



**16 SEPTEMBER 2002**

**Meeting No 1364**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40pm on 16 September 2002 pursuant to Notice 18/1364 dated 12 September 2002.

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### PRESENT

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

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

At the commencement of business at 5.40pm those present were:-

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

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

#### Opening Prayer

The Lord Mayor opened the meeting with prayer.

**Apologies**

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council owing to urgent personal commitments.

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of Council owing to urgent family commitments.

Moved by Councillor Ho, seconded by Councillor Turnbull -

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

Carried.

**ITEM 1. CONFIRMATION OF MINUTES****Minutes of Extraordinary Meeting of Council of 19 August 2002**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the minutes of the meeting of the extraordinary meeting of Council of 19 August 2002, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Council Meeting of 26 August 2002**

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

That the minutes of the meeting of Council of 26 August 2002, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Council of 9 September 2002**

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

That the minutes of the extraordinary meeting of Council of 9 September 2002, as circulated to Councillors, be confirmed.

Carried.

**ITEM 2. DEATH OF SIR EMMET MCDERMOTT, KBE, FORMER LORD MAYOR OF SYDNEY**

FILE NO:

DATE: 5/9/02

**MINUTE BY THE LORD MAYOR**

To Council:

It is with deep regret that I advise Council of the recent death of Sir Emmet McDermott, KBE, former Lord Mayor of Sydney, on 29 August 2002.

Sir Emmet was born in 1911 and educated at St Ignatius College, Sydney, the University of Sydney, and the North-Western University, Chicago. He practised as a Dental Surgeon for many years and was a member of the Dental Board, President of the NSW Australian Dental Association in 1960 and 1961, and a member of the United Dental Hospital Board, of which he was President from 1967 to 1979.

Sir Emmet was an Alderman of the City of Sydney from 1962 to 1977, and Lord Mayor of Sydney from 7 October 1969 to 24 September 1972.

Sir Emmet made an enormous contribution to the City. One of his greatest contributions was in 1971 when Sir Emmet committed the City to the restoration of the Queen Victoria Building, ensuring the preservation of one of Sydney's great and historic buildings for the benefit of the people of Sydney.

During Sir Emmet's time as Lord Mayor, the innovative 1971 Strategic Plan for Sydney was developed and introduced by the Council.

Sir Emmet also made a significant contribution on Sydney County Council, representing the City as the nominee of Sydney City Council on that body. Sir Emmet was Chairman of the County Council in 1977. In addition, Sir Emmet was a member of the former Sydney Cove Redevelopment Authority from 1970 to 1977.

Sir Emmet's many interests included golf, bowls, swimming, oil painting, gardening, carpentry, reading, history, archaeology and bridge.

Council's condolences are extended to his family, and particularly to his son, former Councillor John McDermott, who was an Alderman, and then Councillor, of the City of Sydney from 1991 to 1999.

I invite members of the Council to stand in silence as a mark of respect to the late Sir Emmet McDermott, KBE.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That the Minute by the Lord Mayor to Council on 16 September 2002, on the Death of Sir Emmet McDermott, KBE, Former Lord Mayor of Sydney, be endorsed.

Carried unanimously.

Note - Councillors and staff stood in silence as a mark of respect to the late Sir Emmet McDermott, KBE.

### **Order of Business**

At this stage of the meeting, 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 Item 9 on the Business Paper be brought forward and dealt with before Item 3.

### **ITEM 9. ANNUAL FINANCIAL REPORT 2001-2002 (S020253)**

Note - At this stage of the meeting, the Council agreed that leave be granted to Mr Bob Sendt, NSW Auditor General, to address the Council on the Annual Financial Report 2001-2002.

Mr Sendt, as Council's auditor, then briefly addressed Council on the Annual Financial Report 2001-2002.

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

That arising from consideration of a report by the Finance Manager to Council on 16 September 2002, on Annual Financial Report 2001-2002, it be resolved that Council -

- (A) receive the Financial Report for the 12 months ended 30 June 2002, as at Attachment A to the subject report;
- (B) authorise the Lord Mayor, Deputy Lord Mayor, the General Manager and the Finance Manager to sign the General Purpose Financial Report;
- (C) authorise the Lord Mayor, Deputy Lord Mayor, the General Manager and the Finance Manager to sign the Special Purpose Financial Report;
- (D) receive the auditor's reports on the 2001/2002 Financial Report; and
- (E) authorise that notice be given, by newspaper advertisement on 17 September 2002, of public presentation of the Annual Financial Report at the Council meeting of 23 September 2002.

Carried unanimously.

Note - The Lord Mayor, Deputy Lord Mayor, General Manager and the Finance Manager signed the General Purpose Financial Report and the Special Purpose Financial Report.

**ITEM 3. POWERS OF ATTORNEY (S000107)**

FILE NO: S000107

DATE: 12/9/02

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

**Summary**

A Resolution of Council is sought to:

1. revoke the existing power of attorney granted to John Kass, former Director City Development; and
2. grant a power of attorney to John Barbeler, Director Corporate Services.

**Background**

On 16 August 2001, by Resolution of Council, Council appointed Mr John Kass, Director City Development (then Acting General Manager) as an attorney of Council and a formal power of attorney was executed under the seal of Council on 3 September 2001. Robert Domm, General Manager and Petar Vladeta, General Counsel, have also been appointed attorneys by separate Council Resolutions.

Mr Kass has resigned from Council with effect from 28 August 2002. It is necessary to formally revoke the power of attorney. A formal deed of revocation has been prepared and a copy is set out as Attachment A.

Although execution of documents is primarily undertaken by the General Counsel, historically Council has had 3 attorneys to ensure the availability of at least one attorney at all times. It is consider appropriate to appoint Mr Barbeler as an attorney. A draft power of attorney has been prepared and a copy is set out as Attachment B.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 16 September 2002, on Powers of Attorney, it be resolved that:

- (A) the power of attorney granted to John Kass, former Director City Development, dated 3 September 2001 be revoked with immediate effect;
- (B) a deed of revocation of the power of attorney in the form of Attachment A to the subject Memorandum by the General Manager be executed under the common seal of the Council;
- (C) a power of attorney to execute documents be granted to Mr John Barbeler, in the form of Attachment B to the subject Memorandum, this power to be exercised only in exceptional circumstances and when the General Manager and General Counsel are not available to execute documents within a reasonable period;

- (D) the power of attorney granted to Mr John Barbeler be executed under the common seal of Council.

(SGD) ROBERT DOMM  
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 16 September 2002, on Powers of Attorney, it be resolved that:

- (A) the power of attorney granted to John Kass, former Director City Development, dated 3 September 2001 be revoked with immediate effect;
- (B) a deed of revocation of the power of attorney in the form of Attachment A to the subject Memorandum by the General Manager be executed under the common seal of the Council;
- (C) a power of attorney to execute documents be granted to Mr John Barbeler, in the form of Attachment B to the subject Memorandum, this power to be exercised only in exceptional circumstances and when the General Manager and General Counsel are not available to execute documents within a reasonable period;
- (D) the power of attorney granted to Mr John Barbeler be executed under the common seal of Council.

Carried.

#### **ITEM 4. MATTERS FOR TABLING**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

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

Carried.

**ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 3 SEPTEMBER 2002**

PRESENT

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

Councillors Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.05pm, those present were:-

The Lord Mayor, Councillors Coulton and Turnbull.

Councillor Marsden arrived at the meeting of the Priorities and Outcomes Committee at 5.07pm during discussion on Item 1.

