we contribute about \$200,000 or \$300,000 a year and the Department of Housing matches us dollar for dollar, and the new Outreach Program.

I have seen some preliminary reports that will come through soon on the success of the Outreach Program. The Program is actually having more of an impact than I thought it would. I had always expected a fairly small percentage of people would be able to be

assisted. But instead my understanding is they have had contact with over 200 people and they have defined 150-170 people as clients.

Some have been put into temporary housing but there is always a reversion rate as happens, but meanwhile the model is so well regarded that the Department of Housing has been negotiating a contract with us to extend the program to cover all of Woolloomooloo. This will be funded by the Department of Housing and South Sydney Council. Those negotiations are under way. You will see, I think, all those dollar figures in the budget and the Woolloomooloo program, of course, is cost neutral too.

Of course, all the community service programs will be in the budget as well. Closed circuit television is also in the budget and there is a substantial cost allocation to the Street Safe program.

I ask the General Manager to include this issue when the Councillors are briefed.

COUNCILLORS' FEES (S014459)

6. By Councillor Greiner -

Question

Lord Mayor, I read that the Local Government Remuneration Tribunal has granted a pay rise to yourself and the Councillors.

What additional funds are required and what programs will be cut to fund the pay rise?

Answer by the Lord Mayor

Councillor Greiner, since we make a surplus of about \$40 million a year, I really don't think we have to cut programs. The fee increases were reported in the Tribunal's report, the net increase I receive is about \$38,000 and they will be budgeted for in the budget. I don't think that the effect of the fee increases on the organisation is in any way consequential.

No program will suffer, in fact, we are expanding programs.

COUNCIL'S WEBSITE (S014459)

7. By Councillor Greiner -

Question

Lord Mayor, the Council's website is in desperate need of updating. Not only is it still in Olympic mode, but it refers to Council's staff, such as the General Manager, Deputy General Manager, Director Living City Services, all of whom have resigned from Council's employ.

My question therefore is:

1. Who is the Web Master and is there a benchmark performance level for updating the website?
2. What is the total cost not only of the development, but the ongoing management of this website?

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

It is a major undertaking to keep the website updated. It has slipped and I think that will be generally acknowledged. Equally as part of the budget process we are looking at some options there.

I have set up another program in the budget, which I want to brief Councillors on, in terms of what it is to assemble the knowledge that we have got, which includes better use of the website for Council “B2B” business and things like that. So part of that is to make sure that we are actually handling our website well.

Equally, I would have to say that some things do go on our website fast and do go on it well, as we found out with some of the Museum of Contemporary Art material which went on it straight away and that has been handled superbly.

One of the problems is we just don’t have the resources to go in and constantly look back over it all the time and that is what we must manage. We do have a “Web Mistress” and if she is told of the updated information she is very happy to change it.

ITEM 10. NOTICES OF MOTION

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

At 5.30pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 4 June 2001 at which
meeting the signature herein was subscribed.