



11 FEBRUARY 2002

Meeting No 1347

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.55pm on 11 February 2002 pursuant to Notice 1/1347 dated 7 February 2002.

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PRESENT

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

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

At the commencement of business at 5.55pm those present were:-

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

The General Manager, Director City Development, General Counsel, Director City Projects and Director Living City Services were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Adjournment

At 5.56pm, it was moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the meeting of Council be adjourned for a period of five minutes.

Carried.

Resumption

At the resumption of the meeting of Council at 6.01pm, those present were -

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

Note - Councillor Ho left the meeting of Council at 6.55pm at the conclusion of discussion on Item 14, which had been brought forward, and did not return.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council as he was overseas on business.

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

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

Carried.

Welcome

At this stage of the meeting, the Chairman (the Lord Mayor) welcomed and congratulated the General Manager, Mr Robert Domm, on his appointment and wished him every success in his new role.

The Chairman (the Lord Mayor) also introduced and welcomed Mr Damian Furlong, the newly appointed Senior Adviser, Office of the Lord Mayor.

Congratulations to the Lord Mayor, Councillor Frank Sartor AO

At a later stage of the meeting, the Deputy Lord Mayor, Councillor Turnbull, conveyed congratulations, on behalf of Council, to the Lord Mayor on his appointment as an Officer in the Order of Australia in the Australia Day Honours List, noting that this honour was well deserved.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Lord Mayor, Councillor Frank Sartor, be congratulated on his appointment as an Officer in the Order of Australia.

Carried unanimously, and by acclamation.

Death of the Lord Mayor of Darwin

The Chairman (the Lord Mayor) informed Council that he had recently attended the funeral of the late Lord Mayor of Darwin, Mr George Brown, and on behalf of Council had conveyed condolences and sympathy to Mr Brown's family.

ITEM 1. CONFIRMATION OF MINUTES

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

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

Carried.

Note - The minutes of the meeting of Council held on 22 October 2001 will be submitted for confirmation to the meeting of Council on 4 March 2002.

ITEM 2. EAST TIMOR PROJECT

FILE NO:

DATE: 12/2/02

MINUTE BY THE LORD MAYORTo Council:

Colleagues will recall my memo of 4 January 2002 advising of East Timor's request for the City's assistance in planning and production of their Independence Day celebrations in May 2002.

I had received an informal approach in October 2001 from East Timor's Minister for External Affairs and Information, Jose Ramos Horta, and subsequently, on 21 December 2001, the City received a formal written request from Dr Ramos Horta.

In parallel with my memo I corresponded directly with the acting Minister for Foreign Affairs, the Premier and the Department of Local Government to ensure everything we did in this regard was consistent with Federal and State Government policy. The responses from the Hon Mark Vaile MP and Mr Garry Payne, Director-General, Department of Local Government are attached.

Subsequently I approved a two week reconnaissance visit to East Timor by two City staff – New Year's Eve Artistic Director Ignatius Jones and Production Coordinator Ed Wilkinson. The cost of the reconnaissance visit came in under the budget of \$25,000 at a total cost of \$20,000.

The upshot of this visit, and the presentation by Mr Jones of a number of options for the Independence Celebrations to their National Steering Committee, is an invitation from the East Timor Government for Ignatius Jones to be the Artistic Director for the event and for him to put a production team together to complete research, planning and production for the event over its scheduled two days, May 19 and 20, 2002.

The City has been asked to cover the costs of providing the Artistic Director and the Production Manager (Ed Wilkinson). A budget submitted to me by the Manager, Cultural and Community Affairs, Cathy Robinson, indicates the total cost of such an additional commitment would be \$90,716.

In addition the City has been asked to supply other production personnel from its New Year's Eve production team. Designer Mark Thompson, Lighting Designer Martin Kinnane, Technical Manager Robbie Klaesi and Production Administrator Mitzi Zaphir will complete the production team. All costs for these four members of the production team will be borne by the United Nations.

Australian support for the East Timor Independence Day Celebrations is growing.

The NSW Premier, Bob Carr, has already announced the commitment of one full time staff member and all associated costs in his Department to work on the project. Choreographers and coordinators from the Performing Arts Unit of the NSW Education Department will be available for Ignatius to work with for the Independence Ceremony.

A National Parks and Wildlife Officer has been seconded to establish the first national park in East Timor and to help train personnel. Five (5) Mercedes Benz buses and a maintenance manager to provide support and training have also been supplied by the NSW Government.

The Darwin City Council and the Northern Territory Government are contributing to the design, construction and installation of the Independence Monument, 189 flags and flagpoles, printing for at least 250,000 Ceremony programs, assistance with the Independence Trade Expo and the provision of a full Medivac service for the anticipated 25 Heads of State attending the Independence Ceremony.

The Queensland State Government has indicated its intention to contribute to the ceremony.

The Australian Government will supplement its already significant commitment to East Timor's passage to nationhood by making a range of Ceremony-specific contributions.

The Rover Scouts organisation has committed 25 of its members (including paying all costs) to work with the City's team to produce the Independence Celebrations.

RECOMMENDATION:

I regard it as an honour for the City of Sydney to have been approached to make such a significant contribution to the celebration of the achievement of nationhood – the first this century – by East Timor and it is in full consciousness of that honour that I make the following recommendation.

- (A) That Council approve an additional commitment by the City of \$90,716 to the East Timor Independence Celebrations to be held on 19 and 20 May 2002, comprising salaries, on costs, travel, accommodation, per diems, health and communications for Artistic Director Ignatius Jones and Production Manager, Ed Wilkinson of which salaries will be met out of the Cultural Affairs budget, with the balance to be funded from the General Contingency.
- (B) That Council not underwrite or otherwise be responsible for raising sponsorships or funds for the project nor meeting any production costs.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 11 February 2002 on East Timor Project, it be resolved that Council -

- (A) approve an additional commitment by the City of \$90,716 to the East Timor Independence Celebrations to be held on 19 and 20 May 2002, comprising salaries, on costs, travel, accommodation, per diems, health and communications for Artistic Director Ignatius Jones, and Production Manager, Ed Wilkinson, of which salaries will be met out of the Cultural Affairs budget, with the balance to be funded from the General Contingency; and
- (B) not underwrite or otherwise be responsible for raising sponsorships or funds for the project, nor meeting any production costs.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 8/2/02

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its Meeting on 11 February 2002 is a confidential report on Refurbishment of Council Property.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That consideration of the confidential report, Refurbishment of Council Property, be deferred to the end of the meeting and dealt with under confidential items.

Carried.

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

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

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

Sydney Water - 2001 Annual Report (CD-Rom)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 4 FEBRUARY 2002

PRESENT

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

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

At the commencement of business at 5.45pm those present were:-

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

Councillor Fabian Marsden was also present.

Apologies

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of the Finance, Properties and Tenders Committee as she was overseas.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as he was overseas.

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

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

Carried.

Order of Business

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

2. Living Colour Tender No 0125 - Living Colour - Design, Supply, Installation and Maintenance of Floral Displays
1. December 2001 - Quarter 2 Budget Review

Closed Meeting

At 5.47pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 5.2 on the Agenda.

