



12 MARCH 2001

Meeting No 1325

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.44 pm on 12 March 2001 pursuant to Notice 3/1325 dated 8 March 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 5.44 pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the minutes of the meeting of Council of 26 February 2001, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

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

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

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

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

Royal Botanic Gardens Sydney Annual Report 1999-2000

Moved by Councillor Greiner, seconded by Councillor Turnbull -

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

Carried.

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

PRESENT

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

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

At the commencement of business at 5.44 pm, those present were -

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

Councillor Fabian Marsden was also present.

Closed Meeting

At 5.45pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 5.1 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.00pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of Monday 5 March 2001 be received, and the recommendation set out below for Item 5.1 be adopted.

Carried.

The Committee recommended the following:-

Closed meeting

At 5.45pm the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 5.1 on the agenda as this matter comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Item 5.1 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

LIVING COLOUR - FLORAL DISPLAYS - NEW FLORAL DISPLAYS FOR SEPTEMBER 2001 AND JANUARY 2002: APPROVAL TO EXTEND CONTRACT 9903 (S006637)

5.1

That arising from consideration of a report by the Senior Landscape Architect to the Finance, Properties and Tenders Committee on 5 March 2001 on the Living Colour Floral Display – Contract 9903 – Approval to Extend the Contract Period to include September 2001 and January 2002, it be resolved that authority be delegated to the General Manager to extend the contract number 9903 by another financial year and to renegotiate a package of work with City Wide Solution Services, John Patrick and Floriana nursery, to a value outlined in paragraph 9 of the subject report.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 5 MARCH 2001

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

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

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Councillor Farr-Jones arrived at the meeting of the Planning Development and Transport Committee at 6.08 pm during discussion on Item 6.3.

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:

3. Pre Section 96(2) Application Advice: Proposed Commercial Tower Above the Masonic Centre at 66-68 Goulburn Street, Sydney
5. Stage 2 Development Application: 107-121 Quay Street, Haymarket
1. Progress Report on Development Applications
2. Request to Amend Central Sydney Local Environmental Plan 1996 - Maritime and Transport Zone
4. Development Application: Referral from the Department of Urban Affairs and Planning (DUAP) - Towns Place East Site Walsh Bay Stage 2 Development Application - Submission

The meeting of the Planning Development and Transport Committee concluded at 7.12 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 5 March 2001 be received and the recommendations set out below for Items 6.1, 6.2, and 6.4 be adopted, with Item 6.5 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 5 March 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

REQUEST TO AMEND CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - MARTIME AND TRANSPORT ZONE (S014972)

6.2

That arising from consideration of a report by the Acting Strategic Planning and Research Manager to the Planning Development and Transport Committee on 5 March 2001, on Request to Amend Central Sydney Local Environmental Plan 1996 - Maritime and Transport Zone, it be resolved that Council -

- (A) support in principle the proposed amendment of clause 25(4) to include 'educational establishments' as a use permissible with consent within the Central Railway West Precinct; and
- (B) engage in a community consultative process in order to support the inclusion of this proposed amendment within any future Draft Local Environmental Plan that is required to be prepared.

Carried.

PRE SECTION 96(2) APPLICATION ADVICE: PROPOSED COMMERCIAL TOWER ABOVE THE MASONIC CENTRE AT 66-68 GOULBURN STREET, SYDNEY (S007525)

6.3

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 5 March 2001, in relation to a pre-Section 96 (2) application scheme made by Grocon Pty Ltd for a new commercial tower above the existing podium (known as the Masonic Centre) at 66-68 Goulburn Street, Sydney, it be resolved that: -

- (A) The applicant be advised that:
- (i) the consent authority incurs no liability for any expense borne by the applicant as a result of their reliance upon this advice;
 - (ii) this advice remains valid for a period of 6 months from the date of this resolution or upon a significant change in planning controls, whichever is the sooner;
 - (iii) the preliminary scheme has not been advertised or notified to adjoining owners by the Council and when a formal development application is submitted, this may result in submissions being made and issues being raised which result in a position which may vary from this preliminary advice; and
 - (iv) the information submitted lacks detail and further issues may arise as a result of more detailed documentation and drawings submitted with a development application.
- (B) For the reasons set out in the subject report, the tower scheme and ground level infill works are not considered to comprise substantially the same development as approved in the 1973 consent for the purposes of Section 96(2) of the Environmental Planning and Assessment Act 1979 and the submission of a new Development Application is required, which will be subject to the current Planning Controls, including the requirement for a Development Plan and a Competitive Design Process.
- (C) Should the applicant wish to pursue the 1973 consent, it will need to establish that the development was substantially commenced prior to the lapsing date of 5 November 1975.

Amendment. At the request of Councillor Turnbull and by consent the motion was amended by -

The deletion in Clause (A)(ii) of the word “upon” and the substitution of the word “until”.

Motion, as amended by consent, carried.

Note - Mr Nick Lucas, Mr Andrew Andersons and Mr Owen Martin addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

DEVELOPMENT APPLICATION: REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) – TOWNS PLACE EAST SITE WALSH BAY STAGE 2 DEVELOPMENT APPLICATION - SUBMISSION (02001/00002)

6.4

That consideration of this matter be deferred to the meeting of Council on 12 March 2001.

Carried.

Note - This matter was dealt with by Council as Item 7 on the Business Paper.

