



10 DECEMBER 2001

Meeting No 1344

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.41pm on 10 December 2001 pursuant to Notice 22/1344 dated 6 December 2001.

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PRESENT

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

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

At the commencement of business at 5.41 pm those present were:-

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

Councillor Ho arrived at the meeting of Council at 5.47 during discussion on Item 3.

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Extraordinary Meeting of 5 November 2001**

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That the minutes of the Extraordinary Meeting of Council of 5 November 2001, as circulated to Councillors, be confirmed.

Carried.

Minutes of Council Meeting of 12 November 2001

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

That the minutes of the meeting of Council of 12 November 2001, as circulated to Councillors, be confirmed.

Carried.

Note - The minutes of the meeting of Council held on 22 October 2001 will be submitted for confirmation to the Extraordinary Meeting of Council on 17 December 2001.

ITEM 2. MINUTES BY THE LORD MAYOR

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

ITEM 3. REDISTRIBUTION OF 2001/02 PLANT AND ASSETS BUDGET

FILE NO:

DATE: 7/12/01

MEMORANDUM BY THE GENERAL MANAGER**To Council:**

The 2001/2002 Plant and Assets budget provides funding for the replacement of the following items:

➤ Johnson 2000T Road Sweeper	\$198,000
➤ Mercedes Benz 2222 Compactor	\$240,000
➤ Mitsubishi Lorry tippers x 3	\$153,000

The Physical Services Unit has also disposed of two items of surplus plant through auction with \$60,000 generated through the sale allocated back to Council.

Following the current review of operations and the boundary changes it is proposed that the operations would be better served by:

- Refurbishing 1 Johnson 2000T sweeper already under way;
- Refurbishing the remaining 2 Johnson 2000T sweepers;
- Purchase a footway sweeper similar to a Johnson 2000T only after boundary changes have been gazetted;
- Refurbish the large roadway sweeper that was to be traded in following the arrival of its replacement as approved in last year's P&A budget; and
- Not purchase the Mercedes Benz compactor or the three lorry tippers.

The benefit of refurbishing the 2000T sweepers would provide the Unit with greater reliability as the machines are currently approaching their life expectancy and would require replacement in next years budget. The refurbishment of the large roadway sweeper would allow Council the ability to provide enhanced services as promised to the areas proposed in the boundary changes immediately, thus not having to rely on the plant that will be transferred which is an unknown quantity. The review of services in both street cleaning and civil engineering services has reduced the need for an additional compactor and the three lorry tippers.

Mr Rob Woolley of Fleet Strategies Pty Ltd, who is currently undertaking a review of fleet maintenance section, has endorsed this proposal and his report is attached.

The approximate cost of purchasing and retaining and refurbishing the other 4 items of plant would be \$487,000 plus GST with the remaining \$104,000 not required at this stage.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 10 December 2001, on Redistribution of 2001/02 Plant and Assets Budget, it be resolved that

- (A) approval be given to the re allocation of funds provided in the 2001/2002 Plant and Assets budget as follows:
 - (i) purchase one footway sweeping machine at a cost of \$160,000 plus GST;
 - (ii) refurbishment of 3 existing Johnson 2000T sweepers at a cost of \$247,000 plus GST;
 - (iii) refurbish one roadway sweeper formerly intended to be traded in at a cost of \$80,000 plus GST;
 - (iv) not proceed with the purchase of the garbage compactor or the three Tipper Lorries; and
- (B) it be noted that the net result of this proposal will be to save \$104,00 from the Plant and Asset budget, plus \$60,000 generated through the sale of surplus plant, making a return to Council of \$161,000.

(SGD) JOHN KASS
Acting General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 10 December 2001, on Redistribution of 2001/02 Plant and Assets Budget, it be resolved that -

- (A) approval be given to the re-allocation of funds provided in the 2001/2002 Plant and Assets budget as follows:
 - (i) purchase one footway sweeping machine at a cost of \$160,000 plus GST;
 - (ii) refurbishment of 3 existing Johnson 2000T sweepers at a cost of \$247,000 plus GST;
 - (iii) refurbish one roadway sweeper formerly intended to be traded in at a cost of \$80,000 plus GST;
 - (iv) not proceed with the purchase of the garbage compactor or the three Tipper Lorries; and
- (B) it be noted that the net result of this proposal will be to save \$104,000 from the Plant and Assets budget, plus \$60,000 generated through the sale of surplus plant, making a return to Council of \$164,000;
- (C) the Plant and Assets Budget be altered accordingly.

Carried.

ITEM 4. MATTERS FOR TABLING

There were no matters for tabling at this meeting of Council.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 3 DECEMBER 2001

PRESENT

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

Councillors Dixie Coulton, Kathryn Greiner, Robert Ho, Lucy Turnbull.

At the commencement of business at 4.55 pm those present were:-

The Lord Mayor, Councillors Coulton, Greiner, Ho, and Turnbull.

Councillor Fabian Marsden was also present.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee, as he was overseas on business.

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

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.10 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 3 December 2001 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 31 OCTOBER 2001 (AO2-00360)

5.1

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 3 December 2001, on Investments Held by Council as at 31 October 2001, it be resolved that the report be received and noted.

Carried.

SEPTEMBER 2001 - QUARTER 1 BUDGET REVIEW (S015503)**5.2**

That arising from consideration of a report by the Senior Management Accountant to the Finance, Properties and Tenders Committee on 3 December 2001, on September 2001 - Quarter 1 Budget Review, it be resolved that Council:-

- (A) note the Quarter 1 forecast showing an operating surplus of \$23.8M;
- (B) note the Quarter 1 forecast for capital works of \$37.6M;
- (C) note the Quarter 3 forecast for plant and assets of \$4.6M; and
- (D) authorise income and expenditure in line with the forecast as detailed in Attachment A to the subject report.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 3 DECEMBER 2001

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors Dixie Coulton, Kathryn Greiner, Robert Ho, and Fabian Marsden.

At the commencement of business at 6.15 pm those present were:-

Councillors Coulton, Greiner, Ho and Turnbull.

Councillor Marsden arrived at the meeting at 6.17 pm during discussion on Item 6.8, which had been brought forward.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee, as he was overseas on business.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones 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 for the convenience of the public present, such that the agenda items be dealt with in the following order:

8. Department of Urban Affairs and Planning Referral: Draft Master Plan and Stage 1 Development Application - Elizabeth Macarthur Bay, Pyrmont
2. Development Application: 3B Art Gallery Road Sydney, Known as the Art Gallery of New South Wales
3. Section 82A Review Application: "Skygardens", 77-83A Castlereagh Street and 166 Pitt Street, Sydney
7. DUAP Referrals: Sites 4 and 5 and Public Domain Works, Darling Island Master Plan Area, Pyrmont
9. Development Application: 31 Ultimo Road and 180 Thomas Street, Haymarket.
4. Draft State Environmental Planning Policy No 66 - Integrating Landuse and Transport
5. 5 Year Review of LEP 1996: Decision to Prepare a Local Environmental Plan in Accordance with Section 54 of the Environmental Planning and Assessment Act 1979
6. Regent Street South Heritage Study
1. Progress Report on Development Applications

The meeting of the Planning Development and Transport Committee concluded at 8.30 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 3 December 2001 be received, and the recommendations set out below for Items 6.1, 6.2, and Items 6.4 to 6.8, inclusive, be adopted with Item 6.9 being noted and Item 6.3 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

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

6.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 3 December 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

DEVELOPMENT APPLICATION: 3B ART GALLERY ROAD SYDNEY KNOWN AS THE ART GALLERY OF NEW SOUTH WALES (D/2001/00620)