The Chairman (the Lord Mayor) left the meeting of the Priorities and Outcomes Committee at 5.08pm during discussion on Item 1 and returned at 5.15pm during discussion on Item 2.

**Closed Meeting**

At 5.06pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 5.1 and 5.2 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 5.35pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 3 September 2002 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

**Closed Meeting**

At 5.06pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed to the public in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 5.1 and 5.2 on the agenda 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 it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 5.1 and 5.2 were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

#### **SUPPLY OF INTERNATIONAL NEWSPAPERS TENDER (S020679)**

##### **5.1**

That arising from consideration of a report by the Library Manager to the Priorities and Outcomes Committee on 3 September 2002, on Supply of International Newspapers Tender, it be resolved that -

- (A) approval be given to go to tender for the supply of international newspapers for 3 years commencing 1 July 2003, with possible extension, at the discretion of the City, for a further period of two years;
- (B) Council's attorney be authorised to execute all necessary documentation.

Carried.

#### **SPECIFICATION FOR INSURANCE BROKING AND LIABILITY CLAIMS ADMINISTRATION TENDER (S020771)**

##### **5.2**

That consideration of this matter be deferred to the meeting of Council on 16 September 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 - 9 SEPTEMBER 2002**

PRESENT

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

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

At the commencement of business at 5.50pm those present were -

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

**Apology**

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

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

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

Carried.

The meeting of the Planning Development and Transport Committee concluded at 6.25pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of Monday 9 September 2002 be received, and the recommendations set out below for Items 6.1 and 6.2, be adopted.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL****STATUS REPORT - PRE-DEVELOPMENT APPLICATION: 185 MACQUARIE STREET, SYDNEY (S020448)****6.1**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 9 September 2002 in relation to a pre-Development Application proposal for a proposed development at 185 Macquarie Street, Sydney, it be resolved that:-

- (A) the subject report be received and noted;
- (B) the proponent/owner be advised as follows:
  - (i) no detailed assessment of the proposed development against the requirements of the Central Sydney Local Environmental Plan (LEP) 1996, Central Sydney Heritage Local Environmental Plan (LEP) 2000, Central Sydney Development Control Plan (DCP) 1996, and the Building Code of Australia and associated Australian Standards, has been conducted;
  - (ii) this advice is non-binding and does not fetter the discretion of the consent authority;
  - (iii) the consent authority incurs no liability for any expense borne by the proponent/owner as a result of reliance upon this pre-development application advice;
  - (iv) the subject proposal has not been advertised or notified to adjoining owners by Council. When a formal application is notified and advertised, submissions may be lodged with Council which, when considered by the Council, may cause it to determine the application in a manner which may be inconsistent with the advice provided;
  - (v) it is advised that further consideration needs to be given to the following issues prior to the lodgement of a development application:
    - (a) the treatment of the eastern façade facing Macquarie Street needs to establish a stronger relationship with the character of buildings in the vicinity;
    - (b) the treatment of the western façade facing BT Tower and the lack of daylight and outlook for habitable rooms facing west needs to be satisfactorily resolved;
    - (c) the layout and design of the apartments particularly the studio/1 Bedroom units needs to be reconsidered in order to achieve satisfactory daylight access and ventilation. There should be no units with sole outlook to the western facade;

- (d) the proposed unit mix must comply with the DCP requirements;
  - (e) the access arrangements for the proposed basement carpark and impacts on traffic on Phillip Street;
  - (f) the need to submit details in the development application including design, materials, finishes, colour, sample of materials and montage of the proposed development;
  - (g) the proposal in its current form is not considered to represent appropriate design response for the site (and thereby design excellence) as required by the Central Sydney LEP 1996;
- (C) a sub-committee, comprising the Chairman of the Planning Development and Transport Committee, the City Architect and the Manager Development, be established to review the unresolved design issues.

Carried.

Note - Mr Bob Nation addressed the meeting of the Planning Development and Transport Committee on Item 6.1.

**DEVELOPMENT APPLICATION: 27-29 COMMONWEALTH STREET SYDNEY (D/02/00366)**

**6.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 9 September 2002 in relation to Development Application D/02/00366 made by Pacific Counties Corporation for the site at 27-29 Commonwealth Street, Sydney for demolition of the existing building and construction of a new 19 level residential building with ground floor retail and basement stacked parking for 28 cars, 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 16 September 2002.

Carried.

Note - Ms Sheila Bolton and Mr Charles Mellick addressed the meeting of the Planning Development and Transport Committee on Item 6.2.

**ITEM 7. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 16 SEPTEMBER 2002**

**PRESENT**

Councillor Lucy Turnbull  
(Chairman)

Councillors - Dixie Coulton, Robert Ho and Fabian Marsden.

**Quorum**

At the time the meeting was due to commence (4.00pm), a quorum was not present.

Present were -

Councillors Coulton, Marsden and Turnbull

Not present were Councillors Farr-Jones, Ho and Greiner.

The Lord Mayor, Councillor Sartor, also was not present.

**Adjournment**

At 4.10pm, the Chair, Councillor Turnbull, adjourned the meeting for half an hour, whilst inviting the members of the public present to address the members of the Planning Development and Transport Committee.

**Resumption**

When the meeting resumed at 4.40pm, those present were -

Councillors Coulton, Ho, Marsden and Turnbull.

**Apologies**

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Special Meeting of the Planning Development and Transport Committee owing to urgent personal commitments.

Councillor Kathryn Greiner extended her apologies for her inability to attend the Special Meeting of the Planning Development and Transport Committee owing to urgent family commitments.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

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

Carried.

The Special Meeting of the Planning Development and Transport Committee concluded at 4.45pm.

#### Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Special Meeting of the Planning Development and Transport Committee held on Monday 16 September 2002 be received, and the recommendation set out below for Item 7.1 be adopted.

Carried.

The Committee recommended the following:-

#### **PART "A" - DETERMINED BY COUNCIL**

#### **DEVELOPMENT APPLICATION: 27-29 COMMONWEALTH STREET SYDNEY (D/02/00366)**

##### **7.1**

That arising from consideration of a report by the Area Planning Manager to the Special Meeting of the Planning Development and Transport Committee on 16 September 2002 in relation to Development Application D/02/00366 made by Pacific Counties Corporation for the site at 27-29 Commonwealth Street Sydney, for demolition of the existing building and construction of a new 19 level residential building with ground floor retail and basement stacked parking for 28 cars, it be resolved that Deferred Commencement consent in accordance with section 80(3) of the Environmental Planning and Assessment Act 1979 be granted in respect to the development, in accordance with the following terms.

- (A) The consent shall not operate until such time as the conditions listed below are complied with to the satisfaction of the Director City Development and Projects. The amendments are to be made and submitted to Council within 6 months of the date of this determination. The consent shall then operate upon the Director City Development and Project's written approval of compliance with the following conditions:

**REFINEMENT OF ROOF TOP PLANT AND HEIGHT/DESIGN QUALITY**

(1)

- (a) The detailed design/appearance of the rooftop plant is to be refined so as to be more consistent with the form and design presented in the design competition.
- (b) The provision of the swimming pool is considered to be an interesting design feature of the building and an important resident amenity, as such its provision is encouraged. In this regard the projection of the rooftop swimming pool beyond the approved Stage 1 building envelope is acceptable subject to its detailed design being of a high quality as described by the applicant and including the provision of a glazed balustrade element with a suitable water feature/"wet edge".
- (c) Precise architectural details for the rooftop plant and swimming pool, and proposals for suitable vegetation, shall be submitted for the approval of the Director City Development and Projects, in consultation with the Chair of the Planning Development and Transport Committee.
- (d) The proposed materials and colour of the projecting balconies on levels 8-10 shall be reconsidered to achieve an appropriate contextual colour and use of materials to minimise long term maintenance while achieving high quality.