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 6.5 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

STAGE 2 DEVELOPMENT APPLICATION: 107-121 QUAY STREET, HAYMARKET (D2000/01015)

6.5

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 5 March 2001 in relation to Stage 2 Development Application D2000/01015 made by Hayson Enterprises Pty Limited for the site at 105-121 Quay Street, Haymarket for demolition of the existing buildings and construction of a new 16 level mixed use building (residential, retail and commercial) containing 4 levels of basement parking, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

- (A) In approving this development Council notes that it has been significantly influenced by the high quality of overall building design. In particular, the merits of the internal layout of the building, the quality of external finishes particularly the high quality sandstone corner feature and the three storey entry gallery are considered to achieve Design Excellence. Council also notes that it would be unlikely to approve any Section 96(2) application to the development which in any way diminishes the quality of the development.
- (B) Any subsequent Section 96(2) application seeking to amend the approved development, which Council considers significant and which may impact on the achievement of 'Design Excellence' is to be justified by a new Competitive Design Process undertaken in accordance with the requirements of the Central Sydney LEP 1996 and may require a separate development application.
- (C) Any application lodged pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 which affects the exterior of the development, the number of residential units or the interior design of the building must be submitted to the Planning Development and Transport Committee for determination and not be determined under delegated authority.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
 - (a) Development Application No. D2000/01015 dated 13 December 2000;
 - (b) The Statement of Environmental Effects prepared by JBA Urban Planning Consultants titled "Proposed Residential Apartment Building:107-121 Quay Street, Ultimo";
 - (c) Drawing No.s DA 1.00B, DA 1.01, DA 1.02, DA2.00B, DA 2.01A, DA 2.02, DA 2.03, DA 2.04, DA 2.05, DA 2.06, DA 2.07A, DA 2.08A, DA 2.09A, DA 2.10A, DA 2.11A, DA 2.12A, DA 2.13A, DA 2.14A, DA 2.15, DA 2.16, DA 2.17A, DA 2.18A, DA 2.19A, DA 2.20A, DA 2.21A, DA 3.00, DA 3.01A, DA 4.00A, DA 4.01B, DA 4.02 dated 30 November 2000 and prepared by Marchese + Partners Architects Pty Ltd;
 - (d) Public Domain and Landscape Concept Plan dated 5.12.2000 and prepared by Tramonte Jensen Pty Ltd;
 - (e) Report titled "the bijou apartments: design excellence evaluation" prepared by Lesiuk Architects Pty Ltd dated December 2000;

- (f) Photomontage titled “ Proposed Development at 107-121 Quay Street, City of Sydney, Stage DA- View from Quay Street looking down Bijou Lane;
- (g) External Lighting Strategy (2 Pages)- detailed on Drawing DA 2.00 B;
- (h) External Signage Strategy (2 Pages)- detailed on Drawing DA 2.00 B;
- (i) Letter from Marchese + Partners Architects Pty Ltd dated 19 January 2001;
- (j) Letter from Marchese + Partners Architects Pty Ltd and accompanying Sketches A-G dated 26 February 2001;
- (k) Letter from Marchese + Partners Architects Pty Ltd and accompanying Sketches titled “southern elevation” dated 26 February 2001;
- (l) Letter from Marchese + Partners Architects Pty Ltd and accompanying “Sketch D Rev A” dated 28 February 2001;

and as amended by the following conditions:

- (2) To the extent that the provisions of this Notice of Determination are inconsistent with the previous Notice of Determination D2000/00550 dated 18 September 2000 (as amended) the provisions of this Notice replace the earlier Determination and shall prevail.
- (3) This consent should be read in conjunction with the Notice of Determination D2000/00550 dated 18 September 2000, as amended.

APPROVED DESIGN

- (4) 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.

APPROVED ARCHITECT

- (5) The architect for the Stage 2 application ‘Marchese + Partners Pty Ltd’ should not change without prior written notice to, and consultation with, Council.

APPROVED DESIGN DETAILS

- (6) 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 titled "Stage 2 DA Finishes Board" dated 30 November 2000.

Note:

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

FLOOR SPACE RATIO

- (7) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 7.93:1 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 19,952sqm.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (8)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 63.75 with the exception of the Architectural Roof Feature which must not exceed RL 65.59.
- (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).

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (9) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.

- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

The form of recording is to be as follows:-

- (c) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (10) The following restriction applies to buildings approved for residential use:
- (a) The accommodation portion of the building (Ground Level to Level 16) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
 - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of the Ground Level to Level 16 of the building from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

SECTION 61 CONTRIBUTION

- (11) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
- (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by bank cheque made payable to the City of Sydney.
 - (b) **Amount of Contribution**
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".

- (c) Certification of the calculation of the contribution in accordance with the “*Central Sydney Contribution Plan 1997*” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
- (d) **Timing of Payment**
 - (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

CONSISTENCY OF DRAWINGS

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

EXCAVATION

- (13) No excavation, demolition or construction shall commence in relation to this Stage 2 development application until a Construction Certificate is issued for the Stage 2 (substantive) building.

DEMOLITION/SITE RECTIFICATION

- (14) The following conditions apply to the development:-
 - (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
- (i) a bank guarantee to be provided in the sum of 630,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 630,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:

- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (15) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

ARCHAEOLOGICAL INVESTIGATION

(16)

- (a) 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.
- (b) 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.