6.2

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 3 December 2001 in relation to Development Application D/01/00620 made by Johnson Pilton Walker for the site at 3B Art Gallery Road known as The Art Gallery of NSW for extension to the existing building for a new Asian Gallery and associated restaurant uses, including an extended artwork conservation area, it be resolved that -

- (A) In accordance with Clause 28B(d) of Central Sydney Local Environmental Plan 1996, Council waive the requirements for a Development Plan, notwithstanding that the site is over 1,500 sq.m., noting the following particular circumstances:
 - (i) The extension is one storey and does not exceed the existing height of the building;

- (ii) The extension is appropriately located in regard to the Art Gallery's presence to Art Gallery Road and surrounding streets;
 - (iii) The extension comprises approximately 10% of the total Gross Floor Area;
 - (iv) The proposal exhibits design excellence;
 - (v) A previous development approved for a similar proposal was recently granted (1997);
 - (vi) A competitive process occurred prior to the previously approved scheme.
- (B) consent be granted subject to the conditions as detailed in the subject report, as amended at the meeting of the Planning Development and Transport Committee to read as follows:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/01/00620 dated 24 September 2001 and *Statement of Environmental Effects Volume 1 Resubmission of Development Application* September 2001 prepared by Johnson Pilton Walker Pty Ltd, and drawings numbered:

A001	Site Plan
A002	Staging Plan
A003	Preliminaries
A004	Level 3 Demolition Plan East
A005	Level 4 Demolition Plan East
A006	Level 5 Demolition Plan East

A007	Level 5 Demolition Plan West
A008	Level 3 Demolition RCP East
A009	Level 4 Demolition RCP East
A010	Level 5 Demolition RCP West
A011	Elevation North Existing
A012	Elevation south Existing
A013	Elevation East Existing
A100	Level 3 Plan East
A101	Level 4 Plan East
A102	Level 5 Plan west
A106	Level 4 RCP East
A106	Level 4 RCP East
A107	Level 5 RCP East
A108	Level 5 RCP West
A200	Elevation North
A201	Elevation South
A202	Elevation East
A301	Section 02
A302	Section 03
A303	Section 04
A305	Section 06
A308	Section BB
A 314	Section DD

prepared by Johnson Pilton Walker Pty Ltd dated July 1998 & July 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.
- (2A) The existing Moreton Bay Fig tree adjacent to the south of the building envelope shall be retained and protected as a component of the development. Landscape plans shall be prepared showing the necessary remedial/pruning treatment for the subject fig tree where it impinges on the building envelope, required as a result of this proposal, for approval by the Director City Development. A qualified Arborist is to work in consultation with the Royal Botanic Gardens and Domain Trust to supervise the works in the vicinity of the tree.
- (2B) The reflections and glare likely from the eastern façade of the Asian Gallery extension be of a level satisfactory to Council.
- (3) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Johnson Pilton Walker dated September 2001.

Note:

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (4) 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.

- (5) The form of recording is to be as follows:-
- (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (iii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iv) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (v) 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.
 - (vi) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PHYSICAL MODELS

- (6) 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
- (7) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model 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.

HERITAGE

- (8) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (9) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (10) The proposed works are to be carried out in a manner that does not require intervention in the significant fabric of the 1896-1909 section of the building.
- (11) The windows on the south side of the new Level 5 Gallery are to be a minimum of 600mm in width and centred on the "Vernon Arches" of the Art Gallery to the south.
- (12) The north end of the new Level 5 Gallery is to remain glazed so the arches into the vestibule remain visible.

ARCHEOLOGICAL INVESTIGATION

- (13) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
 - (a) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

REPORTS TO BE COMPLIED WITH

- (14) The development shall be in accordance with the recommendations of:

Heritage Impact Report	Howard Tanner & Associates Pty Ltd dated February 1997 and as amended October 2001
State Projects	Conservation Plan
Reflectivity Impact & Overshadowing of the Development	ViPac Engineers & Scientists dated February 1997
Energy Report	Steensen Varming (Australia) Pty Ltd dated January 1997

EXTERNAL LIGHTING

- (15) 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.

FIRE SAFETY STATEMENT

- (16) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

PLACE OF PUBLIC ENTERTAINMENT

- (17) Approval must be obtained under Section 68 of the Local Government Act 1993 to use the premises as a Place of Public Entertainment.

Schedule 1B**Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority**

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(19)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

STORMWATER AND DRAINAGE

- (20) 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 the Environmental Planning and Assessment Act 1979.

(21)

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

- (i) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

DISABLED ACCESS

- (22) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

LANDSCAPING OF THE SITE

- (23) 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.

GLAZING

- (24) All external glazing in the development must be clear and untinted.
- (25) The visible light reflectivity from building materials used on the facade of the building shall 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.

AWNINGS

- (26) The awning/canopy must comply with the City of Sydney Awnings Policy 2000.

SANITARY FACILITIES

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

CERTIFICATION OF DESIGN OF FOOD PREMISES

- (28) Prior to issue of a construction certificate under the Environmental Planning and Assessment Act 1979, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
 - (a) Plans and specifications of the design corresponding with and attached to a Design Certificate (see (b));
 - (b) A Certificate for Design of Food Premises, submitted in the form of Attachment F1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), to certify compliance with the:-
 - (i) National Code for the Construction and Fitout of Food Premises;
 - (ii) Food Act 1989;
 - (iii) Food (General) Regulation 1997;
 - (iv) The relevant clauses of the Building Code of Australia;
 - (v) Council's Ventilation Code; and
 - (vi) Relevant conditions of Development Consent.

Notes

- (vii) An appropriately qualified person completing Attachment F1 must;
 - a. be appropriately qualified and experienced in the design, codes and legislative provisions for food premises;
 - b. provide evidence of relevant experience in the form of a CV/Resume;
 - c. have appropriate current professional indemnity insurance.
 - (viii) An appropriately qualified person issuing a Compliance Certificate must have accreditation in accordance with the Environmental Planning and Assessment Act 1979.
 - (ix) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (x) Separate certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.
- (29) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

BUILDING CONDITION

- (30) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) 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 demolition or work or construction to the satisfaction of the Principal Certifying Authority

DEMOLITION DETAILS

- (31) 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).

DEMOLITION WORK METHOD STATEMENT

- (32) 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.

OTHER DEMOLITION DETAILS

- (33) 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

(34) 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 most of the City's street drainage is directly connected.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (35) 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.

- (36) 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.
- (37) 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.
- (38) 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.

GEOTECHNICAL REPORT AND CERTIFICATION

- (39) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-

- (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 adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

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 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.
- (40) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (41) The following environmental protection measures are required:-
 - (a) Prior to the commencement of construction 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (42) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (43) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (44) 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 (if it was not the PCA):

- (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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), 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.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A 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 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.
 - (i) 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.

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

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (45) A Pedestrian and Traffic Management Plan is to be developed in conjunction with the Royal Botanic Gardens and Domain Trust, and submitted for the approval of Council prior to the release of the Construction Certificate. 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.

Schedule 1D

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

- (46) 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.
- (47) Vehicles carrying licences where drivers dump wastes 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' illegally.

HOURS OF WORK AND NOISE

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

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(49) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (50) 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.

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

- (51) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) 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.
- (52) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (53) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) 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.
- (54) 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:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (55) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council, (if it was not the PCA).

Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and 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 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.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (56) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (57) 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.

CARE OF BUILDING SURROUNDS

- (58) 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.
- (59) 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.

Schedule 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

Carried.

Note - Dr Alistair Hay, Mr Ian Innes, Mr Richard Johnson and Ms Anne Flanagan addressed the meeting of the Planning Development and Transport Committee on Item 6.2.