Item 5.1 was subsequently dealt with by the Finance, Properties and Tenders Committee in open session.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.25pm.

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 4 February 2002 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:

DECEMBER 2001 - QUARTER 2 BUDGET REVIEW (S015503)

5.1

That arising from consideration of a report by the Acting Senior Management Accountant to the Finance, Properties and Tenders Committee on 4 February 2002, it be resolved that:-

- (A) Council note the year to date December 2001 operating surplus before depreciation and financing costs of \$34.8 million and direct that the operating expenditure forecast for the balance six months of the financial year be reviewed and that expenditure in this period be restricted to originally budgeted levels for Quarters 3 and 4, unless the General Manager approves otherwise for specific items;
- (B) Council note the year to date December 2001 Capital Works Program expenditure of \$6.5 million and direct that the Capital Works Program as shown in Attachment B to the subject report be adopted as the revised program for the current financial year; and
- (C) Council note the year to date December 2001 expenditure on Plant and Assets of \$0.4 million and direct that expenditure on Plant and Assets for the balance six months of the current financial year be reviewed to reflect current requirements and savings of at least \$2.0 million be reallocated towards the Information Technology enhancement project, with the final amount to be determined by the General Manager.

Carried.

Closed Meeting

At 5.47pm 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)(d)(i) of the Local Government Act 1993 to discuss Item 5.2 on the agenda as this matter comprises discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Item 5.2 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public.

LIVING COLOUR TENDER NO 0125 – LIVING COLOUR – DESIGN, SUPPLY, INSTALLATION, AND MAINTENANCE OF FLORAL DISPLAYS (S018338)

5.2

That consideration of this matter be deferred to the meeting of Council on 11 February 2002.

Carried.

Note - This matter was dealt with by Council as Item 13 on the Business Paper.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 4 FEBRUARY 2002

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.27pm those present were -

Councillors Coulton, Farr-Jones, Marsden and Turnbull.

Apologies

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

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

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

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

Carried.

Order of Business

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

2. Development Application: 49-53 Regent Street, Chippendale
1. Progress Report on Development Applications and Annual Summary for 2001
3. Integrated Development Application: Railway Institute, 101 Chalmers Street, Surry Hills
4. Integrated Development Application: 631-635 George Street, Sydney Former Haymarket Post Office
5. Development Application: 333 George Street, Sydney (Bank of New Zealand House)

The meeting of the Planning Development and Transport Committee concluded at 6.43 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 4 February 2002 be received, and the recommendations set out below for Items 6.1 to 6.3 inclusive be adopted, with Items 6.4 and 6.5 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS AND ANNUAL SUMMARY FOR 2001 (A03-00138/1)

6.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 4 February 2002, in regard to the progress report for the month of December 2001, it be resolved that the subject report be received and noted.

Carried.

DEVELOPMENT APPLICATION: 49-53 REGENT STREET, CHIPPENDALE (D2001/00707)

6.2

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 4 February 2002 in relation to Development Application D2001/00707 made by Weldun Pty Ltd for the site at 49-53 Regent Street, Chippendale for demolition of the existing buildings and construction of a six storey residential building comprising 60 residential apartments, two commercial/retail tenancies and the provision of 40 vehicle parking spaces in two basement levels, it be resolved that consideration of this matter be deferred to a Special Meeting of the Planning Development and Transport Committee to be held on 11 February 2002.

Carried.

INTEGRATED DEVELOPMENT APPLICATION: RAILWAY INSTITUTE, 101 CHALMERS STREET, SURRY HILLS (D2001/00636)

6.3

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 4 February 2002 in relation to Integrated Development Application D2001/00636 made by Jahn Associates Architects for the site at Railway Institute, 101 Chalmers Street, Surry Hills for conservation works and the award of Heritage Floor Space for the building known as Railway Institute involving the conversion into commercial offices and a restaurant for 140 persons, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2001/00636 dated 26 September 2001 and Statement of Environmental Effects prepared by JBA, dated September 2001, Conservation Management Plan prepared by Rod Howard and drawings:

DA01-14/B dated 8 August 2001

DA21-27 dated 16 May 2001

DA 28 dated 13 February 2001

DA29B dated 17 May 2001

DA30B dated 16 May 2001

DA31B dated 7 August 2001

DA32,33,34,36B dated 14 August 2001

DA35B dated 31 July 2001 prepared by Jahn Associates Architects

LA01/B dated August 2001 prepared by Jane Irwin,

EL1-6 dated September 2000 prepared by WEBB

and as amended by the following conditions:

CONSERVATION MANAGEMENT PLAN

- (2) An updated Conservation Management Plan must be amended submitted for approval of the Manager of Heritage prior to the issue of any Construction Certificate and completed prior to the registration of Heritage Floor Space.
- (3) An updated interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It shall be submitted for approval of the Director City Development prior to the issue of any Construction Certificate and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.

AWARD OF HERITAGE FLOOR SPACE

- (4) The owner may be awarded 1262 m² of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
 - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building.
 - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
 - (d) The owner will only be registered as the owner of 1262 m² of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
 - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

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

Payment shall be by BANK CHEQUE made payable to the City of Sydney.

(b) **Amount of Contribution**

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

(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.

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

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

(d) **Timing of Payment**

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

- (6) The owners of the subject site are to obtain the grant of an documentary Right of Carriageway over an appropriate part of the adjoining State Rail land to the north of the site, from the alignment of Chalmers, in order to provide formal access rights to the three car parking spaces within the development site. Such Right of Carriageway is to be registered on Title, is to be created appurtenant to the subject land and in terms granting unrestricted vehicle access.
- (7) A separate garbage storage collection room is to be provided at Ground Floor level to accommodate the waste generated by the restaurant and commercial uses of the building, in accordance with Council's Code for Waste Handling in Buildings 1994. Such room is to be located to facilitate access by the appointed collection contractor and is to be large enough to accommodate the separation of putrescible from waste suitable for recycling.

HERITAGE

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

- (9) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (10) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Prior to the commencement of work the applicant is to submit to Council a copy of the contractual terms for the appointment of the conservation architect and appropriate information to demonstrate that the terms of this consent can be complied with, including the requirement for all conservation work to be inspected by the appointed conservation architect.

Additionally, a Register is to be kept on the site that details all visits by the appointed conservation architect, the length of stay and the works inspected during each visit. This Register is to be made available to Council on request, and prior to awarding of the heritage floor space.

- (11) The applicant is to commission experienced tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

Prior to the commencement of work the applicant is to submit to Council a copy of the contractual terms for the appointment of the site manager and tradespersons and appropriate information to demonstrate that they have the appropriate skills required to undertake the approved scope of conservation work.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (12) 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.

ARCHAEOLOGICAL INVESTIGATION

(13)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.

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

Note:

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

Schedule 1B

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

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

DESIGN MODIFICATIONS

- (14) The design of the building shall be modified as follows:
- (a) The proposed conversion of a window into a door of the small hall of the 1899 building fronting Chalmers Street shall be moved to the northern corner to preserve three intact windows to the Chalmers Street facade.
 - (b) Details of the proposed replacement of the existing kiosk to Chalmers Street;

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

PUBLIC DOMAIN PLAN

- (15) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.

- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost).

- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

ACCESS

- (16) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (17) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (18) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
 - (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).

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

CONTAMINATION

- (19) A Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 shall be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) if any contaminated materials or fill is identified

CONSTRUCTION

- (20) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

- (21) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If, during any 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.
 - (c) 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.
 - (d) 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.
- (22) 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.
- (23) 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 work on site to the satisfaction of the Principal Certifying Authority

HOURS OF WORK AND NOISE

- (24) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (25) 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 and construction certificate (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. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.
- (26) 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.
- (27) 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.

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

- (28) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (29) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (30) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

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

- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (31) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (32) The existing fire safety standard of the building must be brought into total conformity with the BCA. The proposed upgrade work must not compromise the heritage fabric of the building.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

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

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

RESTAURANT HOURS

- (35) The restaurant may be open for business only between 9.00 a.m. to midnight, seven days a week and, upon expiration of the permitted hours, all restaurant service and entertainment must immediately cease, no person must be permitted entry and all customers on the premises must be required to leave within the following hour.

NOISE

- (36) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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.

- (37) The restaurant operator shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

RECEPTACLES FOR CIGARETTE BUTTS

- (38) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-

- (a) be located entirely on private property and must not be located on or over Council's footpath;
- (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
- (c) not obstruct any required access/egress path for people with disabilities;
- (d) be appropriately secured to the building;
- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
- (f) emptying of receptacle/s must be carried out on a daily basis.

NUMBERING

- (39) Prior to the 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.

Schedule 2

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

(1)

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
- (b) This condition does not apply:
 - (i) to the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - (ii) to the erection of a temporary building.

(2) In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Schedule 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by Heritage Council are attached at Attachment C.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Items 6.4 and 6.5 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

INTEGRATED DEVELOPMENT APPLICATION: 631 - 635 GEORGE STREET, SYDNEY FORMER HAYMARKET POST OFFICE (D/01/00176)

6.4

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 4 February 2002 in relation to Development Application D/01/0000176 made by Metro D Architects Pty Ltd for the site at 631 – 635 George Street, Sydney known as the former Haymarket Post Office for conservation work for an award of Heritage Floor Space, café use at rear of site within a new building extension, refurbishment of Sussex Arcade including new shopfronts and the fit-out and use of upper levels of the existing heritage buildings as a 73 room hotel, 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.

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/01.00176 dated 23 March 2001 and Statement of Environmental effects and Statement of Environmental Effects as Amended June 2001 prepared by City Plan Services Pty Ltd, and drawings numbered:

DAPO1	Ground Level Floor Plan	Revision G	Amended 25/09/01
DAPO2	Level 01 Floor Plan	Revision G	Amended 20/08/01
DAPO3	Level 02 Floor Plan	Revision F	Amended 20/08/01
DAPO4	Level 03 Floor Plan	Revision E	Amended 20/08/01
DAPO5	Level 04 Floor Plan	Revision E	Amended 20/08/01
DASO1	Sections A-A, B-B	Revision E	Amended 20/08/01
DAEO1	Elevations	Revision E	Amended 20/08/01
DAEO2	North Elevation, Sussex Street Elevation	Revision A	Dated 07/09/01
DADO1	Arcade shop front Details	Revision C	Amended September 01
DADO2	Northern Section/Elevation to Sussex Street	Revision C	Amended September 01
DAAO1	Floor Space Area Calculations	Revision A	January 2002

prepared by Metro D Architects Pty Ltd and as amended by the following conditions:

APPROVED DESIGN

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

REPORT TO BE COMPLIED WITH

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

Conservation Management Plan Amended, December 4 th 2001	Paul Rapport Architects Pty Ltd
Revised BCA Report submitted 2 nd October 2001	McKenzie Group Consulting
Heritage Impact Statement	City Plan Heritage

FLOOR SPACE RATIO

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

- (a) The Floor Space Ratio of the proposal must not exceed 3.339:1 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 2,905.21sqm.
- (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).

AWARD OF HERITAGE FLOOR SPACE – STAGED AWARD

- (5) The owner may be awarded 2,150sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996 in a staged process as follows:

- (a) Staged award of HFS:
- (i) 50% for all works (including those listed as long term) shown in the schedule of conservation works (conservation actions 1 to 62, amended as indicated below, except for the second part of conservation action 26 (reconstruction of timber framed skylight above postal hall), being a sum of 1075sqm.
- (ii) 25% for conservation and adaptation of the original postal hall in accordance with the CMP and to a future DA approval, including the second part of conservation action 26, being a sum of 537sqm.
- (iii) 25% for removal of the arcade and reuse of the ground floor as part of the hotel, being a sum of 538sqm.

and, if the elements set out in the following clauses are satisfied:-

- (b) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
- (c) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a floor space area of 2905.21sqm or an FSR of 3.339:1 based on a site area of 870sqm.
- (d) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (e) The owner will only be registered as the owner of 2,150sqm of heritage floor space following the completion of paragraphs 5, 5(a), (a) - (c) of this condition.
- (f) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

HERITAGE

- (6) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (7) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (8) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Prior to the commencement of work the applicant is to submit to Council a copy of the contractual terms for the appointment of the conservation architect and appropriate information to demonstrate that the terms of this consent can be complied with, including the requirement for all conservation work to be inspected by the appointed conservation architect.

Additionally, a Register is to be kept on the site that details all visits by the appointed conservation architect, the length of stay and the works inspected during each visit. This Register is to be made available to Council on request, and prior to awarding of the heritage floor space.

- (9) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

Prior to the commencement of work the applicant is to submit to Council a copy of the contractual terms for the appointment of the site manager and tradepersons and appropriate information to demonstrate that they have the appropriate skills required to undertake the approved scope of conservation work.

- (10) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval of the Director City Development prior to the issue of any Construction Certificate and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.
- (11) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.
- (12) The existing sliding fire doors shall be conserved in their present positions and not removed. The opening behind the fire doors may be blocked up. Conservation action No 26 in the Conservation Management Plan shall be amended accordingly. Details are to be submitted for the approval and to the satisfaction of the Director City Development.
- (13) Conservation action No 37 shall be amended to require that only defective timbers in 631 George Street in the Conservation Management Plan may be removed. Sound timber shall be retained and reused elsewhere on site. Details are to be submitted for the approval and to the satisfaction of the Director City Development.
- (14) Any fabric salvaged for storage shall be stored on site. The nominated storage location shall be advised to Council. Details are to be submitted for the approval and to the satisfaction of Council's Directory City Development.

BOUNDARY WINDOWS COVENANT

- (15) All windows adjacent to the site boundaries must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: The covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

(16) 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)

(i) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

(b) The form of recording is to be as follows:-

(i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-

(ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;

(iii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;

(iv) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;

- (v) A summary report of the photographic documentation, detailing;
 - 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.
- (vi) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PHYSICAL MODELS

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

Note:

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

ARCHITECT

- (19) The architect of the project as approved should not be changed without prior notice to Council.