VEHICULAR SPACES

(17) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 199 residential spaces;
 - (ii) 3 retail/commercial premises spaces;
 - (iii) 7 of service vehicle spaces located close to service entrance; and
 - (iv) the equivalent of 2 car spaces for motor cycle parking.
- (b) The equivalent of 2 car spaces for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
- (c) 2 car wash bays with appropriate plumbing and drainage.

- (d) 4 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

All spaces must be allocated and marked according to this requirement and submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

RESTRICTION ON USE OF CAR PARK

(18) The following conditions apply to car parking:

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

RECEIVING DEVICE

(19)

- (a) A separate development application must be submitted at the appropriate time for the specific use of any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.
- (b) Appropriate access and space within the plant area within the building shall be provided for a minimum of three telecommunications carriers or other providers of broadband access by ground and satellite delivery, at the option of the carrier or provider.

- (c) Appropriate ducting shall be provided for the three telecommunication carriers or other providers to provide telecommunication access and broadband cabling to each apartment of the building.

Details in relation to parts (b) and (c) shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

LIGHTING STRATEGY

- (20) A detailed Lighting Strategy which identifies the number, type, size, design, luminosity and location of lighting in relation to the exterior of the building and public spaces is to be provided prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The design of the lighting should seek to improve the level of security in and around the public domain, in particular the lighting should convey a feeling of security in the gallery entry during evening hours. The applicant shall liaise with the Director of City Development regarding the Strategy.

EXTERNAL LIGHTING

- (21) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application/s shall be submitted and approved by Council prior to the installation of any external lighting and shall be in accordance with the approved Lighting Strategy.

BUILDING NAME

- (22) Any change to the name of the building is to be subject to the approval of Council.
- (23) Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.

REMOVAL OF GRAFFITI

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

SEPARATE CONSENT – RETAIL AND COMMERCIAL TENANCIES

- (25) A separate development application must be submitted at the appropriate time for the specific use and fitout of the commercial and retail tenancies on the ground and first floor levels of the building.

NOISE GENERATED BY USE OF PREMISES

- (26) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

SHOPFRONTS

- (27) The glass shop fronts must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

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

WINDOW CLEANING

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

SIGNAGE STRATEGY

- (30) A final Signage Strategy which identifies the number, type, size, location and lighting of signs required to ensure appropriate way finding, naming of the building and tenancies within the development shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The applicant shall liaise with the Director City Development regarding the Strategy.
- (31) 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.
- (32) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

WASTE MANAGEMENT

- (33) Waste collection activities which are not undertaken wholly inside the building where the waste is generated, must only occur during the hours specified in the "Waste Collection Operating Hours Policy 1994".
- (34) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.
- (35) 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.

LAND DEDICATION

- (36) The owners are to dedicate to the public for road purposes, free of cost to Council, the 1 metre widening of Bijou Lane for its full frontage to the site, unlimited in stratum, on the assumption that the affected land can be used in the calculation of gross floor area of the proposed building and all costs associated with such dedication are borne by the owners of the site.
- (37) A separate application is to be made to Council's Living City Services-Roads and Footways Unit for the construction of the widened footpath for the road widening dedication of Bijou Lane and all costs associated with the widened footpath construction are to be borne by the developer.
- (38) A separate application is to be made to Council's Living City Services-Roads and Footways unit for the construction of any proposed concrete vehicle footpath and kerb crossings and the reinstatement of the footpath and kerb formation if existing crossings are no longer required.

STRATA SUBDIVISION

- (39) Any proposal to Strata subdivide the building and site will require a separate application to Council to obtain development consent to the subdivision proposal and subsequent approval of the Strata plan and issue of a Strata Certificate under Section 37 of the Strata Scheme (Freehold Development) Act 1973.

AWNING AND BALCONY DESIGN

- (40) The design of the balconies and awnings are to comply with Section 10-Development Standards of the Central Sydney Development Control Plan 1996.

Schedule 1B

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

DESIGN MODIFICATIONS

- (41) The design of the building shall be modified as follows:
- (a) The narrow opening at the corner of the entry to the common courtyard off the gallery entry (ground floor) is to be increased by a minimum of 2.5 metres to improve the transition between the public and private realm. Alternatively, a significantly greater perforation of the wall to the commercial tenancy (adjacent to the gallery entry) should be undertaken to improve views to the courtyard.
 - (b) The south-western corner of the building, adjacent to the eastern lightwell of the approved residential development (95-105 Quay Street), must be redesigned generally in accordance with "Sketch A" to allow natural light penetration to the residential building approved at 95-105 Quay Street on Level 4 and above. Any solution submitted is to be accompanied by the Land and Environment Court approved drawings of 95-105 Quay Street. These drawings are to precisely illustrate the relationship of the building alignment proposed to the northern boundary and demonstrate that the design does not impinge on the lightwell and that an acceptable level of residential amenity will be achieved for the occupiers of 95-105 Quay Street,
 - (c) The corridors within the western wing of the building (Bijou Lane) are to be redesigned to eliminate the 'gun-barrel' design. In this regard, the corridor design is to incorporate changes in its alignment to reduce the apparent length of the corridor.