**FIRE SAFETY**

- (2) Submission of a report from an independent Fire Engineer following a peer review of the fire engineered design for the building. Following consultation with the New South Wales Fire Brigade regarding the proposed fire engineered design, and consideration of the report, Council reserves the right to require alterations to the building to ensure the provision of adequate fire safety.

**MECHANICAL CAR STACKER AND LOADING DOCK MANAGEMENT PLAN**

- (3) A management plan is to be submitted which details and addresses the following:
  - (a) The proposed computerised system which is to be installed to regulate the shared use of the loading dock and vehicle exit driveway. The system must automatically or manually orientate cars exiting the mechanical stacker in the direction of the entry driveway.
  - (b) The number type and location of warning signals required to ensure the operation of the system described at (a) above and to ensure minimal conflict between vehicles entering and exiting the site.
  - (c) The method of operation of the system and appropriate information signage to be installed.

- (d) Confirmation that the loading dock will not be used when the car stacker is in peak periods of operation.
- (e) A maintenance plan for the stacker to ensure regular maintenance, binding to any future Body Corporate.
- (f) Details for redundancy in case the car stacker breaks down (eg. backup software and hardware).

The above Management Plan is to be submitted for the approval of the Director City Development and Projects prior to the release of the construction certificate.

- (B) Upon satisfactory completion of the requirements above, consent shall operate subject to the following conditions, and any conditions reasonably arising from part (A) above:

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D/02/00366 dated 7 June 2002 and drawings numbered:

A1-02 B	Lower ground and ground	dated September 02
A1-03 B	Level 1 & 2	dated September 02
A1-04 B	Level 3 & 4	dated September 02
A1-05 B	Levels 5 & 6	dated September 02
A1-06 B	Levels 7 & 8	dated September 02
A1-07 B	Levels 9 & 10	dated September 02
A1-08 B	Levels 11 & 12	dated September 02
A1-09 B	Levels 13 & 14	dated September 02
A1-10 B	Levels 15 and 16	dated September 02
A1-11 B	Levels 17 and 18	dated September 02
A1-12 B	Levels 19 and roof	dated September 02
A2-01 B	South Elevation	dated September 02
A2-03 B	North Elevation	dated September 02
A2-04 B	West Elevation	dated September 02
A2-04 B	East Elevation	dated July 02

prepared by Bruce Henderson Architects and as amended by the following conditions:

- (NB: as may be amended as a result of compliance with the deferred commencement conditions)

#### **APPROVED DESIGN**

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

- (3) The architects of the project as approved should not be changed without prior notice to Council. In this regard prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 the applicant shall furnish a letter to Council detailing the architect's role through the design documentation and construction phase of the development.
- (4) All plant shall be contained within the approved building envelope.

### **FLOOR SPACE RATIO**

- (5) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 13.67 (or lower amount arising from compliance with the deferred commencement conditions) 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 4215sqm.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
  - (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 432 sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Central Sydney Local Environmental Plan 1996 and as reduced by a further 50% following Council's endorsement of the design competition.

### **STORAGE**

- (6) The storage provided within the basement is to be allocated to individual apartments via the strata plan of subdivision. In allocating amounts of storage to individual apartments, preference is to be given to the size of apartments and the amounts of internal storage. Details of the allocated amounts are to be submitted for the approval of the Director City Development and Projects prior to release of the construction certificate.

### **BUILDING HEIGHT**

- (7)
  - (a) The height of the building as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996 must not exceed RL 888.05 (AHD) or a lesser amount arising from reduction of the roof plant.

- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

### **CONSISTENCY OF DRAWINGS**

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

### **ARCHAEOLOGICAL INVESTIGATION**

- (9)
  - (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.

**REPORTS TO BE COMPLIED WITH**

- (10) The development shall be in accordance with the recommendations of the following reports submitted with the development application:-
- (a) Wind Environment Study report prepared by Windtech Consultants Pty Ltd and dated 6 June 2002;
  - (b) Solar Reflectivity Analysis report prepared by Windtech Consultants Pty Ltd and dated 12 June 2002;
  - (c) Solar Access Analysis report prepared by Windtech Consultants Pty Ltd and dated 12 June 2002;
  - (d) Assessment of Traffic and Parking Implications and details of the proposed "Mechanical Car Stacker" prepared by Transport and Traffic Planning Associates, dated June 2002.
  - (e) Fire Safety Engineering Assessment Report prepared by Scientific Services Laboratory dated 13 August 2002;

**STRATA SUBDIVISION APPROVAL**

- (11) A separate Development Application is required to be submitted for the strata subdivision of the approved development.

**CAR PARKING AND SERVICING**

- (12) The approved mechanical car stacking system shall be in full compliance with the systems supplier's specifications and shall comply with the following.
- (a) The system is approved for a maximum of 28 spaces for residential parking.
  - (b) No vehicle is permitted to queue in the street if waiting to access the car stacker system.
  - (c) The layout of the service vehicle parking area shall comply with the Australian Standard AS 2890.2 – 1989.

**EXTERNAL LIGHTING**

- (13) 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.

**BUILDING NAME**

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

**USE**

- (15) Separate development applications are to be submitted at the appropriate time for the specific use of the basement and ground level retail tenancies, the use of the buildings adjacent to Albion Place and the Podium Level commercial office space.
- (16) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
- (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
- (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
- (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
- (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).

- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

**TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**

- (17) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (18) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
- (i) Dilapidation Report of adjoining buildings/structures.
  - (ii) Evidence that public utility services have been investigated.
  - (iii) If adjoining a Public Way:-
    - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
    - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) Prior to commencement of work:-
- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
  - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
    - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
    - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-

- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
  - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
  - (iii) All timber shall be removed.
  - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

## **Schedule 1B**

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

- (19) 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.

### **COMPETENCY ASSESSMENT BY P.C.A - SECTION 93 CERTIFIERS**

- (20) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

## **DESIGN DETAILS**

- (21) Final schedules and samples of the finishing materials to be used in the construction of the external facades and publicly accessible areas of the building including colours and samples of glazing, and including an A4 size colour photograph of the sample board, shall be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (22) 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.
- (23) Car park roller doors shall be designed and constructed for quiet operation.

## **CAR PARKING/SERVICING**

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

Note:

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

## **SECTION 61 CONTRIBUTION**

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

- (a) Cash Contribution Required
  - (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
  - (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney.
- (b) Amount of Contribution
  - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997” and including all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.
- (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, the PCA they must seek Council’s written 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 and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.
- (d) Timing of Payment

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

#### **DEMOLITION/SITE RECTIFICATION**

(26) 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 dollars as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed 100,000 dollars; and
  - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works that meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
  - b. the existing building has been demolished; or
  - c. the site has been excavated; or
  - d. the structure has commenced to be erected;
  - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the above mentioned events, to:
    - f. make the building safe and attractive at ground level;
    - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
    - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
    - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

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

### **PUBLIC ART**

- (27) 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.

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (28) 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.

## NOISE REDUCTION

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

(a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable  $L_{Aeq(1\text{ hour})}$  level will not exceed the following levels:-

(i) In a naturally ventilated - windows closed condition:

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours)                     | 45dB |

(ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

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

(iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

(iv) The following repeatable maximum  $L_{Aeq(1\text{ hour})}$  levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours)                     | 46dB |

(b) In the preparation of the report:

(i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

(ii) The repeatable maximum  $L_{Aeq(1\text{ hour})}$  for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and

- (iii) The  $L_{Aeq}$  (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

#### **ACOUSTIC PRIVACY BETWEEN UNITS**

- (30) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
  - (a) In order to assist acoustic control of airborne noise between units:
    - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
    - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
    - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
  - (b) In order to assist acoustic control of impact noise between units:
    - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
    - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an 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 (NEW DEVELOPMENT)**

(31)

- (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:

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.