SECTION 82A REVIEW APPLICATION: "SKYGARDENS", 77-83A CASTLEREAGH STREET AND 166 PITT STREET, SYDNEY (D01-00396)**6.3**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Planner to the Planning Development and Transport Committee on 3 December 2001, in relation to the Section 82A Application to review the determination of Development Application D01-00396, made by Mulroneys Architects Pty. Ltd., for the site at 77-83A Castlereagh Street and 166 Pitt Street, Sydney, it be resolved that Council's previous determination be upheld, but that it be modified in so far as that determination related to the provision of entertainment to the external areas of the tavern and to the installation of an automatic teller machine within the premises, and that a new Notice of Determination be issued, subject to the conditions as detailed in the subject report, as amended at the meeting of the Planning Development and Transport Committee to read as follows:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

- (1) Development must be in accordance with Development Application No. D01-00396 dated 4 July 2001, drawings numbered 0112-DA01 & 02 dated 2 & 3 July 2001 respectively and the Management Principles set out in the submitted Statement of Environmental Effects dated 3 July 2001, prepared by Mulroneys Architects and as amended by the following conditions:

SECTION 61 CONTRIBUTION

- (2) 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.

ENTERTAINMENT

- (3) No entertainment shall be provided external to the enclosed areas of the level 4 tavern outside the hours of 11.00 am to 8.00 pm on Mondays to Saturdays, inclusive and 12.00 noon to 6.00 pm on Sundays, for a trial period of 6 months or until the licensee changes, whichever occurs first. (Section 82A Review 10 December 2001).
- (4) No entertainment provided within the enclosed areas of the level 4 tavern shall be transmitted to the outdoor roof terrace area of the tavern outside the hours of 11.00 am to 8.00 pm on Mondays to Saturdays, inclusive and 12.00 noon to 6.00 pm on Sundays. (Section 82A Review 10 December 2001).
- (5) The use of the level 4 tavern for the provision of entertainment shall not commence until such time as an application, pursuant to Section 68 of the Local Government Act, 1993, has been submitted to and approved by Council. The premises must comply with the requirements of the BCA, in particular those relating to Places of Public Entertainment. (Section 82A Review 10 December 2001).

- (6) The use of the enclosed areas of the level 4 tavern for the provision of entertainment shall cease after a period of one year, or until the licensee changes, whichever occurs first, from the date of the Place of Public Entertainment final approval under Section 68 of the Local Government Act, 1993. A further application may be lodged before the expiration of the one year period for Council's consideration of the continuation of the provision of entertainment. (Section 82A Review 10 December 2001).
- (7) The provision of entertainment within the level 4 tavern shall be limited to the stated form of a low key, background type and restricted to single performers or small groups of a maximum of three people. Entertainment shall not be amplified in the external area. (Section 82A Review 10 December 2001).
- (8) Where licensed premises holds, or obtains a Place of Public Entertainment Approval, each specific area to which the approval refers, shall display in a prominent position, a sign which states "This Area Is Approved for "X" Persons' in letters a minimum 25mm in height on a contrasting background. The population of the approved area will be determined at the time the application pursuant to Section 68 of the Local Government Act, 1993 is determined.

HOURS OF OPERATION

- (9) The hours of operation of the enclosed areas of the level 4 tavern are regulated as follows:
 - (a) The hours of operation shall be restricted to between 10.00 am and 12.00 midnight on Mondays to Sundays (inclusive);
 - (b) Notwithstanding (a) above, these areas may operate between 12.00 midnight and 2.00 am the following morning, 7 days per week, for a trial period of one year, or until the licensee changes, whichever occurs first, from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.
 - (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.
- (10) The hours of operation of the unenclosed roof terrace areas of the level 4 tavern are restricted to between 10.00 am and 10.00 pm on Sundays to Wednesdays (inclusive) and between 10.00 am and 12.00 midnight on Thursdays, Fridays and Saturdays;

DESIGN MODIFICATION/GAMING ROOM

- (11) The gaming room shall be relocated or reconfigured so as to not provide a direct access to the lift lobby area, which also serves the retail shopping levels, and to enable a direct relationship to be established between the tavern uses and the gaming area. Details shall be submitted to and approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SECURITY

- (12) 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).
- (13) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.
- (14) The Management/Licensee shall install a fixed audio/visual camera at the principal entrance to the premises. Suitable signage shall be appended at the entrance alerting potential patrons that the facility exists and will be utilised if required.
- (15) Digital video surveillance cameras shall be strategically placed throughout the premises with particular coverage to the principal entrance. The video tapes/discs are to be retained for a period of no less than 14 days before being destroyed or reused. The time and date are to be recorded on the tape/disc, which must be made available to the Police on their request.
- (16) Licensed security personnel must be employed to patrol the licensed area and the immediate vicinity of the premises from 8.00 pm until 30 minutes after closing time or until the last patron has left the premises, whichever is the later. Security personnel are to be deployed at a ratio of one security person per 100 patrons.
- (17) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner.

NOISE

- (18) 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 or greater than 5dB at the boundary of any affected property 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) The "emission of an offensive noise" under 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.
- (19) At one monthly intervals, during the trial period for the external entertainment, the applicant shall submit to Council reports from a suitably qualified acoustic engineer, while entertainment is being provided on busy nights, verifying the noise limits in condition (18) are achieved. These reports will be considered when any application to extend the trial period is made.
- (20) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.
- (21) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (22) The access doors between the enclosed areas of the level 4 tavern and the external roof terrace areas of the tavern shall be closed immediately after the cessation of the operations of the roof terrace area.
- (23) The removal of recycled bottles and glasses shall only occur between 7.00 am and 8.00 pm weekdays and 9.00 am and 5.00 pm weekends and public holidays, to avoid noise disruption to the surrounding area.

- (24) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (25) Signs shall be erected in the outdoor terrace area requesting patrons to be conscious of noise impacts.
- (26) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
- (27) 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.

GENERAL

- (28) No beer brewed on the site shall be sold in commercial quantities for resale elsewhere.
- (29) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (30) All deliveries of goods associated with the use shall utilise the existing loading vehicle and goods lift facilities within the building.
- (31) No automatic teller machines (ATM) shall be installed in the premises.
- (32) The external roof terrace area shall be adequately illuminated at night to the satisfaction of Council. Care should be taken to ensure that the illumination does not cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is being caused, the intensity and hours of illumination must be varied to the approval of Council.

CARE OF BUILDING SURROUNDS

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

SIGNS

- (34) 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.
- (35) No flashing signage visible from the public way shall be installed.

- (36) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- (37) Any future external signage for the gaming area shall only be ancillary to an identification sign for the premises, as an under-awning sign or other sign acceptable to the Council.

FIRE SAFETY

- (38) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1B

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

BCA REQUIREMENTS

- (39) Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier, who is not the constructing agent) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.
- (40) 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.

- (41) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) 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).

DISABLED ACCESS

- (42) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

VENTILATION/HEATING/COOLING SYSTEMS

- (43) The proposed tavern kitchen must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Noise minimisation controls on any external ventilation system must be installed to the satisfaction of Council.

WASTE

- (44)
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

- (i) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

SANITARY FACILITIES

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

CERTIFICATION OF DESIGN OF FOOD PREMISES

- (46) Prior to issue of a construction certificate under the Environmental Planning and Assessment Act 1979, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
 - (a) Plans and specifications of the design corresponding with and attached to a Design Certificate (see (b));
 - (b) A Certificate for Design of Food Premises, submitted in the form of Attachment F1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), to certify compliance with the:-
 - (i) National Code for the Construction and Fitout of Food Premises;
 - (ii) Food Act 1989;
 - (iii) Food (General) Regulation 1997;
 - (iv) The relevant clauses of the Building Code of Australia; and
 - (v) Council's Ventilation Code; and

(vi) Relevant conditions of Development Consent.

