



17 MARCH 2003

Meeting No 1379

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 17 March 2003 pursuant to Notice 4/1379 dated 13 March 2003.

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PRESENT

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

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

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

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Photographing of Council Meeting

At this stage of the meeting, the Chairman (the Lord Mayor) advised Council that a request had been received from The Sydney Morning Herald to take photographs of the Council meeting.

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

That permission be granted for photographs to be taken of the Council meeting by The Sydney Morning Herald for a period not exceeding ten minutes.

Carried.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Extraordinary Meeting of Council of Monday 17 February 2003**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the minutes of the extraordinary meeting of Council of 17 February 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Council Meeting of Monday 24 February 2003

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 24 February 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of Monday 10 March 2003

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

That the minutes of the extraordinary meeting of Council of 10 March 2003, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. SYDNEY SQUARE

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

That consideration of the confidential Minute by the Lord Mayor on Sydney Square be deferred to the end of the meeting and dealt with in closed session.

Carried.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

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

**ITEM 5. REPORT OF THE CULTURAL AND CITY SERVICES COMMITTEE
- 10 MARCH 2003**

PRESENT

Councillor Dixie Coulton
(Chairman)

The Lord Mayor (Councillor Frank Sartor), Councillors Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 5.29pm those present were -

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

Councillor Fabian Marsden was also present.

Apologies

Councillor Nick-Farr Jones extended his apologies for his inability to attend the meeting of the Cultural and City Care Committee due to illness.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

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

Carried.

The Lord Mayor left the meeting of the Cultural and City Care Committee at 5.31pm during discussion on Item 1 and did not return.

The meeting of the Cultural and City Care Committee concluded at 6.00pm

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the Report of the Cultural and City Care Committee of its meeting of 10 March 2003 be received, with Item 5.1 being dealt with as shown immediately following that item.

Carried.

BUSKING POLICY - PROPOSED CHANGES (S0602841)

5.1

That arising from consideration of a report by the Cultural Policy Co-ordinator to the Cultural and City Care Committee on 10 March 2003, on Busking Policy - Proposed Changes, it be resolved that -

- (A) the City of Sydney Busking Policy, as shown at Attachment A to the subject report, and as amended at the meeting of the Cultural and City Care Committee at clauses 4.5, 4.16, 4.17 , 4.21, 5.6.5 and 6.2, be adopted;
- (B) Council staff be asked to explore whether it is feasible to establish reasonable amplification noise levels for the various busking sites in the city, with particular reference to the special sites, so that a public nuisance is not created;
- (C) Council staff examine the option of including Dixon Street in the restricted areas and for amplification levels to be limited;
- (D) Council staff be asked to review the procedure by which a permit is issued for large groups;
- (E) Council staff provide a report to the Cultural and City Care Committee within two months on the matters addressed in clauses (B), (C) and (D).

Amendment. At the request of Councillor Coulton, and by consent, the motion was amended by the addition of the following words at the end of clause (E) -

"and also report on the views of the Sydney Harbour Foreshore Authority about the location of buskers outside the Museum of Contemporary Art."

The motion, as amended by consent, was carried.

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

CITY OF SYDNEY BUSKING POLICY 2003

Please note: The maps referred to in the City of Sydney Busking Policy can be found on File No. S0602841.

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.

CITY OF SYDNEY BUSKING POLICY 2003

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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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, under current arrangements, 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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- 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** Permits for Group Acts must list the names of all members of the Act. One permit will be issued for a maximum of five people within a Group Act. If the Group consists of more than five people, the Group must apply for additional permits. The City reserves the right not to issue permits to Group Acts which it considers have too many members or may present a risk to pedestrian safety.
- 4.6** 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.
- 4.7** Permits are not transferable or refundable.
- 4.8** 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.
- 4.9** By signing the Application for Permit to Busk in the appropriate space, applicants must agree to comply with:
- 4.9.1** The requirements for obtaining busking permits and special busking permits, and,
- 4.9.2** 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:

- 4.10** Buskers must display their Permits to Busk in a prominent, highly visible position in the busking site at all times during their acts.
- 4.11** 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.
- 4.12** 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.

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- 4.13** Buskers may perform for a maximum of 2 hours at any one site anywhere in the City, including designated sites.
- 4.14** 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.
- 4.15** 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.
- 4.16** Buskers may only use amplification that is battery operated. Mains voltage amplification is prohibited. Excessive amplification will not be tolerated. Loud acts may be asked to lower their volume or cease busking. The City reserves the right to impose a decibel limit on amplified sound in appropriate circumstances.
- 4.17** Where a complaint has been received about the excessive noise, level of noise amplification, music of a percussive or repetitive nature, or excessive duration of an act, particularly in relation to the proximity of that act to a place or work or residence, and the complaint is deemed to be justified, a busker may be directed by authorised officers of the City of Sydney and the Sydney Harbour Foreshore Authority to cease busking.
- 4.18** 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.
- 4.19** 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.
- 4.20** 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.
- 4.21** 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 loud or intrusive, or is causing public inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.
- 4.22** 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.
- 4.23** 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.