- (c) 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.
- (d) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132092.

**TELECOMMUNICATIONS PROVISIONS**

(32) The following requirements apply to telecommunication facilities in the building:-

- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
- (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

- (33) 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.
- (a) In this regard it should be noted that the spire element on the roof top of the building which extends beyond the maximum height limit for the site has been approved as an architectural roof feature as defined in Clause 32A of the Central Sydney Local Environmental Plan 1996.

### **ACCESS**

- (34) 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.
- (35) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

### **FLOOR TO CEILING HEIGHT**

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

### **STORMWATER AND DRAINAGE**

- (37) 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.

#### **PUBLIC DOMAIN PLAN**

(38) 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 cross fall 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.

### **ALIGNMENT LEVELS**

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

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

### **WASTE**

(40) 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:-

- (d) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
- (e) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (f) The location and design of any garbage chutes or compaction units required by Council's Code.
- (g) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (41) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
  - (a) A Geotechnical Report which shall include the following information as appropriate:-
    - (i) Borehole/test pit logs or inspection records;
    - (ii) Field/laboratory test results;
    - (iii) General geotechnical description of site;
    - (iv) Recommended safe bearing values and likely settlements of foundation material;
    - (v) Recommendations for stability and protection of excavations;
    - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
    - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
  - (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
  - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.

- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

#### Notes

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
  - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (g) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

#### **PHYSICAL MODELS**

- (42) 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
- (43) 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.
- (44) Any metal fixings for façade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows -
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
  - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
    - (i) Average Corrosion Rate of Hot Dipped Galvanised Coating to be 2 microns per year; and
    - (ii) The Average Corrosion Rate of mild steel in the façade environment taken to be 20 microns per year; and
    - (iii) The Pitting Rate of mild steel taken to be 10 times the Average Corrosion Rate; and
    - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate doubles.
- (45) A minimum of one unit must be designed so as to be capable of adaption for use by persons with disabilities in accordance with the City of Sydney Access Policy.

## **Schedule 1C**

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

### **UTILITY SERVICES**

- (46) To ensure that utility authorities are advised of the development:-
- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

## **DEMOLITION**

- (47) 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).
- (48) 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.
  - (a) 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:-
  - (b) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
  - (c) Induction training for on-site personnel;
  - (d) Inspection and removal of asbestos, and contamination and other hazardous materials;
  - (e) 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.
  - (f) Disconnection of Gas and Electrical Supply;
  - (g) 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.

- (h) Access and egress:-
    - (i) No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
  - (i) Waterproofing of any exposed surfaces of adjoining buildings;
  - (j) 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.
  - (k) Working hours, in accordance with this Development Consent;
  - (l) Confinement of demolished materials in transit;
  - (m) Proposed truck routes, in accordance with this Development Consent;
  - (n) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.
- (49) The demolition of buildings by induced collapse, the use of explosives or on-site burning is not permitted.
- (50) 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 Reports for the existing buildings to be retained on the site and all adjacent buildings adjoining the site.
  - (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.

**EXCAVATION**

(51) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-

- (a) Name and address of the company/contractor undertaking excavation works;
- (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
- (c) Name and address of the transport contractor, and location of the disposal site;
- (d) Type and quantity of material to be removed from site;
- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

- (52) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.
- (53) Removal of rock by cutting into blocks is not permitted, unless a separate development application is submitted to, and approved by Council for this use.

**WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION**

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

**PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION**

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

**WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

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

- c. Address of proposed site of disposal;
  - d. Name/address of company/organisation accepting material;
  - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
  - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
  - g. Material for disposal and justification of disposal;
- (iii) If details of items (a) to (g) 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.
- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

- (d) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.
- (57) Prior to the commencement of excavation, the applicant should contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or e-mail [mocsinfo@mocs.com.au](mailto:mocsinfo@mocs.com.au) to ascertain the presence and type of underground utility services in the vicinity of the development.

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

- (58) 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.
- (59) The temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals) may be subject to conditions including a requirement for the owner of the site to provide a bank guarantee as security for any damage rectification.

**APPLICATION FOR A ROAD OPENING PERMIT**

- (60) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
  - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
  - (c) Documents required with the Road Opening Permit application include:-
  - (d) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
  - (e) Evidence that public utility drawings have been inspected;
  - (f) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
  - (g) A Security Deposit for reinstatement of public way.
  - (h) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (61) 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.

**PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (62) 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.

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

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

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

### **CONTROL OF VERMIN**

- (64) 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**

- (65) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
  - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
  - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### **CERTIFICATION OF MECHANICAL VENTILATION**

- (66) 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.

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**

- (67) 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 showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
  - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, 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 Attachment 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 so that all structural elements supporting the new work are fully certified by the project structural engineer.
  - (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**

#### **DEMOLITION WORKS**

- (68) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
- (a) The approved Demolition Work Method Statement;
  - (b) Australian Standard AS2601-1991- Demolition of Structures;
  - (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
  - (d) The Construction Safety Act 1912 and Demolitions Regulations;
  - (e) The Occupational Health and Safety Act 1983; and
  - (f) All other relevant Acts and Regulations.
- (69) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

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

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

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

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

### **USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**

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

### **LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

- (73) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

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

- (74) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.

- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
  - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
  - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (75) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (76) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

### **STREET TREES**

- (77) 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.
- (78) 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.
- (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 satisfaction of the Principal Certifying Authority**

#### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (80) 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.

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

- (81) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Council's 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.

Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

- (82) 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.

**MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (83) 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**

- (84) 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.
- (85) 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.

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

### **CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (87) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council, (if it was not the PCA).

#### Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
- (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (88) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (89) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

### **COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY**

- (90) 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, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

### **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

- (91) 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 certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

### **NUMBERING**

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

### **COMMEMORATIVE PLAQUE**

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

## **STRATA PLAN APPROVAL**

- (94) A separate Application for Subdivision must be made to Council or an accredited certifier to approve the Strata Plan in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

## **Schedule 1F**

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

#### **REMOVAL OF GRAFFITI**

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

#### **NOISE - MECHANICAL PLANT**

- (96) Noise associated with mechanical plant 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 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 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 subclause does not apply to any such frequencies.
  - (c) A sound level at any point on the boundary of the site greater than 50dBA.
  - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
  - (e) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

#### **CARE OF BUILDING SURROUNDS**

- (97) 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**

- (98) 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.

### **ALARM**

- (99) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.

### **WASTE**

- (100) 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".
- (101) 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.

Carried.

Note - Mr Terry Gunn, Ms Sheila Bolton and Mr Graham Morrison addressed the Special Meeting of the Planning Development and Transport Committee on Item 7.1.

**ITEM 8. INVESTMENTS HELD BY COUNCIL AS AT 31 AUGUST 2002 (S02-0960)**

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

That arising from consideration of a report by the Acting Senior Accounting Officer (Creditors) to Council on 16 September 2002, on Investments Held by Council as at 31 August 2002, it be resolved that the report be received and noted.

Carried.

**ITEM 10. CHANGES TO BUSKING POLICY (S06-02841/6)**

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That arising from consideration of a report by the Cultural Policy Coordinator to Council on 16 September 2002, on Changes to the Busking Policy, it be resolved that Council agree to the amendments and adopt the Busking Policy as shown at Attachment A to the subject report.