NOT TO BE USED

- (20) Premises is not to be used as a brothel. A covenant to the approval of Council is to be placed on the title to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The cost of preparation and registration of the covenant must be borne by the owner

Note: The covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

SECTION 61 CONTRIBUTION

- (21) 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.

DEMOLITION/SITE RECTIFICATION

(22) 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 \$50,000 as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 50,000 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;

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:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. 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;

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.

ARCHAEOLOGICAL INVESTIGATION

(23)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.

- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

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

SIGNS

- (24) 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.

Note: Decal signs to the street frontage windows will not be permitted.

- (25) The applicant shall prepare and submit a signage strategy for the entire building in accordance with the requirements of Clause 8.1.16 of Central Sydney DCP 1996. Details are to be submitted for the approval and to the satisfaction of Council's Director City Development. This is to include the removal of the existing detracting signage.

EXTERNAL LIGHTING

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

SEPARATE DEVELOPMENT APPROVAL

- (27) A separate development application must be submitted at the appropriate time for the specific use, internal layout/design and hours of operation of:
 - (a) All retail tenancies in Sussex Arcade; and
 - (b) The café (ground floor and mezzanine level- rear addition)

Note: This approval does not authorise any alterations to the existing Tavern/Bar.

BUILDING CONDITIONS

- (28) 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.

USE OF PREMISES

- (29) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
- (30) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (31) The accommodation portion of the buildings must not be used for the purposes of permanent residential accommodation but only for the purpose of a hotel in accordance with CSLEP 1996. Any proposed change in use will require the separate consent of Council.

TELECOMMUNICATIONS PROVISIONS

- (32) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

TOURIST AND VISITOR ACCOMMODATION

- (33) The development and use of the premises as a hotel is to comply with the provisions of Part 6 of the Central Sydney Development Control Plan 1996 (as amended) as it relates to the tourist and visitor accommodation and the City of Sydney Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney.

RECEPTACLES FOR CIGARETTE BUTTS

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

Schedule 1B

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

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

MATERIALS SCHEDULE AND SAMPLE BOARD

- (36) A materials schedule and sample board detailing all external finishes and colours, including glazing must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PLAN OF MANAGEMENT

- (37) A Plan of Management must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Plan of Management must address the following:
- (a) Maintenance of fire safety in the building;
 - (b) A schedule providing proof of compliance with the standards of the Council Policy titled "Policy for the provision of Tourist and Visitor Accommodation in Central Sydney" including the occupancy rate for each sleeping room, provision of communal areas and sanitary facilities, and access and facilities for persons with disabilities;
 - (c) Nominated proposed maximum period of stay of guests;
 - (d) Measures to ensure that guest numbers;
 - (e) Measures to minimise unreasonable impacts (ie. noise nuisance) to the guest rooms from other building uses;
 - (f) Proposed staffing arrangements, including location and contact details of the site manager or resident caretaker;
 - (g) Proposed security measures to restrict unauthorised after hours access to the hotel/building; and
 - (h) Proposed house rules eg guest behaviour, activities and noise, consumption of alcohol, visitor policy.

SECURITY MANAGEMENT PLAN

- (38) The applicant must submit a Security Management Plan for the entire premises for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: 24 hour management must be provided to tourist and visitor accommodation/facilities in accordance with the Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney.

DESIGN MODIFICATIONS

- (39) The design of the building shall be modified as follows:
- (a) Details of the façade colour scheme and restorative process to 631 George street shall be submitted for the approval of Council.
 - (b) The final design resolution of the Sussex Street addition including materials and finishes and shopfront details. The final design is to address the treatment of the slab edge of the floor to ensure that the slab edge does not cut across the proposed window element.
 - (c) Final design details of Sussex Arcade including materials and finishes and shopfront details at a scale of 1:50.
 - (d) The existing vehicle footway crossing (concrete) in Sussex Street is to be removed and the Council's standard footway formation is to be constructed. Details to the satisfaction of Council are to be submitted as part of the Public Domain Plan for the approval of Council.
 - (e) A garbage room is to be provided which is large enough to hold the proposed garbage generated by the development with sufficient internal area to enable recycling facilities to be established.
 - (f) Final design details for all new lightwells including materials and finishes.

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.

PUBLIC ART

- (40) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

(41) The following requirements apply:-

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

- (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note: 3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

ACOUSTIC PRIVACY BETWEEN HOTEL ROOMS

- (42) 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 Internal 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 hotel rooms:

- (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 hotel rooms:
- (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 IIC 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).

SYDNEY WATER CERTIFICATE

(43)

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

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

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

DISABLED ACCESS

- (44) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

GLAZING

- (45) All external glazing in the development must be clear and untinted.
- (46) 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

- (47) The awning/canopy to Sussex Street must comply with the City of Sydney Awnings Policy 2000.
- (48) The final details of design of the Sussex Street awning are to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning & Assessment Act 1979.

UNDER AWNING LIGHTING

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

PAVING MATERIALS

- (50) 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.

STORMWATER AND DRAINAGE

- (51) 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.

SANITARY FACILITIES

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

BUILDING CONDITIONS

- (53) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.
- (54) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (55) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (56) 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.
- (v) The management and operation of the café/serverly bar in conjunction with the removal of waste from the premises. In this regard, the removal of waste from the premises must not take place during the operating hours of the café and all bins must be secured in the garbage storage room prior to the opening of the café.
- (vi) A cleaning regime for the ground floor level of the café each time waste is removed from the premises. The regime must take place outside the operating hours of the café.

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

Schedule 1C

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

DEMOLITION DETAILS

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

DEMOLITION WORK METHOD STATEMENT

- (58) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
- (59) The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
 - (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);

- (b) Induction training for on-site personnel;
 - (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
 - (d) Dust Control:-
 - (i) Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
 - (e) Disconnection of Gas and Electrical Supply;
 - (f) Fire Fighting:-
 - (i) Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
 - (g) Access and egress:-
 - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
 - (h) Waterproofing of any exposed surfaces of adjoining buildings;
 - (i) Control of water pollution and leachate and cleaning of vehicles tyres:-
 - (i) Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.
 - (j) Working hours, in accordance with this Development Consent;
 - (k) Confinement of demolished materials in transit;
 - (l) Proposed truck routes, in accordance with this Development Consent;
 - (m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.
- (60) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (61) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
- (c) Dilapidation Report/s of adjoining buildings.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (62) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (63) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (64) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
 - (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;

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

Note:

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (67) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;

- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

CONTROL OF VERMIN

- (68) 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

- (69) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (70) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (71) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
 - (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (72) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
 - (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;

- (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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

Schedule 1D

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

LOADING AND UNLOADING DURING CONSTRUCTION

(73) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.

- (b) If, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) 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.
 - (d) 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.
- (74) All costs associated with traffic management measures associated with the development shall be borne by the developer.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (75) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.
- (76) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

HOURS OF WORK AND NOISE

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (78) 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.
- (79) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (80) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

- (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:

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.

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

- (81) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) 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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (82) 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.
- (83) 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (84) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent.