(c) Notes

- (i) An appropriately qualified person completing Attachment F1 must;
 - a. be appropriately qualified and experienced in the design, codes and legislative provisions for food premises;
 - b. provide evidence of relevant experience in the form of a CV/Resume;
 - c. have appropriate current professional indemnity insurance.
- (ii) An appropriately qualified person issuing a Compliance Certificate must have accreditation 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) Separate certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

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

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (48) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (49) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (50) 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 (if it was not the PCA):
 - (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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), 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.

(51) Notes:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
- (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (c) 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.
- (d) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

BCA REQUIREMENTS

- (52) Each Fire Safety Measure required to serve the building shall be maintained and certified as meeting the standard of performance to which it was originally installed prior to the issue of an entertainment approval. Any additional Category 1 fire safety measures required by the BCA in respect of the proposed change of use shall be provided to serve the building.
- (53) Prior to the issue of an entertainment approval, the parts of the building presently affected by building works shall be placed in a condition that will not impair the fire safety of occupants in the subject tenancy, to the satisfaction of the consent authority.

- (54) Prior to the determination of the "in principle" Place of Public Entertainment Approval, a Fire Safety Engineering Report reflecting the current fire safety parameters of the building shall be issued to the satisfaction of the consent authority. A Part 4a Compliance Certificate under the EP & A Act shall be issued in respect of the report, to the satisfaction of the consent authority. The population allowable under the terms of the entertainment approval shall be subject to satisfaction of those parameters and compliance with required egress widths and sanitary facilities.
- (55) Certification of the compliance of any existing combustible linings, with respect to the BCA requirements for fire and smoke propagation, shall be required prior to issue of an entertainment approval.

Schedule 1D

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

HOURS OF WORK AND NOISE

- (56) 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.

- (57) 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.

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

- (58) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) 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. The fit out shall be capable of meeting the BCA requirements pertaining to Places of Public Entertainment. A copy of the certificate shall be submitted to Council if it was not the PCA.

BCA REQUIREMENTS

- (59) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (60) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

WASTE

- (61) 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.
- (62) 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.

HEALTH

- (63) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act,1979)

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (64) 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.
- (65) The following requirements apply to coolrooms:-
- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
 - (b) The door of the coolroom(s) shall be openable at all times from the inside without the use of a key.
 - (c) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised angle iron or other approved material with the lowest shelf at least 150 mm clear of the floor.
 - (d) Provision shall be made for the conveying of all refrigeration condensates to approved drainage fittings and all refrigeration, water and other service conduits shall be concealed in floors, walls or plinths.
 - (e) The coolroom being capable of operating so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5°C and the coolroom shall be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the outside.
 - (f) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - (g) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s).

- (66) A permanent waste line from the grease trap room with a connection at the boundary of the premises shall be provided to enable the removal of waste from the grease arrestor. A grease arrestor (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area.
- (67) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1°C and able to be easily read from outside the appliance.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (68) 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, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) 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.
- (69) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (70) 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 (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) 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.
- (71) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (72) Notes:
- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;

- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising structural engineer certifying by issuing a 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.

Schedule 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

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

That the motion be amended by -

- (A) the deletion of Condition (3) and the substitution of the following new Condition (3) -
 - (3) No entertainment shall be provided external to the enclosed areas of the Level 4 tavern.
- (B) the reinsertion in Conditions (5) and (7) of the words “enclosed areas of the”.

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

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

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Farr-Jones and Greiner.

Motion carried.

Note - Mr Robert Forster, Mr Ron Simpson and Mr Tony Falcone addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

**DRAFT STATE ENVIRONMENTAL PLANNING POLICY NO. 66 -
INTEGRATING LANDUSE AND TRANSPORT (SO 18159)**

6.4

That arising from consideration of a report by the Strategic Planning Manager and the Senior Transport Planner to the Planning Development and Transport Committee on 3 December 2001, in relation to the Draft State Environmental Planning Policy No. 66 'Integration of Landuse and Transport' (SEPP 66), it be resolved that the Council endorse the submission shown at Attachment A to the subject report, as amended at the meeting of the Planning Development and Transport Committee, as follows, for lodgement with the Department of Urban Affairs and Planning as a response to Draft SEPP 66 -

- (a) the addition in Clause 2(c), after the word "pedestrian", of the words "and bicycle";
- (b) the deletion, under principle 3 in the table "The City's Compliance with the Ten Accessible Development Principles", of the word "bus" in the third column, and the substitution of the words "public transport, eg, bus or light rail".

Carried.

5 YEAR REVIEW OF LEP 1996: DECISION TO PREPARE A LOCAL ENVIRONMENTAL PLAN IN ACCORDANCE WITH SECTION 54 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (SO 16796)

6.5

That arising from the consideration of a report by the Strategic Planning Manager to the Planning Development and Transport Committee on 3 December 2001, on the Review of City of Sydney Local Environmental Plan 1996, it be resolved that Council endorse the proposal that Council:-

- (A) amend Central Sydney Local Environmental Plan 1996 generally, as shown in Attachment A to the subject report, subject to minor editorial changes discussed at the meeting of the Planning Development and Transport Committee, to -
 - (1) amalgamate Central Sydney Heritage LEP 2000;
 - (2) incorporate Sydney Regional Environmental Plan (other than Masterplan sites); and
 - (3) undertake operational and policy amendments.
- (B) notify the Department of Urban Affairs and Planning of its resolution to prepare a local environmental plan in accordance with Section 54 (Decision to prepare a local environmental plan) of the Environmental Planning and Assessment Act 1979 and Section 9 of the Environmental Planning and Assessment Regulations;

- (C) undertake consultation in accordance with S62 of Environmental Planning Assessment Act; and
- (D) exercise its delegated powers under Section 65 (Certificate of Director) and Section 69 (Report by Director) of the Environmental Planning and Assessment Act 1979, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997, and titled 'LEPs and Council land - Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council'.

Carried.

REGENT STREET SOUTH HERITAGE STUDY (SO 16201)

6.6

That consideration of this matter be deferred to the meeting of Council on 10 December 2001.

Carried.

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

DUAP REFERRALS: SITES 4 AND 5 AND PUBLIC DOMAIN WORKS, DARLING ISLAND MASTER PLAN AREA, PYRMONT (O/01/00067, O/01/00068, O/01/00069)

6.7

That consideration of this matter be deferred to the meeting of Council on 10 December 2001.

Carried.

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

DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: DRAFT MASTER PLAN AND STAGE 1 DEVELOPMENT APPLICATION – ELIZABETH MACARTHUR BAY, PYRMONT (O2001/00073)

6.8

That consideration of this matter be deferred to the meeting of Council on 10 December 2001 to enable further consideration to be given to the issues raised at the meeting of the Planning Development and Transport Committee, including -

- (a) the impact of the bulk and scale of the proposed development on the Bowman Street terraces;
- (b) the need for a traffic study to ascertain the impact of traffic as a result of the scale and intensification of development in the vicinity.

Carried.

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

Note - Mr Tom Wynyard, Mr Geoff Twibill, Ms Annelise Stricker, Mr Giles Yates and Ms Rachel Creek addressed the meeting of the Planning Development and Transport Committee on Item 6.8.