Carried.

Note - The City of Sydney Busking Policy, as adopted by Council, is as follows.

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**CITY OF SYDNEY BUSKING POLICY 2002**

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**Please note: The maps referred to in the City of Sydney Busking Policy can be found on File No. S06-02841/6**

## **City of Sydney BUSKING POLICY**

### **1 GLOSSARY OF TERMS**

For the purposes of this policy the following definitions apply:

- 1.1** *Busker:* An entertainer who provides impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.
- 1.2** *Performance:* Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
- 1.3** *Soliciting of funds:* The act of asking, begging, seeking or requesting money or goods from members of the public.
- 1.4** *Offering for sale:* The display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money (for example, CDs or cassettes).
- 1.5** *Dangerous materials and implements:* Materials and implements that pose risk, hazard or uncertain outcomes for people.  
*Dangerous materials* include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.  
*Dangerous implements* include knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public.
- 1.6** *Restricted areas:* Specified areas within the city that have had restrictions placed on busking activities that may occur in them.
- 1.7** *Designated sites:* Specified sites within restricted areas where busking can occur under defined conditions.
- 1.8** *Circle acts:* Structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20-40 minutes.
- 1.9** *Walk-by acts:* Spontaneous performances where the audience is not required to stop and watch.

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## CITY OF SYDNEY BUSKING POLICY 2002

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### 2 OBJECTIVES

This policy has been developed:

- 2.1 To encourage activities that contribute colour and life to the City and opportunities for alternative voices to be heard through public performance.
- 2.2 To provide an equitable system of use for popular busking sites in the city among the buskers earning a living through their art form.
- 2.3 To identify locations in the City suitable as busking sites.
- 2.4 To minimise complaints, criticism and other problems associated with buskers operating in the Sydney area, while supporting the rights of individuals to express themselves in a democratic manner.

### 3 PRINCIPLES

The City of Sydney recognises that:

- 3.1 Sydney has a strong tradition of busking and buskers contribute to a sense of place in the city of Sydney.
- 3.2 Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- 3.3 Buskers provide entertainment and thought provoking experiences to tourists and members of the general public.
- 3.4 Busking is a valid means for people to make a living.
- 3.5 Busking should not unduly interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

### 4 CONDITIONS

This policy covers the City of Sydney local government area and Circular Quay, including the Eastern and Western promenades of Circular Quay, First Fleet Park and the forecourt of the Museum of Contemporary Art.

Other areas under the authority of the Sydney Harbour Foreshore Authority, including The Rocks, Darling Harbour, Tumbalong Park and Darling Walk, are NOT covered by this policy.

This policy does not cover areas under the jurisdiction of the Royal Botanic Gardens Trust (The Domain and Royal Botanic Gardens) or The Opera House Trust (Opera House steps, concourse and forecourts.)

For information about busking in these areas please contact the relevant authority.

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**CITY OF SYDNEY BUSKING POLICY 2002**

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Authorised busking is permitted anywhere in the City of Sydney (with the exception of the areas identified above) under the conditions outlined in this section. However, some areas of the city are restricted to the use of designated sites for busking activities and additional special conditions apply to busking in these areas. Restricted areas, designated sites and conditions for their use are identified in section 5 of this policy.

Busking activities are covered for public liability under the City of Sydney's Hirers' and Users' Insurance policy while the busker complies with the conditions and requirements for busking contained in this policy. The policy is limited to \$10 million for any one loss, and the busker is responsible for the first \$5000 of each and every loss.

***Conditions for obtaining a permit to busk in the city:***

- 4.1** Buskers must hold an authorised permit to busk, issued by the City of Sydney. Permits may be obtained from the City of Sydney One Stop Shop, following payment of:
- 4.1.1** \$10 for a three (3) month permit, or
  - 4.1.2** \$40 for an annual permit.
- 4.2** Buskers who wish to use dangerous implements or materials (as defined in **1.5** above) in their performance must apply for a Special Busking Permit. Applicants must pass a safety review and receive an endorsement of their performance in order to obtain a Special Busking Permit. See Annexure 2 for details of use of dangerous implements or materials. Information on safety review times and locations is provided at the One Stop Shop.
- 4.3** For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a Busking permit will be issued:
- 4.3.1** Proof of identity in one of the following forms:
    - 4.3.1.1 a current motor vehicle driver's license,
    - 4.3.1.2 a student identity/proof of age card
    - 4.3.1.3 a current passport
    - 4.3.1.4 a bank card or credit card with signature.
  - 4.3.2** Australian Income Tax File number, ABN Number, or Statutory Declaration declaring intention to pay tax on earnings.
  - 4.3.3** Passport and appropriate Work Visa if the applicant is a non-resident of Australia.
  - 4.3.4** Proof of parental consent for applicants under the age of 18 years. Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a permit to busk. Consent forms can be obtained from the City of Sydney One Stop Shop.

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**CITY OF SYDNEY BUSKING POLICY 2002**

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- 4.4** Annual Busking Permits are valid for a year from the permit's commencement date. Three month permits are valid for three months from the permit's commencement date.
- 4.5** Details of Buskers holding Permits to Busk will be entered into a Register of approvals granted by City of Sydney pursuant to section 113 of the Local Government Act. Additionally, pursuant to Sections 113(2) and 113(5) of the act the information recorded will include the name and address of the person or persons to whom the approval is granted.
- 4.6** Permits are not transferable or refundable.
- 4.7** The following are not considered to be buskers under the terms of this policy and as such will not be issued a permit:
- Balloon sculptors, tarot card and palm readers, fortune readers, artists selling their works (such as portrait artists), masseurs or masseuses, vendors of any kind (including vendors of reindeer ears, fluffy toys, jewellery etc), solicitors of money for any purpose.
- 4.8** By signing the Application for Permit to Busk in the appropriate space, applicants must agree to comply with:
- 4.8.1** The requirements for obtaining busking permits and special busking permits, and,
- 4.8.2** The conditions for busking in the city in both unrestricted and the designated sites in restricted areas.

***Conditions for busking in the city:***

In relation to busking in all areas of the city (with the exception of those areas outside the authority of the City of Sydney), whether in restricted or unrestricted areas, the following conditions apply:

- 4.9** Buskers must display their Permits to Busk in a prominent, highly visible position in the busking site at all times during their acts.
- 4.10** Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.
- 4.11** When performing in Restricted Areas, buskers must use the designated sites specified in Section 5 of this Policy under the conditions specified for each designated site.
- 4.12** Buskers may perform for a maximum of 2 hours at any one site anywhere in the City, including designated sites.
- 4.13** Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in a way which is likely to cause any discomfort to any individual.