- (d) The southern elevation of the Bijou Lane Building and the gymnasium (adjacent to the easement) are to be redesigned to improve their appearance. In this regard, the elevation is to incorporate modelling through the use of materials, recessed elements or the like, to break up the bulk of these highly exposed wall.
- (e) Final details for the design of the landscape/blade wall screen to prevent possible noise and light nuisance from the Carlton Crest Hotel carpark along the southern boundary of the site are to be submitted for approval. The screen is to be generally in accordance with "Sketch C", "Sketch G" and "Sketch F". The use of landscaping will only be approved by Council where it is supported by a Report from a Landscape Architect or Arborist to demonstrate that a permanent landscape screen can be achieved and maintained and where super advanced species will be planted prior to the occupation of the building.

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

FINAL DETAILED DESIGN

- (42) The final detailed design and material treatment/finishes of all balconies and the blade walls are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (43) The final details of the materials and finishes of all building elevations addressing the common courtyard are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (44) Specifications regarding the cladding and material detailing of the Quay Street and Bijou Lane elevations are to be submitted to Council for approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. This information is to include details of the Sydney Sandstone cladding proposed for the sandstone corner feature and the material treatment of the entry gallery. In relation to the Sydney Sandstone the following information is to be submitted for approval:
 - (a) thickness of sandstone cladding, which is to be a minimum 100mm;
 - (b) dimensions of sandstone cladding, which is to be a minimum of 950mm x 950mm;
 - (c) the grade of sandstone to give a minimum durability for 50 years;
 - (d) details of marine grade stainless steel fixings;
 - (e) sectional details at a scale of 1:20 for the sandstone cladding and wall clearly indicating the cladding thickness and method of fixing; and

- (f) part elevation details at a scale of 1:20 indicating cladding dimension, the dimension and treatment of the joints between cladding and abutting materials.

Having regard to the above, the sandstone on the corner treatment is to be of a superior and durable quality. It should be noted that sandstone sheeting glued to the structural frame of the building will not be acceptable.

- (45) The recommendations of the 'Reflectivity, Energy Efficiency and Wind Effects' prepared by Vipac Engineers and Scientists dated June 2000 and 1 December 2000 are to be incorporated into the final building design. Details of all measures are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

DAYLIGHT REPORT

- (46) The applicant is to submit a Daylight Report prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to demonstrate that adequate levels of daylight access is achieved to all residential units.

ARCHITECTURAL ROOF FEATURE

- (47) The architectural roof feature is not to exceed the height of RL65.59 and must comply with the provisions of Clause 32A of the Central Sydney Local Environmental Plan 1996. In this regard, the architectural roof feature shall not be converted into an additional plant enclosure or floor space.
- (48) The applicant is to submit a report prepared by an appropriately qualified mechanical engineer to demonstrate that the areas nominated to house plant identified on Plan DA2.176A (roof plan) are sufficient to meet the servicing requirements of the building. This report must comply with the Australian Standard AS1668.2-1991 and include details regarding the following:

- (a) mechanical ventilation for the development (ie, car park and building) and all associated structures including ventilation shafts and the like;

Note: No mechanical ventilation structures or air discharge will be permitted to be located within the communal courtyard.

- (b) Demonstrate that spare capacity exists in the building/system to enable the retail tenancies at ground floor level to be mechanical ventilated, ie, ventilation shafts are available to accommodate a kitchen exhaust for the retail tenancy (café/restaurant) proposed adjacent to the gallery entry.

This report must be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (49) Final details of materials and finishes for the roof top of the building including the plant enclosures are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORAGE AREAS

- (50) Details are to be submitted regarding the allocation and management of the storage areas within the basement levels to the residential units. The allocation is to comply with the requirements of Cl.61.22/23 of the Central Sydney Development Control Plan 1996. Details are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC ART AND FINISHES OF THE GALLERY ENTRY

- (51) High quality art work shall be provided within the entry gallery in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy' and should be designed to enhance the visual appearance of the three storey void and walls of the gallery. Details of the art work in conjunction with the material finishes and treatment of the Gallery Entry must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Any solution should have regard to maintaining view lines from the public domain to the courtyard.

Note: No reduction in the three storey height of the Entry Gallery is permitted.

LANDSCAPING OF THE SITE

- (52) 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 landscaping 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.

Note: No fire stairs/escapes, air extracts, ventilation structures, plant or the like will be permitted within the area identified on Drawing DA 2.00 Rev B. as the 'communal garden'. The 'communal garden' is only to contain landscaping and landscaping elements.

PUBLIC DOMAIN PLAN

(53) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall incorporate the following amendments:
 - (i) Deletion of the granite paving located on the Bijou Lane and Albion Street corner. Type 4 asphalt paving is required for the footway in accordance with Council's Paving Policy.
 - (ii) In accordance with Sydney City Council Street Trees Policy 1994, the trees in Bijou Lane should be *Koelreuteria paniculata* (Golden Rain Tree) rather than *Fraxinus pennsylvanica* (Red Ash).
 - (iii) Tree surrounds should consist of rough granite setts and terrabond mulching to Council specifications.
 - (iv) All street trees supplied for the project are to be a minimum size of 300-litre bags.
- (c) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

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

- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (f) 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.

ELECTRICITY SUBSTATION

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

PUBLIC TELEPHONES

- (55) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:
 - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
 - (b) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (56) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the location shall be approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (b) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
- (i) Sleeping areas (night time only: 2200-0700) 45dB
 - (ii) Living areas (24 hours) 55dB
- (c) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (d) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
- (i) Sleeping areas (night time only: 2200-0700) 38dB
 - (ii) Living areas (24 hours) 46dB
- (e) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.