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

The Planning Development and Transport Committee recommended that Council note that Item 6.9 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 31 ULTIMO ROAD AND 180 THOMAS STREET, HAYMARKET (O2001/00073)

6.9

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 3 December 2001 in relation to Development Application D2001/00687 made by Transgrid for the site at 180 Thomas Street and 31 Ultimo Road for a Stage 1 development application for the construction of four storey predominantly below ground 132kv/11kv zone electricity substation with associated landscape works to the Ultimo Pedestrian way, it be resolved that consent be granted subject to the following conditions -

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Stage 1 development consent is granted for:-
 - (a) construction of the structure of the substation, storage area, carrying out of associated stormwater and sewer diversion works and various landscaping works;

- (b) detailed design concept of the development; and
- (c) floor space, building envelope and massing of the substation (not tower above).

as detailed in the submitted Development Application D2001/00687 dated 12 October 2001, the associated Statement of Effects documents Volume 1 and Volume 2 prepared by Jeff Madden and Associates Architects and dated October 2001, and the following plans prepared by Bligh Voller Nield:

Plan No	Date
A-02a Ground Floor Plan	June 2001
03 Northern Elevation	June 2001
04 Southern/Western Elevations	June 2001
05 Eastern Elevation	June 2001
06 Cross Section	June 2001
07 Longitudinal Section	June 2001
08 Photomontages	June 2001
09 Aerial North West	June 2001
10 Design public walk	June 2001

and the following plans prepared by Cox Richardson:

Plan No	Date
1023 A01 Cable Level	13 June 2001
1023 A02 Transformer Level	13 June 2001
1023 A03 Ultimo Road Level	13 June 2001
1023 A04 Thomas Street	13 June 2001
1023 A05 Roof	13 June 2001

except as amended by the following conditions:-

USES

- (2) The approved arrangement of uses within the development are defined generally as follows:-
 - (a) Substation to be provided predominantly below Thomas Street level with vehicle access off Ultimo Road;

- (b) Retail uses and future commercial office foyer to be provided at ground level fronting Thomas Street and the Ultimo Pedestrian Network;

SUBSTATION

- (3) The design and construction of the substation building and the layout and design of the substation plant and equipment shall be such as to ensure that the risk from fire and explosion on the adjoining and surrounding properties will be minimised.

Compliance with this requirement shall be certified by an independent expert in the area of fire and explosion hazards prior to the commencement of the operation of the substation.

- (4) The design and construction of the substation building and the layout and design of the substation plant and equipment shall be such as to ensure that compliance with National Health & Medical Research Council guidelines for electric and magnetic fields will be achieved and that the impact of the power frequency electric and magnetic fields on adjoining properties will be minimised and shall not exceed 10 mG in electromagnetic field strength.

Compliance with this requirement shall be certified by an independent expert in the area of electric and magnetic fields prior to the commencement of the operation of the substation.

STAGE 2 DEVELOPMENT APPLICATION

- (5) The final detailed design of the building and arrangement of office foyer layout shall be subject to a Stage 2 Development Application.
- (6) The Stage 2 Development Application must be generally consistent with the approved Stage 1 development consent and the principles contained therein.
- (7) The Stage 2 Development Application shall include a signage strategy for the building.
- (8) The following design elements and uses are considered significant and must be retained in the Stage 2 application:
 - (a) Active ground floor uses to Thomas Street and the Ultimo Pedestrian Network;
 - (b) Temporary roof garden and interesting roof ducting;
 - (c) Proposed artwork to the foyer adjoining the Ultimo Pedestrian Network;
and
 - (d) Use and materials on the eastern elevation.

VEHICLE ACCESS AND CAR PARKING

- (9) The following applies prior to construction:-

- (a) The vehicle access arrangements to the building, including alterations to the existing signalised intersection at the junction of Darling Drive and Ultimo Road, shall be approved by the Road and Traffic Authority.
 - (b) Any alterations to the design of the building to meet the requirements of the RTA shall be approved by Council.
- (10) The following condition applies to car parking:-
- (a) The on-site loading parking spaces are not to be used by those other than an occupant or tenant of the subject building and 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 such car parking spaces to those other than an occupant or tenant in the building;

RESTRICTION ON USE OF CAR PARKING

- (11) Any strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part - lots in the strata plan.

TRAFFIC

- (12) Designs and modifications to the signalised intersection of Ultimo Road and Darling Drive to incorporate the proposed driveways shall be carried out to the satisfaction of the RTA and Council, at the full cost of the applicant, prior to the commencement of the use of the development.
- (13) The existing layout of Thomas Street south of Quay Street and including the footway set back shall be retained.
- (14) All costs of traffic management measures associated with the development shall be borne by the developer.
- (15) The following applies to the car parking area and service vehicle areas:-
- (a) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
 - (b) Any car parking shall be in accordance with the Central Sydney DCP 1996.

Details of compliance with the above shall be submitted for approval of Council prior to the commencement of the construction of the substation component of the development or as part of the Stage 2 Development Application whichever occurs first.

SECTION 61 CONTRIBUTION

(16) A contribution under Section 61 of the City of Sydney Act 1988 for the commercial office building component of the development 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, prior to construction 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 the commencement of excavation and construction of the development.

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

(d) **Timing of Payment**

- (i) The contribution must be paid prior to construction of the substation under the Environmental Planning and Assessment Act 1979.

NOISE

(17) 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.

PUBLIC ART

- (18) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council with the Stage 2 Development Application. The art work should be consistent with the use of the premises for electricity provision.

LOT CONSOLIDATION

- (19) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to occupation of the premises.

Schedule 1B

Conditions to be complied with prior to Construction

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

The approved Pedestrian and Traffic Management Plan shall be implemented in full during the construction period.

LOADING AND UNLOADING DURING CONSTRUCTION

- (21) 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 commencement of work on the site. An approval for a Work Zone may be given for a specified 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.

WASTE

(22) The following requirements apply to storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by Council prior construction. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(23)

- (a) Prior to construction, a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be obtained and written confirmation of such shall be submitted to Council.
- (b) Prior to occupation of the development a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be obtained and written confirmation of such shall be submitted to Council.

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.

PUBLIC DOMAIN PLAN

(24) The following requirements are required for a Stage 2 application. These are:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and submitted (to be lodged with the Ultimo Pyrmont Public Domain Officer at City Projects) and approved by Council 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.

- (c) 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.
 - (d) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (e) Include specifications of the proposed works.
- (25) The Public Domain Plan shall comply with the specifications and details of the Ultimo Pymont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pymont 1996.
- (26) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pymont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pymont Public Domain Officer and may include:-
- (a) Adjustment to paving grades to provide a maximum cross fall of 2.5% from building line to top of kerb.
 - (b) Repaving in accordance with Ultimo Pymont Public Domain Technical Manual. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (c) 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.
 - (d) The retention of existing street trees and the provision of new street trees to comply with the Street Tree Policy - Ultimo Pymont 1996.
 - (e) 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.
 - (f) The retention and repair of any existing pavement lights.
 - (g) The retention and repair of any existing serviceable stone kerbs and gutters.
 - (h) 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.

- (27) 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.
- (28) Notwithstanding the above all public domain elements and materials adjacent to the Ultimo Pedestrian Network (particularly those above the car park area and to the west of the retail tenancies and lobby of the commercial tower component of the development) are to match in all respects those elements to be used in the construction of the Ultimo Pedestrian Network.

The final details of the design of these areas, including the details of the detention ponds, shall be addressed as part of the Public Domain Plan submission and shall be approved by Council and the Sydney Harbour Foreshores Authority. These details may be apart of a Stage 2 application.

- (29) Details of the design and construction timing of the proposed stormwater diversion through the Ultimo Pedestrian Network shall be coordinated with and approved by the Sydney Harbour Foreshores Authority prior to construction. These details may be apart of a Stage 2 application.

STORMWATER AND DRAINAGE

- (30) The following stormwater details may be apart of a Stage 2 application:
- (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.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work

UTILITY SERVICES

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

ALIGNMENT LEVELS

- (32) 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.
- (33) These levels as approved by Council are then to be incorporated into the construction plans.

STRUCTURAL DOCUMENTATION

- (34) Prior to the commencement of work, the following documentation must be 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.

Notes:

An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-

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

An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

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.

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

Council reserves the right to randomly audit any structural documentation.

WASTE MANAGEMENT

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

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.

The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:

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

All requirements of Waste Management Plans must be implemented during the construction period of the development.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

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

APPLICATION FOR A ROAD OPENING PERMIT

- (37) 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.