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- 4.24** Busking permits may be revoked or modified in the circumstances where persons:
- 4.24.1** Are deemed by the City of Sydney to be causing a nuisance.
 - 4.24.2** Do not keep their site safe and clean while working.
 - 4.24.3** Cause obstruction to pedestrians or vehicular traffic and entrances to shops or buildings.
 - 4.24.4** Interfere in any way with an approved entertainment or activity without permission.
 - 4.24.5** Sell or offer for sale any articles or commodity.
 - 4.24.6** Use dangerous implements or materials as part of a performance without a special busking permit to do so.
- 4.25** 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.
- 4.26** 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.

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- 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).
- 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.

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- 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 or cease busking.

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.
- 5.7.3** Busking will only be permitted on Saturdays in Queens Square if the Supreme Court is not sitting and Sundays from 1.00 pm 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 include, but not be limited to, the following:
 - 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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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).

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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.
- 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.

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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.

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.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 10 MARCH 2003

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.10pm those present were -

Councillors Coulton, Greiner, Ho and Turnbull.

Councillor Marsden arrived at the meeting at 6.11pm during discussion on Item 2, which had been brought forward.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Meeting of the Planning Development and Transport Committee due to illness.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

Order of Business

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

2. Development Application: 12-26 Regent Street Chippendale
1. City's Future Actions to Address Skateboarding in the City

The meeting of the Planning Development and Transport Committee concluded at 6.30 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 10 March 2003 be received, and the recommendation set out below for Item 6.1 be adopted, with Item 6.2 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

**CITY'S FUTURE ACTIONS TO ADDRESS SKATEBOARDING IN THE CITY
(S018724)**

6.1

That arising from consideration of a report by the Acting Director Asset Management and Compliance, to the Planning Development and Transport Committee on 10 March 2003, on City's Future Actions to Address Skateboarding in the City, it be resolved that -

- (A) the proposed strategy, as outlined in the subject report, be adopted and implemented; and
- (B) Councillors be briefed on the progress of the strategy's implementation by the end of May 2003, such briefing to include a risk assessment of installing a skateboard facility in the City.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Item 6.2 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 12-26 REGENT STREET CHIPPENDALE
(D2002/00920)**

6.2

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 10 March 2003 in relation to Development Application D2002/00920 made by JKC Developments Pty Ltd for the site at 12 - 26 Regent Street, Chippendale for demolition of the existing building and construction of a three to nine storey residential building comprising 55 residential apartments, one commercial/retail tenancy at ground level and the provision of 54 basement vehicle parking spaces with the entry off Little Regent Street, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2002/00920 dated 23 December 2002 and Statement of Environmental Effects prepared by Metroplan Consultants, dated December 2002 and drawings numbered:

A2.00B, A2.01B, A2.02B, A2.03B, A2.04B, A2.05B, A2.06B, A2.07B, A2.08B, A2.09B, A2.10B, A2.11B, A3.00B, A4.0B, A4.01B dated 6 November 2002 and drawings numbered A2.12A, A3.01A, A3.02A, A3.03A dated 18 November 2002 prepared by Marchese and Partners,

and as amended by the following conditions:

SECTION 61 CONTRIBUTION

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

(a) **Cash Contribution Required**

- (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by EFTPOS (debit card only), CASH or a 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” excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
- (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 Principal Certifying Authority (P.C.A), the P.C.A must obtain Council’s written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.
 - (ii) For developments over \$200,000 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 excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.

(d) **Timing of Payment**

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

APPROVED DESIGN

- (3) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3A) The studio apartments shall be modified to comply with the minimum unit size of 40m². Details of compliance shall be submitted to the satisfaction of the Director of City Development and Projects prior to the issue of a Construction Certificate.
- (3B) The aluminium entry portico gate fronting the Little Regent Street frontage shall be realigned with the building façade to improve security and access. Details of compliance shall be submitted to the satisfaction of the Director of City Development and Projects prior to the issue of a Construction Certificate.

APPROVED DESIGN ROOF-TOP PLANT

- (4) All roof-top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plant rooms, parapets and screening devices. In satisfying Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.91:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 5,237 m².
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (6)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 49.11m (AHD).

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

PHYSICAL MODELS

- (7) 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
- (8) 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.

CONSISTENCY OF DRAWINGS

- (9) 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.

ARCHITECT

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

ARCHEOLOGICAL INVESTIGATION

- (11)
 - (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

VEHICULAR SPACES

(12) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - 53 residential spaces;
 - 1 retail/commercial space;
 - 1 service vehicle space located close to service entrance;
- (b) 2 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
- (c) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

(13) Residents are not eligible to participate in the resident permit parking schemes.