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**CITY OF SYDNEY BUSKING POLICY 2002**

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- 4.14** Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.
- 4.15** Buskers may only use amplification that is battery operated. Mains voltage amplification is prohibited. The City reserves the right to impose a decibel limit on amplified sound in appropriate circumstances.
- 4.16** Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance.
- 4.17** Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so under the terms and conditions outlined in Annexure 1.
- 4.18** Buskers may only use dangerous implements and materials, as defined in 1.5, if they hold a Special Busking Permit to do so, and must comply with the terms and conditions in the Code of Practice at Annexure 2.
- 4.19** Authorised officers of the City of Sydney may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.
- 4.20** Buskers must also comply with directions issued by authorised officers of the Sydney Harbour Foreshore Authority where the site falls within the Authority's area of responsibility, and members of the NSW Police Force, Ambulance, Fire and any other Emergency Services.
- 4.21** Pursuant to sections 89, 109, 110 and 124 of the Local Government Act, City of Sydney may revoke or modify permits if the permit holder fails to comply with the requirements and conditions of approval. Authorised officers of the City of Sydney and the Sydney Harbour Foreshores Authority may confiscate permits for non-compliance. The City of Sydney may serve notice upon the person or persons holding a busking permit, giving reasons for the revocation or modification of the permit and providing the permit holder with the opportunity to show cause why the approval should not be revoked or modified.
- 4.22** Busking permits may be revoked or modified in the circumstances where persons:
- 4.22.1** Are deemed by the City of Sydney to be causing a nuisance.
  - 4.22.2** Do not keep their site safe and clean while working.
  - 4.22.3** Cause obstruction to pedestrians or vehicular traffic and entrances to shops or buildings.
  - 4.22.4** Interfere in any way with an approved entertainment or activity without permission.
  - 4.22.5** Sell or offer for sale any articles or commodity.

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- 4.22.6** Use dangerous implements or materials as part of a performance without a special busking permit to do so.
- 4.23** Council and other authorised officers reserve the right to prohibit use of a restricted area, designated site or such area as may be specified by it while Council or other road works are in progress, or while a special event is in progress. It is possible that restrictions on busking may be imposed during such occasions as New Years Eve, Australia Day, Anzac Day, or other events.
- 4.24** The use of unrestricted areas, restricted areas and designated sites for busking activities will be monitored by the Review Committee and continued use will be subject to their report.

**5. RESTRICTED AREAS**

The following special conditions apply to busking activities in Restricted Areas:

**5.1 FIRST FLEET PARK and WEST CIRCULAR QUAY (6 designated sites)**

- 5.1.1** Busking is not permitted in First Fleet Park when special events are in progress
- 5.1.2** Buskers must respect the rights of patrons using the park for recreation.
- 5.1.3** Buskers must comply with directions issued by authorised officers from the Sydney Harbour Foreshore Authority as well as City of Sydney authorised officers.
- 5.1.4** Chalk art is prohibited when directly applied to the pavement (See Attachment I).

**5.2 CIRCULAR QUAY WHARF, ALFRED STREET and CUSTOMS HOUSE SQUARE (5 designated sites)**

- 5.2.1** Buskers may only perform at the four designated sites as indicated on Map 5.2 (two walkby sites and two Special Busking Sites).
- 5.2.2** Busking is not permitted between the hours of 12 noon and 2.30 pm on weekdays at Circular Quay Wharf.
- 5.2.3** Buskers may not perform during special events.
- 5.2.4** Buskers may not perform near the entry to retail outlets.
- 5.2.5** Circle acts are only permitted in the designated Circle Act site marked with the letter "C" on Map 5.2. Designated circle act sites provide for both circle acts and walk by acts. The use of dangerous goods and materials at "C" sites requires a Special Permit.
- 5.2.6** In order to avoid safety and health hazards to the public, buskers must be aware that when performing in the vicinity of food outlets and serving areas, they must not use materials that may leave a residue on tables, chairs or eating utensils (eg bubbles).
- 5.2.7** Chalk art is prohibited when directly applied to the pavement areas (see Attachment I).

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**CITY OF SYDNEY BUSKING POLICY 2002**

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- 5.2.8** Busking is not permitted at East Circular Quay.
- 5.2.9** Busking in Customs House Square may only occur with the express permission in writing of Customs House Management. Details of contacts for Customs House Management can be obtained from the City of Sydney One Stop Shop.

**5.3 MACQUARIE PLACE (2 designated sites)**

- 5.3.1** Buskers must respect the rights of patrons using the park or nearby cafes and hotels and not unduly disrupt their activities.

**5.4 WYNYARD PARK (2 designated sites)**

- 5.4.1** Busking in the two designated sites is permitted only on the hard surface areas, not on the grassed area of the park.

**5.5 MARTIN PLACE (5 designated sites)**

- 5.5.1** No busking is allowed between Pitt Street and George Street at any time.
- 5.5.2** Buskers may not perform less than 25 metres from the Martin Place Amphitheatre while performances are taking place in the Amphitheatre.
- 5.5.3** Buskers may not perform less than 15 metres from any other performer in Martin Place.
- 5.5.4** Circle shows are permitted between Macquarie Street and Phillip Street but only one show at any given time.
- 5.5.5** No busking is allowed in Martin Place on Anzac Day (25 April) without the written approval of Council.

**5.6 PITT STREET MALL (3 designated sites)**

- 5.6.1** Busking in Pitt Street Mall is limited to three (3) locations only, as marked, at any one time.
- 5.6.2** Busking performances are limited to walk-by acts only.
- 5.6.3** Busking is not permitted prior to 2 pm in the Mall on weekdays. Busking is permitted after 11 am on weekends.
- 5.6.4** Buskers may not perform while special events are in progress in the Mall.
- 5.6.5** Excessive amplification will not be tolerated in the Mall. Loud acts may be asked to lower their volume.

**5.7 HYDE PARK and QUEENS SQUARE (10 designated sites)**

- 5.7.1** Busking is permitted at ten (10) designated sites in the Park.
- 5.7.2** Busking is only permitted on hard surfaces.

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**CITY OF SYDNEY BUSKING POLICY 2002**

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**5.7.3** Busking will only be permitted on Saturdays in Queens Square if the Supreme Court is not sitting and Sundays from 1.00pm onwards.

**5.8 BELMORE PARK (6 designated sites)**

**5.8.1** Busking is permitted at six designated sites.

**6 BUSKING REVIEW COMMITTEE**

**6.1** A Busking Review Committee will meet as needed to monitor the effectiveness of the policy and advise on Busking issues that emerge in the City.

**6.2** The Committee will report to the Manager, Cultural and Community Affairs, and will comprise:

- One (1) representative of the Arts and Cultural Community,
- One (1) representative of the Retail Traders Association,
- One (1) representative from the Media Entertainment and Arts Alliance,
- One (1) Street performer and One (1) Musician nominated by Council in consultation with the Media Entertainment and Arts Alliance,
- Two (2) representatives from City of Sydney, Cultural and Community Affairs Unit or as nominated by the Unit Manager, and,
- One (1) representative of the Sydney Harbour Foreshore Authority.

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**CITY OF SYDNEY BUSKING POLICY 2002**

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**ANNEXURE 1****City of Sydney Busking Policy****PAVEMENT ART AS A FORM OF BUSKING****Code of Practice**

This code of practice only covers the areas that are the responsibility of City of Sydney. For areas managed by other organisations contact the authority responsible for busking policy in that area.

- 1** Busking may include pavement art where it can be seen as a form of public entertainment under the guidelines of the City of Sydney Busking Policy with all the above existing conditions applying, and including the following specific applications of City of Sydney's policies to pavement art:
  - 1.1** Pavement art, for the purposes of this policy, is defined as:
    - 1.1.1** Chalk drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out on the pavement.
  - 1.2** Drawing directly on the pavement may only occur where:
    - 1.2.1** The material used is removable by water and does not leave a residue, and,
    - 1.2.2** The surface is of a non-porous material, such as bitumen and concrete. Surfaces not able to be drawn directly upon include sandstone, granite and other porous surfaces currently being used in some pavements, pathways and walkways in the city.
  - 1.3** Individual renditions of the artists' work may not be offered for sale, or sold to the public.
  - 1.4** Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.