All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(60)

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

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

REFLECTIVITY

- (61) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

AWNINGS

- (62) The awning/canopy must comply with the *City of Sydney Awnings Policy 2000*. Final details of the awning at a scale of 1:50 are to be submitted for the approval of the Director of City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

CAR PARK ENTRY FINISH

- (63) Car park roller doors shall be designed and constructed for quiet operation. Details of the design and location of the door and specifications are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (64) The driveway width between the kerbs of the entrance ramp to the basement parking is to be increased from 5.5m to 6.0m to facilitate access to the basement by Council's domestic waste collection vehicles.

PAVING MATERIALS

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

ACCESS FOR PERSONS WITH A DISABILITY

- (66) Access to the building including the car park, residential units, commercial and retail areas shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".
- (67) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.
- (68) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

CONSTRUCTION NOISE IMPACT STATEMENT

- (69) A Construction Noise Impact Statement for the proposal giving details of the construction activities and an assessment of the noise levels likely to be generated by each activity is to be submitted for the approval of Council prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. The report must also include details of quiet construction activities (ie. No demolition, excavation or construction activities which will result in noise levels above background + 3 dBA) which are only permitted to be carried out on-site between the hours of 7.30am and 9.30am Monday to Saturday.

ACOUSTIC PRIVACY BETWEEN UNITS

- (70) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

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

FLOOR TO CEILING HEIGHT

- (71) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

BUILDING CODE OF AUSTRALIA

- (72) The adjacent retail and residential classifications of the building shall be separated as required by the BCA Part C.
- (73) Smoke separation in the corridors of the residential building shall meet the requirements of the BCA Part C.

- (74) The carpark, loading dock and residential storage areas shall be separated from each other as required by BCA Part C.
- (75) Openings in adjacent fire compartments or adjacent to the allotment boundaries shall be protected as required by Part C of the BCA.
- (76) Egress to the road from the open space (communal courtyard) shall meet the requirements of Part D of the BCA.
- (77) The number of exit doors, and swing doors, in any horizontal exist shall meet the requirements of Parts C and D of the BCA.
- (78) Access and egress shall be provided to the plant rooms as required by Part D of the BCA.
- (79) Access to the switch room shall be provided other than from a fire isolated exit.
- (80) Disabled access to and within the building shall meet the requirements of Part D of the BCA.
- (81) The lift car dimensions shall be increased to accommodate a stretcher as required by Part E of the BCA.
- (82) Sanitary facilities for maintenance personnel and people with disabilities shall be provided as required by BCA Part F.
- (83) Sanitary facilities shall be provided to serve each habitable unit as required by the BCA Part F.

CAR PARK AND SERVICE VEHICLE LAYOUT

- (84) Car parking and service vehicle shall
 - (a) satisfy the Council's LEP and DCP 1996;
 - (b) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be line marked;
 - (c) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".

The details 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.

- (85) All cost of traffic management measures associated with the development shall be borne by the developer.

- (86) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

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

UTILITY SERVICES

- (88) To ensure that public utility authorities are advised of the development:
- (a) A survey is to be carried out of all utility services within the site including relevant information from 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

- (89) The following shall be submitted to Council:-
- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.

- (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

WASTE MANAGEMENT

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

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

A complying garbage chute is required in all residential developments (Class 2) greater than 3 storeys in height. A chute and compactor is required if the building is greater than 25 metres in effective height.

- (91) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
 - (i) Average Corrosion Rate of *Hot Dipped Galvanised Coating* to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of *mild steel* in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of *mild steel* taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate *doubles*.

Schedule 1C

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

WASTE MANAGEMENT

(92)

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

- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal.
 - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

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

CERTIFICATION OF MECHANICAL VENTILATION

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

- (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
- (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (iii) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
- (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

- (v) Council reserves the right to randomly audit any structural documentation.
- (95) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
 - (c) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
 - (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

- (i) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (96) 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

- (97) 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.
- (98) 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.
- (99) The Road Opening Permit will be subject to conditions that must be complied with.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (101) The following environmental protection measures are required:-
- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
 - (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;

- (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
 - (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's *Erosion and Sediment Control Manual* and the Department of Housing Manual *Managing Urban Stormwater – Soils and Construction (August 1998)*.
 - (d) The Water and Sediment Control Statement shall be implemented during the construction period.
 - (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
 - (f) The applicant must also comply with the *NSW Protection of the Environment Operations Act 1997*, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.
- (102) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

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

- (c) Notwithstanding (a) and (b) above, quiet construction activities shall only be carried on the site between the hours of 7.30am and 9.30am Monday to Saturday. No demolition, excavation or construction activities which will result in noise levels above background + 3 dBA will be permitted on site during these restricted hours.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(104) 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

(105) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

(106) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

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

(107) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

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

CONSTRUCTION PROGRESS CERTIFICATION

(109) For the duration of the construction process a Construction Progress Certificate in the form of Attachment P1 shall be provided to Council on a three monthly basis to the effect that the construction work, including architectural detail, is in accordance with the approved development application drawings and conditions of development consent and the approved Construction Certificate drawings and specifications.

CONTROL OF VERMIN

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

USE OF MOBILE CRANES

(111) 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.