EMERGENCY MANAGEMENT AND EVACUATION PLAN

- (85) An Emergency Management and Evacuation Plan must be submitted 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.

Note: All staff must be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.

OCCUPATION CERTIFICATE

- (86) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

NUMBERING

- (87) Prior to the 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.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (88) 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.

- (89) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (90) Footpath lighting shall be provided along George Street for the full frontage of the site. The location, design and illumination of such lighting shall ensure pedestrian safety, shall be at a minimum level of 10 lux in the horizontal and vertical plane and shall be approved by the Director City Development and installed prior to commencement of the use.
- (91) 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.
- (92) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (93) 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".
- (94) 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.
- (95) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

MANAGEMENT OF PREMISES

- (96) 24 hour management must be provided to tourist and visitor accommodation facilities in accordance with the provisions of Council's Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney.
- (97) A sign must be displayed adjacent to the entry of the premises indicating the maximum length of stay of guests on the premises.

Note: A maximum stay of 28 days is permitted for guest/s of a hotel in accordance with the provisions of Public Health Regulation.
- (98) A register must be kept that details the length of stay of each person accommodated on the premises. The register must be kept up to date and be available to Council on request.
- (99) A copy of the annual fire statement and the current fire safety schedule for the premises must be prominently displayed in the reception area.
- (100) A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping rooms.

- (101) On-site management with responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Plan of Management and Emergency Management and Evacuation Plan, must be provided to the premises.

ANNUAL CERTIFICATION

(102) Annual Certification must be provided to Council for the following:

- (a) Essential fire safety measures to comply with the Environmental Planning and Assessment Regulations 2000;
- (b) Compliance with the Plan of Management approved for the premises;
- (c) Maintenance of the Register detailing the length of stay of each person accommodated in the premises; and
- (d) Compliance with the requirements of the Emergency Management and Evacuation Plan.

Schedule 2

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

Schedule 3

Terms of Approval of Heritage Office

Other Integrated Development Approvals

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

- (1) Within 30 days of an approval being granted under the EP&A Act 1979, basic maintenance works shall be undertaken and completed. These works shall include securing openings against ingress by birds and the removal of accumulations of dead birds and bird droppings.
- (2) Within six calendar months of an approval being granted under the EPA & Act 1979, the applicant shall ensure the buildings comply with full relevant minimum standards of maintenance and repair set out in the Heritage regulation 1999. If it is considered that a particular standard should not apply in the circumstance, the applicant shall give notice of this to the Heritage Council within the period, including details of the non compliance and an explanation as to why the standard should not apply.

- (3) An application under Section 60 of the Heritage Act shall be submitted for the Heritage Council's approval prior to work proposed in the subject development application commencing. This application shall provide further details of the works proposed including details of the design of the proposed new lift within the existing brass lift cage in No.635 George Street.
- (4) The Section 60 Application shall include further details of the works proposed in the column headed 'Maintenance Action' in the Schedule of Conservation Works in Schedule 10 of the CMP.
- (5) It is noted that a number of the works referred to in Condition 2 do not come within the definition of 'Maintenance' in Standard Exemption No.1 made under s.57(2) of the Heritage Act 1977 on 23 October 1998. To ensure consistency, the column heading shall be amended by deletion of the word 'Maintenance'.
- (6) Further investigation of the potential for conservation or reconstruction of the following items shall be undertaken in accordance with the recommendations in the CMP and details provided with the s.60 application:
 - (a) Surviving tiling to original stair at ground floor level in 631 George Street (policy 2.3.6.2);
 - (b) Surviving original lavatory fittings;
 - (c) Decorative finishes to the stair and lobby spaces, 631 George Street (policy 2.3.7.5)
 - (d) Original internal joinery.
- (7) The preparation of construction documents and works on site shall be superintended by a heritage consultant having suitable experience in the conservation of similar heritage items and decisions shall be made in accordance with the policies in the CMP.
- (8) Proposals for interpretation of the history of the site and the buildings shall be prepared in accordance with the recommendation of the CMP and endorsed by the NSW Heritage Council and Sydney City Council. An undertaking in a form acceptable to the City Council to implement the proposals shall be executed prior to works, with the exception of maintenance works, commencing.
- (9) Alteration or removal of fabric identified in the CMP as being significant shall be kept to the minimum necessary to achieve the proposal. Works shall be undertaken so as to minimise damage to significant fabric and appropriate measures shall be taken to protect such fabric during construction.
- (10) An archival recording in accordance with Heritage Council guidelines shall be made of the buildings prior to works commencing on site. Copies of the archive with original photographic material shall be lodged with the Heritage Council and Sydney City Council.

- (11) Works undertaken on the site shall be archivally recorded in accordance with Heritage Council guidelines as an addendum to the above record.

Carried.

DEVELOPMENT APPLICATION: 333 GEORGE STREET, SYDNEY (BANK OF NEW ZEALAND HOUSE) (D2001/00603)

6.5

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee meeting on 4 February 2002, in relation to Development Application D2001/00603 made by Gray Puksand involving site at 333 George Street, Sydney for the construction of a two storey retail pavilion along the southern façade of the building facing Wynyard Street (Regimental Square), 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.

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2001/00603 dated 17 September 2001 and the following drawings prepared by Gray Puksand:

Drawing Number:	Date:
DA02 Rev B	6 December 2001
DA03 Rev B	6 December 2001
DA05 Rev B	6 December 2001
DA06 Rev B	6 December 2001
DA07 Rev B	6 December 2001
DA08 Rev B	6 December 2001
DA09 Rev B	6 December 2001

and as amended by the following conditions:

DESIGN DETAILS TO BE SUBMITTED

- (2) The proposed mezzanine slab near the George Street corner shall be set back from the glazing. Design details for the proposed penetration and expression of the mezzanine slab to the south elevation of the new addition shall be submitted for approval by the Director City Development prior to the issue of a Construction Certificate.
- (3) The southeastern corner of the new addition shall be modified to avoid encroachment upon the alignment of Regimental Square. Design details of this modification shall be submitted for approval by the Director City Development prior to the issue of a Construction Certificate.

SIGNS

- (4) A signage strategy for the building shall be submitted for approval by the Director City Development prior to the issue of a Construction Certificate. (Note: Signage on the southern elevation is considered inappropriate due to the significance of Regimental Square and should not be included in the signage strategy for the building.)
- (5) 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.

FLOOR SPACE RATIO

- (6) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 11.48:1 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 11,671sqm.
 - (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).

APPROVED DESIGN

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (8) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any building fabric or furnishings from the site.
- (a) The archival record of building fabric 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 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), 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.

PHYSICAL MODELS

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

Note:

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

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.

REPORT TO BE COMPLIED WITH

- (12) The development shall be in accordance with the recommendations of “Heritage Impact Statement, Regimental Square, George Street Sydney” prepared by Heritage Solutions dated September 2001.

EXTERNAL LIGHTING

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

SEPARATE APPLICATIONS

- (14) A separate development application must be submitted at the appropriate time for the fitout work and use of the retail tenancies on ground floor and mezzanine level.