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.

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

BARRICADE PERMIT

- (38) 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.

ROAD AND DRAINAGE WORKS

- (39) Detailed road and drainage works engineering design and construction plans for any proposed reconstruction/realignment of Ultimo Road and Thomas Street and associated drainage works are to be submitted to Council and approval gained prior to the commencement of any associated work within the public way. Such plans are to include:
- (a) Location of all public utility services in the vicinity of the proposed works and details of any deviations or alterations required as a consequence of the proposal.
 - (b) Location, geometric design, construction materials and specifications for any proposed realignment of the kerbs in the public way and the location of the existing kerbs.
 - (c) Geometric design, materials and specifications for any reconstruction of the footpath and road carriageway in the public way.
 - (d) Hydraulic and geometric design of any proposed alterations or deviations of the stormwater drainage system and connections thereto, within the public way.
 - (e) Details of any installation or relocation of street furniture, signage and landscaping within the public way.

All proposed works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC#1 specifications.

The submission to Council is to include:

- (i) The detailed engineering plans in duplicate and a Certification Form prepared and signed by an appropriately qualified practising Civil Engineer.
 - (ii) The certification repeated for each revision issued to Council.
 - (iii) The nomination of an appropriately qualified practising engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.
- (40) As a consequence of its heritage significance, any trachyte kerbing to be removed or relocated is to be protected, stored and re-installed in accordance with Council's requirements and to its satisfaction.

OTHER

- (41) Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (c) **Note:** The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

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

- (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the protection of the Environment Operations Act (NSW) 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.
- (44) 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.
- (45) 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.
- (46) 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.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (47) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (48) 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.

STREET TREES

- (49) 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 (except as part of the approved public Domain plan) shall be replaced, to the approval of Council.

ERADICATION OF VERMIN

- (50) 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.

USE OF MOBILE CRANES

- (51) 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.

OBSTRUCTION OF PUBLIC WAY

- (52) 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.

REMOVAL OF GRAFFITI

- (53) The owner/manager of the site shall be responsible for the removal of all graffiti from the building.

CARE OF BUILDING SURROUNDS

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

Carried.

ITEM 7. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 10 DECEMBER 2001

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 4.20 pm those present were:-

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

The meeting of the Planning Development and Transport Committee concluded at 4.43 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 Special Meeting of 10 December 2001 be received, and the recommendations set out below for Items 7.1 and 7.2 be adopted with Item 7.3 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

DUAP REFERRAL: SITES 1, 2 AND 6, WHARVES 9 AND 10 DARLING HARBOUR (O2001/00065)

7.1

That arising from consideration of a report by the Manager Development to the Special Meeting of the Planning Development and Transport Committee on 10 December 2001, in relation to the referral from the Department of Urban Affairs and Planning on the Stage 1 development application for the development of Sites 1, 2 and 6, Wharves 9 and 10 Darling Harbour, it be resolved that:

- (A) the subject report on the Stage 1 development application of Sites 1, 2 and 6, Wharves 9 and 10 Darling Harbour be received and noted; and

(B) the submission shown at Attachment A to the subject report, as amended at the meeting of the Planning Development and Transport Committee, as follows, be forwarded to the Department of Urban Affairs and Planning for consideration in the determination of the Stage 1 Development Application and the Council support the opinions expressed by the Central Sydney Planning Committee.

(1) in clause 1, the addition of the following words -

“The Council is profoundly concerned about the consequences of this development, if the proposal proceeds, for the maritime edge on the western side of the central business district”.

(2) the inclusion of a new sub-clause (e2) in clause 50, Conclusion, as follows -

(e2) The height, bulk and massing exceedences will result in a development which -

(i) will be an unsatisfactory transition between the harbour and the central business district;

(ii) will create a blank and unarticulated frontage to Sussex Street which has the effect of truncating the City from the harbour along its western edge;

(iii) sets a bad precedent for future development along the City’s western maritime edge.

(3) the addition, in clause 50(f) of the words “and public domain areas within it” after the words “KENS site”;

(4) the deletion, in clause 50(g) of the word “questionable” and the substitution of the word “doubtful”;

(5) the addition of the following words at the end of clause 50(h) -

“Street wall heights and lengths are such that the public domain will be of poor quality.”

Carried.

Note - Mr Greg Crone addressed the Special Meeting of the Planning Development and Transport Committee on Item 7.1.

**DEVELOPMENT APPLICATION: 397 – 409 KENT STREEET, SYDNEY.
(D/01/00732)****7.2**

That arising from consideration of a report by the Assistant Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 10 December 2001 in relation to Development Application D/01/00732 made under Section 80(4) of the Environmental Planning and Assessment Act 1979 by LEDA Holdings for the site at 397-409 Kent Street, 2 Market Street, Sydney, for a Stage 1 development proposing a building envelope for a 5-6 storey infill development, including height, footprint and floor area; indicative future works and phasing for remainder of the site; with land uses to include commercial/office uses and retail space, it be resolved that:-

- (A) the applicant should note that the approval of the Stage 1 development application does not imply that a Stage 2 development application lodged in accordance with the Stage 1 approval will necessarily be acceptable as a full and thorough assessment, under the provisions of Section 79C of the Act will be required at the appropriate time;
- (B) consent be granted under the provisions of Section 80(4) of the Environmental Planning and Assessment Act 1979 solely for the following:
 - (a) A building envelope for the infill development;
 - (b) Land uses comprising retail and public uses on ground levels and commercial office use above; and
 - (c) A total floor space area of 49,763 sq.m, which equates to a maximum floor space ratio of 11.32:1.
- (C) the development application be approved subject to the conditions as detailed in the subject report, as amended at the Special Meeting of the Planning Development and Transport Committee, to read as follows -

Conditions to be complied with prior to lodgement of a Stage 2 Development Application**APPROVED DEVELOPMENT**

- (1) The Stage 2 development application must be generally in accordance with Development Application No.D/01/00732 dated 16 February 2001 and as amended on 22 November 2001 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated October 2001 and drawings numbered ADA Z1704 – ADA Z1709 Rev C, ADA Z1212 Rev D, ADA Z1714 Rev C, ADA Z2010 Rev B, ADA Z2011 Rev C, ADA Z2012 Rev C, ADA Z3010 Rev C, ADA Z3011 Rev C, ADA Z2031 Rev C, ADA Z2032 Rev C, ADA Z2033 and ADA Z8007 Rev A prepared by Crone Nation Architects dated 22 November 2001 and as amended by the following conditions:

- (2) This approval will be valid for a period of two years from the date of the approval.

DESIGN EXCELLENCE

- (3) As part of the Stage 2 development application preparation, the applicant shall satisfy the design excellence requirements in accordance with the provisions of Clause 28D of the Central Sydney Local Environmental Plan 1996.

As part of the Stage 2 development application preparation, the applicant shall satisfy the design excellence requirements in accordance with the provisions of Clause 28D of the Central Sydney Local Environmental Plan 1996.

In this regard as :

- (i) The proposed development is an extension to the existing building;
- (ii) The extension is secondary in scale, under 55m in height and 1500 m² in footprint;
- (iii) The architects of this extensions are the same as the original development and ;
- (iv) The indicative design is able to be developed in a manner which will exhibit design excellence.

the requirement for a competitive process may not be necessary, on condition that the Stage 2 development application achieves design excellence to the satisfaction of the Council.

In particular, the Stage 2 development application must as part of achieving design excellence, address Council objectives of improving the public domain and pedestrian amenity, addressing the relationship between existing and proposed uses as well as the relationship with existing streetscapes, street activation and the use of high quality materials.