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**ANNEXURE 2****City of Sydney Busking Policy****USE OF DANGEROUS MATERIALS AND  
IMPLEMENTS IN BUSKING****Code Of Practice****1 Policy Statement**

The City of Sydney recognises that many buskers operating in the city use materials and implements in their practices that may reasonably be viewed as dangerous. However, the City of Sydney also acknowledges that, in the hands of skilled and experienced buskers, the use of fire and superficially dangerous implements such as knives and swords, in circus or juggling acts, lends an appealing theatrical element that is popular with the viewing public.

The purpose of this Code of Practice is to ensure that the use of dangerous materials and implements is restricted to buskers who have highly developed skills and experience in their use, and who are acutely aware of the need to ensure the safety of the public as well as their own safety when using them.

**2 Approved sites for the use of dangerous materials and implements**

- 2.1** Six (6) sites have been nominated as appropriate for buskers who use dangerous materials and implements. These sites are the only sites upon which buskers may perform using these materials and implements.
- 2.2** The designated sites do not include parks. Fire and dangerous materials may not be used in busking acts conducted in any park in the city.
- 2.3** The general and specific site conditions contained in the City of Sydney busking policy apply to these sites, in addition to the special requirements for the use of dangerous materials and implements in busking acts.
- 2.4** The six Special Busking Sites are identified on the maps attached to the Busking Policy as “SBS” and are located at:
  - 2.4.1** Alfred Street Circular Quay (1 site).
  - 2.4.2** West Esplanade Circular Quay (1 site).
  - 2.4.3** Circular Quay (1 site).
  - 2.4.4** Martin Place (2 sites).
  - 2.4.5** Macquarie Place (1 site).

**3 Special Busking Permits**

- 3.1** Buskers using dangerous materials and implements must hold a current Special Busking Permit to use these items in their acts.

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## CITY OF SYDNEY BUSKING POLICY 2002

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- 3.2** All general conditions applying to standard Busking Permits apply to the holding of a Special Busking Permit.
- 3.3** Buskers holding Special Busking Permits must display them at all times in a prominent position while performing their acts using dangerous materials and implements.

### 4 Conditions for Special Busking Permits

Buskers holding a Special Busking Permit, when using dangerous materials or implements in their acts, must adhere to the following conditions in the interests of public safety, and their own. The Special Permit busker must, at all times:

- 4.1** Ensure the health and safety of the audience witnessing the performance.
- 4.2** Ensure that public property is not damaged in the course of the performance.
- 4.3** Define the performance space to be used by establishing a *physical boundary* of **at least 2 metres** between herself/himself and the audience utilising one of the following options:
- 4.3.1** Roped or chained off area.
- 4.3.2** Chalk line (if the surface to be drawn upon is not of a porous material such as granite and sandstone, and if the line drawn is water-soluble and removed once the busker has completed the act).
- 4.4** Include a Work Cover approved Fire Blanket in their performance kits that is kept visible and accessible throughout the performance.
- 4.5** In the case of the use of flammable liquids, fuels are limited to kerosene, firewater or scented lamp oils (eg citronella) only. No other fuels will be permitted.
- 4.6** Store and transport any flammable liquids permitted under the Code of Practice in accordance with section 7 of the Australian Dangerous Goods Code, that is:
- Portable plastic containers of no greater than a 5 litre capacity.
  - Containers conspicuously marked with the words
    - 'HIGHLY FLAMMABLE', in capital letters on both sides of container
    - 'Class 3 Flammable liquids', and
    - The name of the liquid in the container, eg Kerosene etc.
- 4.7** Use a non-flammable drip tray for flares or torches (not metal), or preferably use a pre-soaking method for the flares or torches. City of Sydney will not tolerate drip stains on ground surfaces that are not immediately removed, or able to be removed by the busker using the site after the act has been completed.
- 4.8** If using dangerous implements in a performance, as defined under the Dangerous Goods Act, Clauses 14, 31, 239, 240, 242 and 248, covering the use and packaging of prohibited items, all edges on metal implements must be blunted and rendered non-dangerous (including chain saws and other mechanical devices). An implement is determined as *blunt* if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

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**5 Restrictions on Special Busking Permits**

- 5.1** All restrictions applying to holders of Standard Busking Permits apply to holders of Special Busking Permits.
- 5.2** Special Busking Permits are only issued to individual buskers, not groups. That is, each busker in a group must hold a current Special Busking Permit if they are to use these items.
- 5.3** Special Busking Permits apply to Special Busking Sites only.

**6 Process for Obtaining a Special Busking Permit**

- 6.1** Special Busking Permits may be obtained from the City of Sydney One Stop Shop located at Level 2, Town Hall House, 456 Kent Street Sydney.
  - 6.2** Special Busking Permits are available under the same terms and conditions as standard Busking Permits with the exception of the additional requirements nominated below.
  - 6.3** Buskers applying for Special Busking Permits must pass a safety review and receive an endorsement of their performance. Performances will be endorsed on the basis of skill and knowledge of the Conditions for Special Busking Permits in (4) above. Buskers applying for a Special Busking Permit will be judged by one of their peers and two designated Council Officers. Safety reviews can be arranged through the One Stop Shop.
  - 6.4** Endorsement in the terms stated above must be obtained before the Special Busking Permit will be issued.
  - 6.5** A passport-sized photograph of the applicant busker must be submitted with the application form and endorsement at the time of application.
  - 6.6** If buskers already holding Special Busking Permits plan to introduce any additional dangerous implements or materials to their performance for which they have not been assessed, they must notify the City of Sydney and attend an additional safety review where their performance incorporating these additional dangerous implements or materials may be assessed.
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## **ITEM 11. QUESTIONS ON NOTICE**

### **PARKING ENFORCEMENT OFFICERS (S018718)**

1. By Councillor Greiner -

#### **Question**

Lord Mayor, the Pedestrian Council of Australia has raised serious concerns about the problems of the Parking Officers, and in particular their training and their knowledge of fines which need to be issued.

In the short term, what is senior management doing to address the issues constantly raised by the Pedestrian Council, and in the longer term, would you please arrange a briefing for Councillors and the Pedestrian Council of Australia in order to resolve these issues once and for all?

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

The Manager - Enforcement Services advises that -

"For many months now, the Chairman of the Pedestrian Council of Australia (PCA) has been contacting Enforcement Services via e-mail, telephone or facsimile over a range of issues with quite a significant number of complaints.

Each of our Officers has been trained by trainers from the Goulburn Academy of the NSW Police Service while undertaking the Council Law Enforcement Officer (CLEO) Course. These Officers, on completion of that course, have undergone a course of operational orientation and training to ensure that they are familiar with the particular requirements of the City in terms of its standard operating procedures and code of conduct. Officers have also been appraised of the City's 'Resident Parking Scheme', Parking Meters, Signage and other requirements germane to their role.

Regarding Officers' knowledge of fines and their application in certain circumstances, all Officers carry with them, as an integral part of their kit, excerpts from the 'fixed penalty handbook' as issued by the IPB annually, which covers in excess of 100 specific types of offence. This gives for each offence the following information:- Offence Code; Regulation Code; Short Title of the Offence; Penalty Amount and the reference to the Regulation. Each infringement book (as issued by the Police Service of NSW) has a list of 16 instructions that Officers must follow in terms of completing their infringements."

The Pedestrian Council has made numerous assertions, accusations and deprecating comments against the City of Sydney. Investigation of these complaints has proved many, if not all, to be without merit. City staff have gone to significant effort to constructively engage with the PCA on issues it has raised, to no avail. I am satisfied our staff are properly trained and that no benefit will be served by a briefing of Councillors with the PCA.