RECEPTACLES FOR CIGARETTE BUTTS

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

- (c) not obstruct any required access/egress path for people with disabilities;
- (d) be appropriately secured to the building;
- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
- (f) emptying of receptacle/s must be carried out on a daily basis.

Schedule 1B

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

PUBLIC DOMAIN PLAN

- (17) The following requirements apply:-
 - (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

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

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

Note:

3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

SYDNEY WATER CERTIFICATE

(18)

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

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

STORMWATER AND DRAINAGE

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

ALIGNMENT LEVELS

- (20) 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 level (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.

ACCESS FOR PEOPLE WITH DISABILITIES

- (21) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

LETTER TO VERIFY SUPPORT FOR NEW LOADS

- (22) For alterations and addition to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

GLAZING

- (23) All external glazing in the development must be clear and untinted.
- (24) 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

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

Schedule 1C**Conditions to be complied with prior to commencement of demolition or work or construction to the satisfaction of the Principal Certifying Authority****CERTIFICATION OF MECHANICAL VENTILATION**

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

- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS

- (28) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
 - (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1 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.
- (e) Appropriate current professional indemnity insurance.
- (i) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

AWNING MAINTENANCE

- (29) A maintenance plan for the awning must be submitted for the approval of Council prior to the commencement of construction, including the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awning. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awning, tri-annual repainting of the awning, regular cleaning of lighting and replacement of defective lighting, and regular cleaning of the awning glazing at least every six months or more frequently if required.

BARRICADE PERMIT

- (30) 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.

USE OF MOBILE CRANES

(31) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

(32) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

Schedule 1D

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

HOURS OF WORK AND NOISE

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (35) 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 proposed addition.

- (c) 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.
- (d) 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.

STREET TREE PROTECTION

- (36) 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.

RUN-OFF CONTROL DURING CONSTRUCTION

- (37) 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.

NO OBSTRUCTION OF PUBLIC WAY

- (38) 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.

CONSTRUCTION VEHICLE LOADS TO BE COVERED

- (39) 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:

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****OCCUPATION CERTIFICATE**

- (40) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

ALL MATERIALS TO COMPLY WITH BCA

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

GLAZING MATERIALS

- (42) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (43) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (44) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (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 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (45) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).

- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

STREET NAME PLATE

- (46) 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).

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

CARE OF BUILDING SURROUNDS

- (48) 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

- (49) 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.

Carried.

Note - The Chairman (the Lord Mayor), with the concurrence of Council, requested the General Manager and the Director City Development to reinstate, in the standard conditions of consent, the condition previously approved by Council relating to commemorative plaques, and to also include conditions relating to street numbering, receptacles for cigarette butts and broadband cabling.

ITEM 7. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 11 FEBRUARY 2002

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 4.37 pm those present were -

Councillors Coulton, Greiner, Marsden and Turnbull.

Councillor Ho arrived at the Special Meeting of the Planning Development and Transport Committee at 4.40 pm, during discussion on Item 7.1.

Apology

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

Moved by Councillor Turnbull, seconded by Councillor Coulton -

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

Carried.

The Special Meeting of the Planning Development and Transport Committee concluded at 4.50 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Special Meeting of the Planning Development and Transport Committee of Monday 11 February 2002 be received, and the recommendation set out below for Item 7.1 be adopted.

Carried.

The Committee recommended the following -

DETERMINED BY COUNCIL**DEVELOPMENT APPLICATION: 49-53 REGENT STREET, CHIPPENDALE
(D2001/00707)****7.1**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 4 February 2002 and to the Special Meeting of the Planning Development and Transport Committee on 11 February 2002, in relation to Development Application D2001/00707 made by Weldun Pty Ltd for the site at 49-53 Regent Street, Chippendale for demolition of the existing buildings and construction of a six storey residential building comprising of 60 residential apartments, two commercial/retail tenancies and the provision of 40 vehicle parking spaces in two basement levels, it be resolved that authority be delegated to the General Manager, in consultation with the Chair of the Planning Development and Transport Committee, to determine the application after taking into account design and other issues raised at the Special Meeting of the Planning Development and Transport Committee on 11 February 2002.

Carried.

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

ITEM 8. WHARVES 9 & 10 DARLING HARBOUR, SITES 1,2 AND 6 - REFERRAL FROM PLANNING NSW- AMENDED PLANS (O2001/00065)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 11 February 2002, in relation to the amended Stage 1 development application for Sites 1, 2 and 6, Wharves 9 & 10 Darling Harbour, it be resolved that:-

- (A) the report by the Specialist Planner on Wharves 9 and 10 Darling Harbour be received and noted;
- (B) a copy of the submission at Attachment D to the subject report, as amended at the meeting of Council, be forwarded to Planning NSW for their consideration in the determination of the development application; and
- (C) a copy of Council's initial submission at Attachment C to the subject report be forwarded to Planning NSW for reconsideration in the determination of the development application.

Carried.

ITEM 9. PLANNING NSW REFERRAL: STAGE 2 DEVELOPMENT APPLICATION, SITES 1 AND 6, WHARVES 9 AND 10 DARLING HARBOUR (O2001/00077)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 11 February 2002, in relation to the Planning NSW referral of a Stage 2 development application for the development of Sites 1 and 6, Wharves 9 and 10 Darling Harbour, it be resolved that:

- (A) the subject report be received and noted; and
- (B) the submission at Attachment A to the subject report be endorsed and forwarded to Planning NSW for consideration in the determination of the Stage 2 Development Application.

Carried.

Order of Business

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that the agenda items be dealt with in the following order:

11. Questions
12. Notices of Motion
10. Information Systems Development
14. Refurbishment of Council Property
13. Living Colour Tender No 0125 - Design, Supply, Installation and Maintenance of Floral Displays - Supplementary Information

ITEM 11. QUESTIONS ON NOTICE

There were no Questions on Notice at this meeting of Council.

QUESTIONS WITHOUT NOTICE

AZALEA HEDGE, HYDE PARK (S018727)

1. By Councillor Turnbull -

Question

Lord Mayor, my question is through you to the General Manager.

What is the situation regarding the azalea hedge that I think several Councillors would like reinstalled in Elizabeth Street along the edge of Hyde Park?

Answer by the Lord Mayor

I will pass that question on to the General Manager for his response.

General Manager

Councillor Turnbull, I have forwarded you a detailed memorandum by e-mail today. I have not brought it with me, so I can't go through the details, but the news is positive. All the questions you have asked have been addressed in the memorandum. I can follow up with you after this meeting if you have any concerns, but the news is good.

24-HOUR LICENSING, GAMING AND RELATED SECURITY ISSUES (S018724)

2. Councillor Greiner

Question

Lord Mayor, I note from a Sydney Morning Herald report, concerning high rates of assaults in 24-hour pubs, that the three hotels which recorded the highest numbers of assaults for 1998-2000 occurred in areas already in our local government area or in pubs that will become part of the enlarged City of Sydney.

I also note in the same newspaper article of 5 February 2002 comments by the Director of the Bureau of Crime Statistics, Dr Don Weatherburn, who notes that assault figures understate the size of the problem, which would suggest that this problem is much larger than it would appear on the surface.