BUILDING ENVELOPE

- (4) The building envelope is only approved on the basis that the ultimate building design will be wholly contained within the approved envelope and provide an appropriate relationship with neighbouring buildings. In this regard the Stage 2 development application shall demonstrate consistency with the Stage 1 approval and the objectives and provisions of the Central Sydney LEP and DCP 1996.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 11.32:1 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 49,763 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
 - (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 4,637 sq.m of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 11.0:1 as specified in the Central Sydney Local Environmental Plan 1996.

BUILDING HEIGHT

- (6)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 50.9 (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).

MATTERS TO BE ADDRESSED IN THE STAGE 2 APPLICATION

- (7) The following matters shall be addressed and/or provided to the satisfaction of Council within Stage 2 development application.
- (a) Full details of proposed works and staging of Phases 2, 3 and 4 of the project. In this regard, additional floor area, under the "Opportunity Site" provisions of Central Sydney Local Environmental Plan 1996, is given on the basis of appropriate works to Market Street and Sussex Street occurring. The actual works and their implementation must be included in the Stage 2 development application.
 - (b) The design details of the proposed building's façade treatments, to include all external finishes, materials and colours, including glazing.

- (c) The resolution, to the satisfaction of Council, of the relationship between the proposed uses at Kent Street level and public circulation in the lobby/entry area.
- (d) A public domain plan indicating any proposed works outside the subject site.
- (e) The provision of awnings along the Market Street elevation to comply with the provisions of CSDCP 1996 and The City of Sydney Awnings Policy 2000.
- (f) An Energy Efficiency Report be provided to address the requirements of Central Sydney DCP 1996.
- (g) A report be prepared, along with a Stage 2 Statement of Environmental Effects, to address compliance with the Building Code of Australia and disabled access.

SECTION 61 CONTRIBUTION

- (8) 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.

SEPARATE APPLICATION FOR SPECIFIC USE

- (9) A separate development application must be submitted at the appropriate time for the specific use and fitout of retail units.

SIGNS

- (10) 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.

Schedule 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

- (D) it be noted that the applicant has undertaken to withdraw Development Application No. D01/00626 concurrently with the receipt of the Notice of Determination.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Item 7.3 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 849 - 855 GEORGE AND 732 HARRIS STREET, BROADWAY (D2001/00351)

7.3

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 10 December 2001 in relation to Development Application D2001/00351 made by Crone Associates on behalf of the Spurbest Pty Ltd for the site at 849-855 George and 732 Harris Street, Sydney to refurbish the building and the Award of Heritage Floor Space for the building known as the "TAFE Building" involving fitout for use as retail on basement and ground and upper floors as three residential apartments, it be resolved that the development application be refused for the following reasons:

- (1) The proposal fails to comply with the aims, objectives and provisions of the Central Sydney Local Environmental Plan 1996 (CSLEP1996), Central Sydney Heritage Local Environmental Plan 2000 (CSHLEP2000) and Central Sydney Development Control Plan 1996 (CSDCP1996). In particular:
 - (i) CSLEP1996 Clauses 44 and 45 relating to the Award and allocation of heritage floor space (HFS).
 - (ii) CSHLEP2000 with regard to proposal failed to address the significance of the heritage listed site at 849 – 855 George Street and inadequate information was provided to undertake a detailed assessment of the proposal;
 - (iii) CSDC1996 with regard to maximum number of units accessible from a common lobby Clause 6.1.36/37, Safety and Design Clause 6.1.24, 25, 26 and eligibility of heritage buildings to be awarded HFS Clause 7.1.
- (2) The proposal is reliant on the refused applications for a 15 storey residential building (D2001/00352) and subdivision (D2001/00456).
- (3) The heritage building is physically interrelated with a refused residential building (D2001/00352) as the:
 - (a) heritage building relies on the new residential building for access to the upper levels, egress to the right of way, access and use of facilities and parking and servicing;
 - (b) refused residential building relies on the heritage building for easements of light and air and egress across the right of way.

- (4) Significant shortcomings exist in documentation submitted with the application, including the Conservation Management Plan.
- (5) Granting consent to the proposal is not in the public interest.

Carried unanimously.

ITEM 8. REGENT STREET SOUTH HERITAGE STUDY (SO 16201)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That consideration of this matter be deferred.

Carried.

Declaration of Interest

Prior to discussion on Item 9, the Chairman (the Lord Mayor) declared an interest in this item, in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) abstained from voting on this item.

ITEM 9. DUAP REFERRALS: SITES 4 AND 5 AND PUBLIC DOMAIN WORKS, DARLING ISLAND MASTER PLAN AREA, PYRMONT (O/01/00067, O/01/00068, O/01/00069)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 3 December 2001 and to Council on 10 December 2001, in relation to the Department of Urban Affairs and Planning (DUAP) Development Application referral No's: 274-10-2001, 275-10-2001 and 276-10-2001 made by Sydney Harbour Foreshore Authority for the Amendment to Darling Island Master Plan, Public Domain Works and the redevelopment of Sites 4 and 5 at Darling Island, Pyrmont, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) a copy of the submission to DUAP, as shown at Attachment A to the subject report, be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the Development Applications.

Carried.

Declaration of Interest

Prior to discussion on Item 10, the Chairman (the Lord Mayor) declared an interest in this item, in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) abstained from voting on this item.

**ITEM 10. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:
DRAFT MASTER PLAN AND STAGE 1 DEVELOPMENT
APPLICATION – ELIZABETH MACARTHUR BAY PYRMONT
(O2001/00073)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of the report by the Area Planning Manager to the Planning Development and Transport Committee on 3 December 2001, and to Council on 10 December 2001, in relation to the draft Master Plan for Elizabeth Macarthur Bay and the Stage 1 Development Application referral No. 292-10-2001 from the Department of Urban Affairs and Planning for the alignment and layout of the public domain, including a re-aligned Pirrama Road, new shareways and public open space and the creation of three new development sites with proposed building envelopes at Elizabeth Macarthur Bay, it be resolved that:-

- (A) the report by the Area Planning Manager be received and noted; and
- (B) a copy of the revised submission, as circulated at the meeting of Council, be forwarded to the Department of Urban Affairs and Planning for its consideration in the adoption of the draft Master Plan and determination of the Stage 1 Development Application.

Carried.

ITEM 11. QUESTIONS ON NOTICE

SAFETY ISSUES (S014453)

1. By Councillor Greiner -

Question

Lord Mayor, the Sun Herald on 2 December carried two news stories of crimes against persons and property in the city. One has resulted in a man fighting for his life whilst his companion is recovering following a gang attack in Pitt Street, and the other was a robbery and assault at gunpoint in a George Street hotel.

Would you please call an urgent briefing with the NSW Police Service Area Command to discuss the issues of safety in the city in relation to gang behaviour and late opening pubs and night clubs, in order to determine whether Council needs to make alterations to its policies and procedures for extended hours of trading in pubs and places of entertainment?

Answer by the Lord Mayor

The prevention, detection and prosecution of criminal activity is a police issue. However, the City has developed close working relationships with the two city police commands and our extensive Safe City strategy has been designed to complement the efforts of the police.

Having said that, I take very seriously the issue of public safety in the City and I have and will continue to advocate for an increased police presence on city streets. A number of other recent initiatives will also help to improve public safety in and around licensed premises and places of public entertainment.

In particular, the City's new Policy on Trading hours for New and Existing Premises, which was adopted by Council on 27 August 2001 permits extended trading hours for licensed premises only for a trial period initially to allow for the ongoing review of the management of premises and an assessment of local impacts.

In addition, a meeting was convened on 24 July this year with City representatives from the Safe City Section, Law Enforcement, and City Development and senior officers from the City Central Local Area Command to discuss these issues. A number of practical strategies have since been implemented, including a number of standard conditions which are being applied to premises applying for extended trading hours or Place of Public Entertainment renewals. Such conditions require applicants to implement measures to protect the safety of patrons, including security management plans and the use of CCTV systems where appropriate.