NO OBSTRUCTION OF PUBLIC WAY

(112) 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.

PROTECTION OF ENVIRONMENT

(113) 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.

(114) 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.

- (115) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

Schedule 1E

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

- (116) 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.
- (117) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (118) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

- (119) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (120) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (121) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (122) The emergency lighting system serving all Levels shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (123) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.
- (124) Any proposed electronic locks shall comply with the following:
- (a) The electronic locking device shall be power energised to the locking mode and shall be deactivated to release upon direct or response power termination to the device to enable the door to be opened by single handed action in the direction of egress;
 - (b) The smoke detectors shall be provided on both sides of the security door, 1500mm from the centre of the door in the position described in Clause 5.7.5 of AS 1905.1 (1990);
 - (c) The locking device shall consist of an approved electronic door interlock system such that in the event of fire being detected by the building's sprinkler system and smoke/thermal alarm system (including smoke detectors required in the mechanical ventilation system by AS 1668 (1991)), the locking system will be deactivated to release by the termination of power to enable the door to be opened by single-handed action in the direction of egress;
 - (d) An emergency switch/button, not contained in a protective enclosure, shall be provided in a conspicuous position in the lift lobby area adjacent to the subject door.

- (i) The switch/button shall be available to deactivate the locking system by power termination in an emergency. A sign shall be provided to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) adjacent to the switch/button indicating its purpose;
 - (e) Suitable directional exit signs shall be provided to the satisfaction of the PCA (Council or a private accredited certifier);
 - (f) Upon completion of work and prior to the operation of the security locking device and to the occupation of the subject tenancy, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate shall be submitted to Council if it was not the PCA.
- (125) drawings must be submitted to The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.
- (126) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (127) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.
- (128) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.
- (129) Any tenancy door giving access to an exit shall be capable of being opened without a key from inside the tenancy in accordance with D2.21 of the Building Code of Australia.
- (130) All fully enclosed office/work areas not provided with natural ventilation shall be mechanically ventilated or air-conditioned in accordance with F4.5 of the Building Code of Australia and Council's Ventilation Code.
- (131) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.
- (132) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified Council if it was not the PCA.

Note:

- (a) Council reserves the right to randomly audit any mechanical ventilation documentation.
- (133) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.
- (134) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (135) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (136) Future partitioning shall be designed so that access to all fire stairs from all areas including public areas is available at all times and so that not less than two exits shall be readily available at all times from every point on the floor including the lift lobby area. Lockable or security doors or partitioning preventing access to at least two exits from the lift lobby area will not be permitted.
- (137) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

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

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

(138) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

(139) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council.

Notes

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

- (c) Council reserves the right to randomly audit any geotechnical documentation.

LOT CONSOLIDATION

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

COMMEMORATIVE PLAQUE

- (141) The following is required:
 - (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
 - (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The approved plaque must be installed prior to Occupation.

NUMBERING

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

STREET NAME PLATE

- (144) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader - Urban Domain, Service Planning Policy).

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

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

(147) 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.

(148) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.

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

(150) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

MICROWAVE/LASER COMMUNICATION SYSTEM

(151) The microwave/laser communication system devices/apparatus must incorporate all necessary safety features to prevent any person being exposed to radiation in excess of that permitted by the Radiation Control Act 1990, and Regulations thereunder, Australia Standard 2772 - 1990 and any other relevant Code or Standard.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (152) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.
- (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (153) 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.
- (154) 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.
- (155) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.
- (156) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

Carried.

Note - Mr Richard Thomas addressed the meeting of the Planning Development and Transport Committee on Item 6.5.

ITEM 7. DEVELOPMENT APPLICATION: REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) – TOWNS PLACE EAST SITE WALSH BAY STAGE 2 DEVELOPMENT APPLICATION - SUBMISSION (02001/00002)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Executive Manager to the Planning Development and Transport Committee on 5 March 2001 and to Council on 12 March 2001, in relation to the referral from the Department of Urban Affairs and Planning for the Stage 2 Development Application for a commercial office building on the site known as Towns Place East within the Walsh Bay Redevelopment Area, it be resolved that:-

- (A) the subject report be received and noted;
- (B) a copy of the submission at Attachment A to the subject report, as amended at the meeting of Council, be forwarded to the Director-General, Department of Urban Affairs and Planning for consideration by the Minister in the determination of the development application.

Carried.

ITEM 8. COUNCIL'S CORONATION HOTEL, 5-7 PARK STREET SYDNEY, PROPERTY - OWNER'S CONSENT TO AN APPLICATION TO MODIFY DEVELOPMENT CONSENT REGARDING TRADING HOURS (S008499)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Senior Property Manager to Council on 12 March 2001 on Council's Coronation Hotel, 5-7 Park Street Sydney, Property – Owner's Consent to an Application to Modify Development Consent Regarding Trading Hours, it be resolved that owner's consent to the lodgement of an Application to Modify Development Consent be granted.

Carried.

ITEM 9. QUESTIONS ON NOTICE**RATE NOTICE (S014453)**

1. By Councillor Greiner -

Question

Lord Mayor, a resident has complained about receiving his rate notice with only 3 days left before final payment date.

Could you please provide information to Council that clarifies:

1. The time span between mailout of rate notice and final payment date.
2. Whether or not there has been a delay in the recent mailout.
3. Whether or not ratepayers will be penalised if there were a delay in the mailout.
4. What penalties may or may not apply?