Despite your overlooking my earlier requests, will you please agree to convening a forum of the Councillors, the Australian Hotels Association, the Department of Gaming and Racing and the NSW Police Service to debate the issues of 24-hour licensing, gaming and related security so that Council can make whatever changes that may be necessary to our policies which govern 24-hour licensing?

I believe that ignoring this issue abrogates our responsibility to the public interest.

Answer by the Lord Mayor

Thank you, Councillor Greiner. We have achieved a great deal in this area within our Safe City Program, but not all licensed premises have signed the accord, not all fully comply. I believe that, prosecutorially, we are not as aggressive as we should be. I believe the laws are weak. I believe the licensing laws are also weak. I have had discussions with the General Manager and Deputy Lord Mayor about looking at options for beefing up our ability to bring prosecutions on these premises - which is different, of course, to what we do in the public domain.

We are still continuing to make a big difference to arrest rates in the streets. I think that about 10 per cent of all arrests derive from our CCTV cameras every week. But we have to keep getting better, especially if we are going to take over Kings Cross. We have to become very sharp to be able to address some of these problems.

I am happy to agree to a briefing when I return. I am not sure that a forum with the Australian Hotels Association (AHA) is going to help much, because they will be very defensive about any further intervention. Whether there should be discussions with them at some point, I am happy to, but the problem is not the majority of hoteliers in licensed premises; the problem is the minority. Industry organisations like the AHA will never agree to controls that many of their members would think are excessive for them.

I think what we should do is have a briefing and discuss some of the options that have been put in the pipeline, which are very innovative and might make a difference. We can only work within the laws we are given by the Parliament and within the constraints we have, having regard to such institutions as the Licensing Court. It is one thing making the streets safe but, if the pubs are the scene of the crime, we still have crime. Even though crime may be under-reported, it was always the case. But, when you look at the effect we have had with our Program, it is still very positive.

DIXON AND LITTLE HAY STREETS, CHINATOWN (S018725)

3. By Councillor Ho -

Question

Lord Mayor, firstly, I would like to thank you and the staff of the Council for helping organise a wonderful Chinese New Year Parade.

At the intersection of Dixon and Little Hay Streets, there is a very large photographic display organised by the Falun Gong Group, the organisation Council refused to allow in the parade. I wonder whether they applied for the display or not, because they had amplifiers, they had loud speakers and they had music going on.

Is it something they did themselves or did they apply to the Council and have it approved? If it was approved, then I think it jeopardised the event.

Answer by the Lord Mayor

Councillor Ho, I am not aware that Council has given any approval. I am not familiar with any approval. None of the staff, as I look around the room, is familiar with any approval for a display.

General Manager, are you familiar with any approval?

General Manager

I am aware that the Falun Gong applied to Council to participate in the march and we declined their request on the grounds that it was an invitation only event. Our attitude was to conduct the event in a way that maximised the success of the march. On that basis, I would be very surprised if we gave any sort of encouragement to this demonstration at the corner of Dixon and Little Hay Streets.

Answer by the Lord Mayor (continued)

I will ask the General Manager to have the staff look into how this came about.

VARIATIONS TO APPROVED MASTER PLANS (S018724)

4. By Councillor Greiner -

Question

Lord Mayor, at Council tonight, and on other occasions, we have had before us applications to vary Master Plans for approved sites, quite significant sites, and these applications are to vary facades, pedestrian ways or height limits. These are Master Plans done by Planning NSW, and the three I have in mind are King Street Wharf, Distillery Hill and Jones Bay Wharf.

My question is through you to the General Manger, and perhaps through him to the Director City Development. Could Council officers bring forward a report to see if there is any way that we can implement, perhaps in our Local Environmental Plan or Development Control Plan , a means by which we can prevent Master Plans from being varied to a point at which they then have to go back for community consultation. Invariably what is happening is that community consultation occurs, the Master Plan is approved and then it is varied quite significantly without any community consultation.

Also, perhaps the General Counsel could offer some advice in terms of what our legal recourse could be. At the end of the day, it may have to be a part of legislative change. It is out of our hands, as we are not the consent authority, but I believe there has to be a way around this problem.

Answer by the Lord Mayor

The process is in the hands of Planning NSW, so we cannot actually control what they do. What we can do is make a submission, if we believe that that Department is being excessive. The Director City Development can organise a briefing of Councillors and you can bring along examples of where this has happened and talk it through with the Councillors to see what is productive in terms of what we can do.

There is a proposal coming through the system, which is a bit frightening, and maybe it could be picked up in the context of that debate. But I need some practical examples of where they did things that we thought were a bit over the top and could have been done differently.

On the other hand, I think the City has had a sizeable win in respect of the Elizabeth Bay Master Plan where, instead of building to about 10 metres from the water, they are building 20 metres plus five from the water; and lowering the height of buildings, which I think is important and a significant gain. I compliment the staff and also Councillor Turnbull, who made representations to the Minister.

DIXON STREET CLEANLINESS (S018725)

5. By Councillor Ho -

Question

Lord Mayor, you will recall that I have been talking with Council staff about the cleanliness of the northern end of Dixon Street. As I mentioned to the staff, I also talked to the Police Service and they patrolled the area for one week or so, and then they disappeared.

Lord Mayor, if you have time, would you go down there and have a look some time - the smell, urine, the road full of broken glass and also all the time occupied by homeless people.

My question is: would the Council lease this area out? That is the only way to tidy it. If people want to use it as a kiosk, they will look after it. At the moment, sometimes the Council attends and sometimes the Police attend.

Answer by the Lord Mayor

Councillor Ho, I think that this needs closer attention. If I can just say to both the Manager, Contracts and Assets Management and the Director Living City Services, I went on the Chinese New Year Parade on Sunday and, when I walked back, Dixon Street North was pretty disgusting - a lot of broken glass, litter and rubbish. This is north of Goulburn Street; Councillor Ho is talking about just south of Goulburn Street. I think that this needs a bit more intensive attention. I would ask that relevant senior staff have a look at that.

ENTERPRISE AGREEMENT (S018727)

6. By Councillor Turnbull -

Question

Lord Mayor, could you please give us an update on the progress of negotiations with employees on the enterprise agreement?

Answer by the Lord Mayor

Colleagues, as you are probably aware, after the ballot of staff in December failed to achieve the 65 percent majority of all eligible voters - even though it achieved 69 percent of all people who voted - it fell short of the statutory majority under state legislation. At the recommendation of the then Deputy General Manager, we went to the federal jurisdiction under the Corporations power and sought registration to go federally. We appeared in court a few weeks ago for discussions, and that was adjourned.

In the meantime, the Union approached us again, through the Industrial Commission and the Labor Council. As a consequence of that, it would appear, based on the Union's undertaking to the State Industrial Commission this morning, that all obstacles have been removed for the agreement to be signed by the Union. Assuming that the mass meetings of staff agree to it in the next couple of days, I think it is a substantial victory for the Council.