Staff will continue to liaise closely with local police commands to assess the effectiveness of these strategies and to modify our approach if the need arises."

PITT STREET MALL (S014453)

2. By Councillor Greiner -

Question

Lord Mayor, Sydney's Pitt Street Mall is the fourth most expensive retail space in the world, yet it is still described as "shabby".

Even though you wish to ban all traffic from the Mall, the access for the service vehicles to the retailers mitigates against keeping the Mall traffic-free. There are two issues of importance here. One is the traffic management per se, and the other is a creative solution to the urban design of the Mall and its buildings.

Would you please therefore ensure the following:

- (a) That in the short term Council's Law Enforcement Officers rigidly supervise the parking restrictions currently in place; and
- (b) Undertake an urgent urban design competition, in consultation with building owners, to improve the amenity and ambience which befits the world's fourth most expensive retail space?

Answer by the Lord Mayor

In relation to part (a) of your question, I have discussed the matter with the Acting General Manager. This is a difficult issue because of prior rights for access to car parks via the Mall that exist. Having recently obtained jurisdiction for the enforcement of parking offences, I have asked the Acting General Manager to prepare and implement an enforcement regime for the Mall.

As for part (b) of your question, I do not agree. The critical issue here is removal of car parking. Unless and until that happens there is no point in wasting ratepayers' money on new urban design studies.

As you will recall, improvements were made to the Mall prior to the Olympics.

TRAFFIC MANAGEMENT (S014453)

3. By Councillor Greiner

Question

Lord Mayor, since 1995 when I arrived on Council, I have constantly pushed for a traffic modelling program to investigate the impact of the changes to the traffic management of the city as the result of the loss of traffic lanes.

Why has Council not committed resources to research and identify changes in traffic patterns and identify what measures need to be taken to ameliorate traffic jams which occur every day in most major city streets?

Does Council have any intention of carrying out this research in the new future? If not, why not?

Answer by the Lord Mayor

This issue was “done to death” during the street footpath improvement program. Traffic flows have stabilised since then. I see no need for any further action.

QUESTIONS WITHOUT NOTICE

SERVICED APARTMENTS (S014459)

1. By Councillor Greiner -

Question

Lord Mayor, Council has approved a number of developments for use as serviced apartments.

What steps does Council take to ensure those smaller apartments are actually used as serviced apartments, not residential apartments that require larger floor-plates, or do we not bother?

Answer by the Lord Mayor

Councillor Greiner, because of the difficulty of policing, about three or four years ago, I understand, we actually changed our Policy to make apartments much more compatible so that they would be more convertible. But for those apartments built before the Policy change happened, I'm not sure what we have been doing in terms of inspections. I invite the Acting General Manager to respond.

Acting General Manager

Lord Mayor, usually we respond to complaints in instances where people complain about unauthorised uses. I am not aware of any recent complaints of that nature. It is more the case where residential units are being used as serviced apartments that we get complaints.

I will ask the relevant Council staff but I don't think we have received any complaints, nor do we go around knocking on doors.

REGENT STREET SOUTH HERITAGE STUDY (S014457)

2. By Councillor Coulton -

Question

Lord Mayor, I refer to Item 8 on the Council Business Paper tonight and, in particular, the Regent Street Hall, that is, the Christadelphian Hall at 49 Regent Street. There is a development application with Council at the moment which will possibly, in effect, mean that the building which contains that hall, which was built in 1912, will be demolished.

It is my concern, which has been raised by various members of the community, that there may be insufficient low cost facility halls available for community activities, such as dancing, ballet, yoga, etc.

Would it be possible for the staff to do a report on the availability of low cost halls?

Answer by the Lord Mayor

Councillor Coulton, thank you for the question. There has been a print out circulated, I think, by Council staff who undertake Place of Public Entertainment inspections, listing some 90 halls that currently exist in the City of Sydney with a total capacity in excess of 7,000 seats. That has been circulated and there are a lot of meeting places.

Our experience of all of the City's halls, which are available at virtually no cost, is that they are actually quite under utilised and whilst local communities will all want a hall very close to them, I am not sure that there is an acute problem, notwithstanding the fact that I understand some constituents have raised this with you.

However, when the boundary changes are put into effect, which might be a few months down the track subject to the current legal challenges, I think it is highly appropriate that at that stage we assess the meeting places available to the community throughout the entire City of Sydney area and whether or not there are major deficiencies.

I ask your indulgence to have regard to the staff's workload at the moment. Given what staff are preparing and the work they are undertaking, and given that it will be much more effective once we have the boundary changes determined, I will ask that the staff at that point prepare a report, for discussion by Council, on access to meeting places for our community.

PITT STREET MALL (S014458)

3. By Councillor Farr-Jones -

Question

Lord Mayor, I have received several complaints about the general condition of Pitt Street between Market and Park Streets, and especially past the Wesley Centre towards Park Street. A number of shops are playing very loud music and spruiking, and their displays are encroaching onto the footpath.

Can Law Enforcement Officers please regularly check this area to ensure the shopkeepers stay within the guidelines Council has laid down regarding noise levels, especially having regard to speakers and displays on the pavement?

Answer by the Lord Mayor

Thank you Councillor Farr-Jones. I will direct this matter, through the Acting General Manager, to the Director Living City Services.

We fought very hard over a number of years to bring that part of Pitt Street back into line and it sounds to me as though it has slipped again.

I ask that the Director Living City Services, please ensure that adequate resources are brought to bear on this problem and report back on the action taken in the Councillors' Information Service.

Director Living City Services

Yes, Lord Mayor. We have actually taken some action. I think we have had two complaints over the last month and we have gone back and checked with the people who have complained and they are quite satisfied with the result.

I suspect at this time of the year it probably requires a bit more action and that will be organised.

MARTIN PLACE AMPHITHEATRE (S014459)

4. By Councillor Greiner -

Question

Lord Mayor, the amphitheatre at Martin Place is positively disgusting. The forecourt has dark staining on the tiles, and the cement between the tiles is falling out.

Could this issue be urgently addressed?

Answer by the Lord Mayor

Yes Councillor Greiner. I think this needs to be addressed and I think we need to be careful because some parts of the City slide sometimes. There needs to be more diligence. Can I say that not only to the Director Living City Services, but also to the Deputy General Manager, as the Contract and Assets Management staff need to be out there walking the streets because they are the people who oversee the contracts.

I think it is important that this matter be addressed. I ask that this matter be addressed systematically and a report provided in the Councillors' Information Service, please.

COOK AND PHILLIP PARK (S014458)

5. By Councillor Farr-Jones

Question

Lord Mayor, some months ago Councillors were advised that Council was seeking compensation arising out of a number of defects in the construction of Cook and Phillip Park Swimming Pool Complex and its related infrastructure.

Are you in a position to advise us further in this regard?

Answer by the Lord Mayor

No, I am not and I wouldn't do so in a public forum. I will refer your question to both the Director City Projects and the Director Corporate and Legal Services. At some point a report was to be provided to Council but I don't think we should discuss our legal position in public.

Director Corporate and Legal Services

Lord Mayor, there will be a report coming back to Council but it is not finalised yet.

ITEM 12. NOTICES OF MOTION

LOCAL GOVERNMENT BOUNDARIES (S014465)

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

That the City of Sydney Council write to the Boundaries Commission and the Minister for Local Government, the Hon Harry Woods, requesting a formal financial analysis be done on the implications affecting South Sydney and Leichhardt Councils in relocating their boundaries, and the subsequent impact on their ratepayers due to the loss of substantial income.

The motion was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

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

Motion lost.

At 6.40 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 21 December 2001 at which
meeting the signature herein was subscribed.