Answer by the Lord Mayor

The Deputy General Manager advises that -

“In accordance with the legislation all rate notices and instalment notices are issued one month prior to the due date.

The last instalment notices were issued on 29 January 2001, with the instalment due 28 February 2001. There was no known delay in the mailout. Enquiries and payments as a result of the mailout have been received since 30 January 2001.

Consideration can be given to the imposition of late payment penalties on an overall or individual basis as the case arises.

The interest penalties incurred during the 2000/01 financial year are set by the Minister for Local Government at 10% per annum. Council allows one week's grace period after each instalment due date.”

ANGEL PLACE RECITAL HALL (S014453)

2. By Councillor Greiner -

Question

Lord Mayor, I again point out that the Angel Place entrance way from George Street to the Angel Place Recital Hall is not befitting the fine cultural facility.

Will you ensure that Council officers devise an urban design plan for Angel Place that enhances the entrance way with plantings; improved road surface and appropriate signage?

Answer by the Lord Mayor

Councillor Greiner, when you previously raised this matter in November last year, I said that if you still think the laneway is a priority you should raise the matter in the context of the next capital works budget.

I asked the Director City Development then to look at the access exposure issue when the capital works budget is being discussed.

As I said before, this matter will be kept on notice and discussed in detail with the capital works budget.

PREMISES NOS. 36-62 TRINITY AVENUE, DAWES POINT (S014453)

3. By Councillor Greiner -

Question

Lord Mayor, would you assure the community of Millers Point/Dawes Point that Council will resist all attempts from the State Rail Authority to construct residential premises on a site located at 36-62 Trinity Avenue, Dawes Point.

Answer by the Lord Mayor

The Director City Development advises that -

“The subject site is zoned part Residential and part Maritime and Transport under Central Sydney Local Environmental Plan (LEP) 1996. Part of the site contains Schedule 1 Heritage Items under the Heritage LEP 2000 and the whole of site is on the State Heritage Register. It adjoins the approaches to the Sydney Harbour Bridge.

The owner of the land, the State Rail Authority (SRA) proposed to subdivide the site to separate that part that is zoned Residential from the remainder. The result would be one lot containing the Argyle Substation and Transformer House (the Heritage Items) and one vacant Residential lot to be available for redevelopment. In the subdivision the SRA proposed that a 4 metre wide Right of Carriageway be created to maintain access to the Substation and Transformer House, which are buildings necessary for the operational needs of the SRA.

To this end, the SRA has lodged an application for subdivision under section 60 of the Heritage Act 1977 with the Heritage Office.

There has been recent interest in the future of this site by local residents, the Millers Point/Dawes Point/The Rocks community group and adjoining operators of BridgeClimb. As a result and following inspections of the site, a submission has been made to the Heritage Office that approval under the Heritage Act 1977 should be refused or deferred until a proper assessment of the zoning and option for the development of the site can be made by Council.

Staff have been requested to undertake a study of the site in relation to its zoning and future use.”

QUESTIONS WITHOUT NOTICE

CITY BANNERS (S014459)

1. By Councillor Greiner -

Question

Lord Mayor, Council implemented banners in the city's streets to advertise community events and to add colour and life to the city but not to advertise commercial ventures.

Council's Guide to Hiring and Pricing of City Banners, page 3, states "Banners are a decorative medium and not intended to be used as advertising."

Therefore, who has given authority for banners in the city's streets to advertise a commercial product in direct contravention of this guideline? I am talking about "Shout", the musical.

Answer by the Lord Mayor

That is a cultural event. My understanding was that we always gave community and cultural uses and events precedence in the banners. I was never under an apprehension that they couldn't also advertise commercial events to an extent provided they were a part of the City.

Indeed, during the Olympic Games the rule we followed was that only a third of the banners could have Olympic corporate badging on them. So the policy you raise may well be correct but I actually wasn't aware of it. I thought there was some scope for some commercial hiring of banners.

The second part of my answer is that it has always been the case, and I remember when the Capitol first opened, that we actually allowed advertising of events like that, be they profit making, cultural events.

It is a legitimate question. All I say is that your understanding of it differs to mine.

One of the things I've wanted to do for a long time is actually review this matter in terms of how we set priorities between cultural events, because it is a bit of a juggle around Christmas time, when you have the Christmas events, New Year's Eve, Sydney Festival, Australia Day, Chinese New Year and then, of course, the Gay Mardi Gras. So there is usually a huge amount of congestion as to who gets what banners between November and January/February.

I ask the General Manager that, at some point, the policy be reviewed and submitted to Council to be formally re-adopted or reaffirmed. I am not necessarily saying I agree with you, Councillor Greiner, but I am saying it is worthy of a Council discussion.

FENCING OFF OF PUBLIC SPACES S014459)

2. By Councillor Greiner -

Question

Lord Mayor, I notice The Domain was completely fenced off from the community's use for the St Patrick's Parade concert, for which tickets had been sold.

This is another example of the increasing alienation of public space occurring in the city.

Whilst the Domain is not within our area of control, would you please convene a meeting with the Royal Botanic Gardens Trust, City of Sydney Council, State Government and any other appropriate stakeholder, to discuss the issue of the alienation of public space, with a view to examining issues such as frequency, amount of site which can be alienated, length of time for which the public will be excluded, and a cost benefit analysis as to whether or not it is financially remunerative for the appropriate land holding authority.