Competitive tendering has been preserved and no significant concessions were made and it was only because we ended up in the Federal Commission, and moving it out of the jurisdiction, that sense started to prevail. In the context of an offer of peace, I think it is reasonable that we enter the agreement. I would like to congratulate the team led by the General Manager, the Manager Employee Services and the whole team, for a very astute handling of the process. Hopefully, the pay rises and the conditions agreed will flow through soon, assuming that it is ratified and signed in the next week.

General Manager, do you have anything to add?

General Manager

Lord Mayor, the agreement, hopefully, will be signed on Thursday following membership meetings. Registration will take as long as the State Commission takes to list this matter for hearing, and the process will be a mere formality. Following registration, the staff will get the 5 percent wage increase back-paid to 18 November 2001.

Answer by the Lord Mayor (continued)

The new process means that local area agreements can't be vetoed.

EAST TIMOR (S018725)

7. By Councillor Ho -

Lord Mayor, I have been asked by the East Timor community to attend the celebrations in East Timor on 19 and 20 May 2002. Should I go as a private individual, or is the Council having a representation as well? I will pay my own way.

Answer by the Lord Mayor

Councillor Ho, could I take that on notice, because I haven't turned my mind to whether the Council should be officially represented. I would like to think about it during March/April to see what the Council's agenda is then and to see what happens with the boundary changes etcetera. It is possible that a Council delegation will go, but I am obviously anxious not to be seen to be sending too many Council representatives there, apart from the two who are working there.

It is good that you are offering to pay and I have no objection to that. Whether you go as a Council representative or not depends on whether other Councillors go - whether, for example, I go. But am not saying I will; I am not sure what I am doing.

Can I just take that question on notice? I haven't really given this any thought at all

ITEM 12. NOTICES OF MOTION

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

Closed Meeting

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

- Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 10 and 14 as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and
- Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 13 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Items 10, 13 and 14 were then dealt with by Council while the meeting was closed to the public.

ITEM 10. INFORMATION SYSTEMS DEVELOPMENT (SO18610)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Manager Information Management to the Meeting of Council on 11 February 2002, on the Strategy for Information Systems Development, it be resolved that:

- (A) Council note and endorse the Strategy for Information Systems Development;
- (B) preparation commence for a tender process, with a specification to be submitted to the Priorities and Outcomes Committee; and
- (C) Council allocate funding in accordance with Paragraph 20 of the subject report in respect of each of the 2001/2002, 2002/03 and 2003/04 years.

Carried unanimously.

ITEM 14. REFURBISHMENT OF COUNCIL PROPERTY (S018317)

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

That arising from consideration of a report by the Manager Projects, City Projects, to Council on 11 February 2002, on Refurbishment of Council Property, it be resolved that:

- (A) Council lodge a Development Application by early March 2002 based on Attachment A to the subject report;
- (B) Council allocate \$3M within the 2001/2002 Capital Works Program and \$2M within the 2002/2003 Capital Works Program for the design and construction of the permanent works as described in paragraph 6 of the subject report, including an allowance of \$0.5 million to cover early works and provision for the temporary facility described in paragraph 5 of the subject report; and that any further costs must be justified on an item by item basis, approved by the Lord Mayor and funded out of the special contingency for capital works;
- (C) Council not invite tenders for the engagement of a consultant for architectural services due to the following extenuating circumstances:
 - (i) urgency due to the requirement to prepare the property for temporary accommodation by the date referred to in paragraph 5 of the subject report;
 - (ii) the consultant for architectural services being selected from Council's current register for consultants compiled following an expression of interest process;
 - (iii) the consultant's fees being at the lower end of the Royal Australian Institute of Architecture's fee scale;and, accordingly, a more satisfactory result would not be achieved by inviting tenders;
- (D) Council note that each of the consultants described in Table 2 (other than the architectural services consultant) will be appointed for design development and building upgrade works and that the fees for each consultant are not anticipated to exceed \$100,000;
- (E) Council not invite tenders for the early works package described in paragraph 5 of the subject report, and retain the construction manager named in paragraph 9 of the subject report, due to the following extenuating circumstances:
 - (i) the early works are to be procured by the construction manager following seeking of quotations in respect of each element of the works;
 - (ii) the competitive fee proposal submitted by the construction manager, when compared to other fee proposals from parties on Council's register of consultants which was compiled following an expression of interest process;

- (iii) urgency due to the requirement to prepare the property for temporary occupation by the date referred to in paragraph 5 of the subject report;
- (iv) the aggregate value of the early works not exceeding \$500,000 in two stages, namely maintenance works (stage 1) and those works for temporary occupation if the condition expressed in paragraph 5 of the subject report is satisfied (stage 2);
- (v) that following the seeking of competitive quotations it is proposed that the quotation which is the most advantageous in all the circumstances be approved by the General Manager with the concurrence of the Lord Mayor;

and, accordingly, a more advantageous result would not be achieved by inviting tenders for the early works package or individual elements of that package;

- (F) Council note that tenders will be invited for the building upgrade works, other than the early works package;
- (G) authority be delegated to the General Manager to enter into all necessary or desirable contracts to give effect to the above arrangements;
- (H) Council's Attorney be authorised to execute all such documentation; and
- (I) the land described in paragraph 1 of the subject report be classified as operational land.

Carried.

ITEM 13. TENDER 0125 - LIVING COLOUR - DESIGN, SUPPLY, INSTALLATION, AND MAINTENANCE OF FLORAL DISPLAYS - SUPPLEMENTARY INFORMATION. (S018-338)

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

That arising from consideration of reports by the Landscape Architect City Projects to the Finance, Properties and Tenders Committee on 4 February 2002, and to Council on 11 February 2002, for Tender No 0125 Living Colour - Design, Supply, Installation and Maintenance of Floral Displays, it be resolved that:

- (A) Council accept the tender submitted by Citywide Service Solutions for Tender No 0125 Living Colour - Design, Supply, Installation and Maintenance of Floral Displays to the value of \$575,000;
- (B) Council approve funds for the tender as listed in paragraph 6 of the report to the Finance, Properties and Tenders Committee on 4 February 2002; and
- (C) authority be delegated to the General Manager to approve designs and execute contract package of works for Year 1 and subsequent years' work.

(D) if additional Living Colour – Floral Display installations are required for the reasons stated in paragraph 5 of the report to Council on 11 February 2002, Council not invite tenders as:

- (i) a tender process, including schedules of rates, has been completed for living colour – floral displays project 2002 (Tender No. 0125);
- (ii) all tenderers were invited to clarify whether the schedules of rates specified in their tender would apply to additional quantities, and to confirm their pricing if further floral displays are required (whether or not they are the successful tenderer in respect of tender no. 0125), and the prices supplied by tenderers are competitive with, or less than, those received in respect of tender no. 0125;

and, accordingly, a more advantageous result would not be achieved by inviting fresh tenders,

(E) authority be delegated to the General Manager, with the concurrence of the Lord Mayor, to negotiate and enter into a contract for the supply of additional Living Colour – Floral Displays in the circumstances described in paragraph 5 of the report to Council on 11 February 2002;

(F) all relevant documentation be executed by Council's attorney.

Carried unanimously.

At 7.05pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 4 March 2002 at which
meeting the signature herein was subscribed.