While every member of the community has a right to raise matters with Council, the zealous pursuit of the City by the Chairman of the Pedestrian Council has reached a stage where significant staff resources are being distracted and diverted from the City's established priorities.

The City has a duty to all its stakeholders to set policies and priorities evenhandedly and devote resources appropriately. Unfortunately the PCA's current approach has more the appearance of a personal crusade, with criticisms often unsubstantiated by hard evidence.

There is no evidence that any other council or government organisation is pursued in the same manner, or to the same extent and I would suggest that its current approach is good neither for the PCA and those it seeks to represent, nor the City.

I will write to the membership of the Pedestrian Council of Australia asking that it review its manner of dealing with the City of Sydney and develop a more constructive and strategic approach to issues of road and pedestrian safety.

## **QUESTIONS WITHOUT NOTICE**

### **COUNCIL'S BOUNDARIES - LITIGATION (S018727)**

**1.** By Councillor Turnbull

#### **Question**

Lord Mayor, a newspaper report recently drew attention to the large number of legal actions involving South Sydney Council in relation to the boundaries issue. The article referred to two new cases involving the City of Sydney. Could you please update Councillors on this matter?

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

Councillor Turnbull, as you are aware there are a number of cases still outstanding.

The Court of Appeal has handed down its judgement in respect of the boundaries. The parties to that case were the NSW Government and South Sydney Council. South Sydney Council is seeking leave to appeal to the High Court and the Court of Appeal is considering, this coming Friday I think, whether to grant a stay until South Sydney has its application for leave heard.

There was a case by Councillor John Bush against the Minister for Local Government, seeking to nullify the Boundaries Commission report, which was thrown out by the Land and Environment Court about a month ago.

There is also an action by South Sydney against the City of Sydney in respect of the Plan of Management and there is an appeal by the City of Sydney, to the Court of Appeal, against a decision of the Land and Environment Court in respect of South Sydney's rating system.

The City of Sydney initiated two actions recently, one of which was to prevent the sale of \$125 million worth of property. We have now received undertakings about sale of property, so we have suspended or deferred the action on that issue, in the hope that the resolution of the boundaries will resolve that.

We also took action against South Sydney in respect of their property register which they refused to provide to us even though it is meant to be a public document. South Sydney Council then met last Wednesday evening and resolved to provide that information.

We have had a couple of successes in those areas very recently.

Councillor Turnbull, thank you for your very perceptive and thoughtful question.

**USE OF PUBLIC SPACE (S018725)**

2. By Councillor Ho -

**Question**

Lord Mayor, on Sunday there was a concert at Darling Harbour to mark 30 years of diplomatic ties between China and Australia. The Consul General raised with me a complaint that, in Dixon Street last Sunday, the Falun Gong group occupied and used approximately a 30 metre width of space for exhibitions at the pagoda at the top of Dixon Street. He said they had advertising material around the pagoda and that they had applied to the Council for permission.

The Consul General also advised there were about 100 of the Falun Gong group in the Darling Harbour area, which, I understand, is under the control of the Sydney Harbour Foreshore Authority.

Lord Mayor, the Consul General has asked if Council can take some action because there are more dignitaries arriving this month, including Li Peng, the Premier of China, who is arriving this week.

**Answer by the Lord Mayor**

Councillor Ho, I wasn't aware that that event was on in Darling Harbour and I wasn't aware that this demonstration was planned. I do not know whether or not Council staff gave permission for the space in Dixon Street to be used, or for those installations to occur.

Can I say, though, that we need to look at the circumstances of this occurrence. In relation to demonstrations in public spaces, the City has a very liberal attitude. Anyone is free to demonstrate, even against Council, so it is a question of looking at what has occurred as opposed to what is normally allowed in the City.

If this group has done something abnormal, something that clearly wouldn't normally be allowed, then Council wouldn't permit it. However, if this group has done something that Council would normally permit, that is very much a tradition of the City.

I will ask Council staff to investigate this matter and report on it, especially given your statement that there are a number of other Chinese dignitaries coming here, and also given the fact that in November/December there will be more celebrations for the 30<sup>th</sup> anniversary of the normalising of relations between Australia and China.

I will have this matter investigated, Councillor Ho.

### **SKATEBOARD RIDERS (S018725)**

3. By Councillor Ho -

#### **Question**

Lord Mayor, on the corner of Liverpool and Day Streets, towards Darling Harbour, there is a big new building, the Harbour Gardens Apartments. It is in a very dangerous area, because often you find in the vicinity of four to eight children riding skateboards.

I cautioned a couple of the children, because they nearly pushed over an old lady. I told them that they could not skateboard there and that I would report them to the police or Council's law enforcement staff.

They were very reluctant to leave and, when I returned half an hour later, they had returned also.

Lord Mayor, could you please look into this matter?

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

Councillor Ho, I will ask Council's Law Enforcement staff to keep a closer eye on this issue.

I have been complaining about skateboarders, generally, in the vicinity of Cook and Phillip Park just about every weekend for the last year. I think the law enforcement regime is poor, however, the enforcement staff does have a lot of the City to cover.

Skateboarders tend to stop their activities when the Law Enforcement staff arrive. The things the skateboarders do are quite dangerous and I think we have a responsibility to be diligent and stop their dangerous activities.

I ask the City Prosecutor to provide a report on this issue for circulation in the Councillors' Information Service.

**ITEM 12. NOTICES OF MOTION**

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

**Closed Meeting**

At 6.07pm the meeting resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 13, 14 and 15 on the Agenda 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 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 13, 14 and 15 were then dealt with by Council while the meeting was closed to the public.

**ITEM 13. SPECIFICATION FOR INSURANCE BROKING AND LIABILITY CLAIMS ADMINISTRATION TENDER (S020771)**

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Risk Manager to the Priorities and Outcomes Committee on 3 September 2002, and to Council on 16 September 2002, on Specification for Insurance Broking and Liability Claims Administration Tender, it be resolved that approval be given to the tender specifications, as shown at Attachment A to the subject report, as amended at the meeting of the Priorities and Outcomes Committee.

Carried.

**ITEM 14. FORMER REGENT THEATRE/"GENTING" SITE, 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-489 KENT STREET SYDNEY - PROPERTY ISSUES (L02-00565, D98-00406)**

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Manager Property Strategy to Council on 16 September 2002, in regard to property issues related to the provision of a tunnel under Bathurst Street linking Town Hall Railway Station to the development site at 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street Sydney (as required in development consent D98-406), it be resolved that Council delegate its powers and functions to the Lord Mayor to negotiate a reasonable offset contribution, in the event that the consent authority approves a development not requiring the tunnel, provided safeguards are included (such as planning for a breakthrough panel and appropriate restrictions on title) to allow the tunnel to be provided at a future time, if desired.

Carried.

**ITEM 15. WATTLE STREET BRIDGE MATERIAL REPLACEMENT (S020542)**

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

That arising from consideration of a report by the Assistant Architect to Council on 16 September 2002, on Wattle Street Bridge Material Replacement; it be resolved that:

- (A) Council not invite tenders due to the extenuating circumstances as set out in paragraph 14 of the subject report, and the high risk that a satisfactory result would not be achieved by further delay caused by the inviting of tenders;
- (B) Council approve the recommendations set out in paragraph 24 of the subject report;
- (C) authority be delegated to the General Manager to approve and engage the preferred contractor;
- (D) authority be delegated to the General Manager to source funds for this project from re-allocation within the Capital Works program for 2002/ 2003; and
- (E) Council's Attorney execute all relevant documentation.

Carried unanimously.

At 6.20pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 28 October 2002 at which  
meeting the signature herein was subscribed.