Answer by the Lord Mayor

Thank you, Councillor Greiner. It is a reasonable question. However, you need to be aware that we are not going to be hypocritical or inconsistent in this matter. We, too, fence off public space for events on occasions. We did last year during the Olympics, and during the New Year's Eve celebrations in Martin Place, and also at Dawes Point Park and the northern forecourt of the Opera House on New Year's Eve. It is not uncommon.

And for that matter, with temporary hirings by commercial sector organisations of public places, be they Dawes Point Park, or Cathedral Square for the fashion parade for the Sydney Children's Hospital Foundation, it is not uncommon to fence off a public space very temporarily for an event because you need to control the perimeter.

When I look back at the New Year's Eve celebrations, one of the difficulties we have always had is trying to get concerts to be separately funded. To do that you actually have to have a perimeter so as you can control entry and stop people getting into the concerts that might otherwise cause mischief. It may warrant further discussion but I don't think there is an easy answer to this particular question.

Can I say in this particular case that the St Patrick's Parade concert was not held because it rained. It was cancelled about midday. We just had the parade, a wet parade as it was.

Perhaps, colleagues, we could discuss it at a briefing one afternoon. That may be the way to deal with it. There is not an easy answer.

I ask the Manager Cultural Affairs and Events to give consideration to this matter and that a briefing of Councillors be held at which time further discussion of the matter can take place.

YOUNGS CHAMBERS, 256 PITT STREET (S014459)

3. By Councillor Greiner -

Question

Lord Mayor, the Australia Heritage Commission has entered Youngs Chambers, 256 Pitt Street, on the Interim List of the Register of the National Estate.

Would Council now consider entering this building in the Central Sydney Heritage Local Environmental Plan 2000?

Would Council also consider meeting with the Australian Heritage Commission and McDonalds, the current occupiers of this building, to discuss the removal of the McDonalds' signage from the front of the building and relocation of same to a more appropriate site befitting the integrity of the building?

Answer by the Lord Mayor

It is all becoming a bit confusing, with the State Government's State Heritage List listing things, or trying to list things, and the National Heritage Commission buying into some of these things.

I ask the staff through the Director City Development to assess whether this building is worthy of listing on the Heritage schedule.

As far as meeting with McDonalds, I will ask the Deputy Lord Mayor to have a look at this matter. You have to be a little bit careful because, whilst it was quite appropriate for the City to refuse to allow a McDonalds sign jutting out of Sydney Square you also have to be a little bit careful because there are probably a lot of other commercial signs that are equally inappropriate, if that's your view, and that we don't single out one company over all the others.

Could I ask the Deputy Lord Mayor, as Chairman of the Planning Development and Transport Committee, to have a look at this to see whether it is a serious irritation, rather than just another incongruence.

TOWN HALL STEPS (S014459)

4. By Councillor Greiner -

Question

Lord Mayor, numerous people have been irritated by the numbers of people who use the Town Hall Steps to sit and wait for their friends and consequently block access to the entrance way to Town Hall.

Despite the best efforts of the staff to not only keep the area free but also clean, it is impossible to sometimes weave one's way up the front of the Town Hall steps. Increasing litter is beyond the Concierge's ability to keep the area clean.

Would Council consider a pathway being created by an appropriate barricade on the northern side of the steps, approximately 1½ metres wide, to allow free passage up and down the steps for those entering Town Hall to visit or engage in appointments with Councillors, yourself and other staff?

Answer by the Lord Mayor

I will ask the General Manager to see whether we can do something reasonably subtle, maybe some advisory signage, to allow some access way through for people who need to enter the Town Hall, without taking away from the character of the Town Hall steps as a meeting place. We are not going to start over-regulating the front steps.

INQUIRY INTO THE STRUCTURE OF LOCAL GOVERNMENT (S014459)

5. By Councillor Greiner -

Question

Lord Mayor, like a lot of residents in the inner City, I have received a lot of mail from you, including last week, when I received a very glossy double page brochure about the joys my fellow residents in Woollahra would enjoy by being a part of the City of Sydney Council.

What line item in the budget is this money coming from and how much is it costing Council to send all these glossy notices to me and my fellow residents in the inner City area?

Answer by the Lord Mayor

The Council, of course, endorsed Council's submission to the Inquiry into the Structure of Local Government, so it is consistent with Council policy.

The Lord Mayor has a standing delegation to approve publications.

The funding will come from a number of budgeted sources, one of which is the General Contingency, which requires the approval of the Lord Mayor and the General Manager, and, possibly, the Publications budget. There might be another couple of areas where these sorts of issues belong. I ask the General Manager, in due course, when he has had a chance to look at it, to report on this.

The point I am making is simply this - that you can't have a debate about local government boundaries and other local government issues without the residents concerned hearing both sides of the story. And, as we know, it is extremely unlikely that the Councillors of Leichhardt, or the Councillors of Woollahra, or even, for that matter, the Councillors of South Sydney, will ever present both sides of the argument to their constituents.

So I think that we are actually doing an extremely valuable public service by providing the residents with information that they would be deprived of and denied from having by their Councils who, of course, profess to be very much into public consultation.

ITEM 10. NOTICES OF MOTION

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

At 6.20 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 2 April 2001 at which
meeting the signature herein was subscribed.