Note:

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

USE OF GROUND FLOOR TENNANCY

(14) A separate development application must be submitted at the appropriate time for the specific use of the retail/commercial tenancy on the ground floor.

SIGNS

(15) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

LIGHTWELL

(16) No building services shall be exposed in the light well.

PARKING AND ACCESS

- (17) Car parking and service vehicle provision shall satisfy Council' LEP and DCP 1996.
- (18) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (19) The width of the vehicular cross over in Little Regent Street shall be 5.5m.
- (20) A "STOP" sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (21) All loading, unloading and other construction activities shall be accommodated on-site except that:-
 - (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (22) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.
- (23) All costs of traffic management measures associated with the development shall be borne by the developer.

CAR PARK ENTRY FINISH

- (24) Car park roller doors shall be designed and constructed for quiet operation.

LOADING

- (25) All loading and unloading operations must be carried out via the rear entrance at all times.

WASTE

- (26) An area shall be dedicated in the Garbage Room for retail/commercial waste separate from residential.

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

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

TELECOMMUNICATIONS PROVISIONS

- (27) 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.
- (28) 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.

PUBLIC DOMAIN PLAN

(29) The following requirements apply:-

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

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

Note:

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

PUBLIC ART

- (30) 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.

ELECTRICITY SUBSTATION

- (31) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the Little Regent Street alignment to enable an electricity substation to be established.

NOISE REDUCTION

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

- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
- (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- a. Sleeping areas (night time only: 2200-0700) 38dB
 - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (33) The residential units are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (34)
- (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 a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
 - (c) Note:
 - (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

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

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

ACCESS

- (35) 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.

PROVISION OF SMARTPOLES™

- (36) The applicant shall pay the cost of installation of smartpoles™ in the public way adjacent to the development, or in any area within the development which is intended to be dedicated as part of the public domain, to the requirements of Council. The details of the location of the smartpoles™ must be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. You should liaise with the Public Domain Officer in City Projects in this regard.

REFLECTIVITY

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

AWNINGS AND LIGHTING

- (38) The awning/canopy must comply with the City of Sydney Awnings Policy 2000.
- (39) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- (40) Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

ACOUSTIC PRIVACY BETWEEN UNITS

- (41) 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.
- (42) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

FLOOR TO CEILING HEIGHT

- (43) 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.
- (44) The building must be designed so that natural light is provided to all habitable rooms, including study rooms, to comply with Performance Requirement FP4.1 of the Building Code of Australia;

STORMWATER AND DRAINAGE

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

UTILITY SERVICES

- (46) To ensure that utility authorities are advised of the development:-
- (i) 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.
- (47) 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.

ALIGNMENT LEVELS

- (48) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall 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.
- (49) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

STORAGE AND HANDLING OF WASTE

- (50) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-

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

Note:

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

(51) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

GEOTECHNICAL REPORT AND CERTIFICATION

(52) 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

An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-

- (e) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (f) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (g) Evidence of relevant experience in the form of a CV/Resume;
 - (h) Appropriate current professional indemnity insurance.
- (53) 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.
 - (54) 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.

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (55) 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.
- (56) 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

- (57) 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.

DEMOLITION DETAILS

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

DEMOLITION WORK METHOD STATEMENT

- (59) 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.
- (60) The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
 - (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
 - (b) Induction training for on-site personnel;
 - (c) Inspection and removal of asbestos, and contamination and other hazardous materials;

(d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

(e) Disconnection of Gas and Electrical Supply;

(f) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

(g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

(h) Waterproofing of any exposed surfaces of adjoining buildings;

(i) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.

(j) Working hours, in accordance with this Development Consent;

(k) Confinement of demolished materials in transit;

(l) Proposed truck routes, in accordance with this Development Consent;

(m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.

(61) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

EXCAVATION WORK METHOD STATEMENT

(62) 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.

SITE CONTAMINATION REPORTS

- (63) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (64) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-

- (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
- (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.
- (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
- (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
- (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (65) 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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (66) 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.
- (67) 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

- (68) 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.
- (69) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (70) 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;
 - h. If details of items (b) 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 contacts.
- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (71) 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.
 - (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (72) 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).

- (73) Documents required with the Road Opening Permit application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
 - (d) A Security Deposit for reinstatement of public way.
- (74) The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

FOOTPATH DAMAGE BANK GUARANTEE

- (77) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for the sum to be determined equivalent to the amount of footway adjacent to both frontages of the development site, as security for any damage rectification.
- (78) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

USE OF MOBILE CRANES

- (79) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (80) 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.

HOURS OF WORK AND NOISE

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

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(82) 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.

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

- (83) 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

- (84) 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.
- (85) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

STREET TREES

- (86) 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.

CONTROL OF RUN-OFF

- (87) 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.

PUBLIC WAY

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

REMOVAL OF SPOIL

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

Note:

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

DEMOLITION WORKS

- (90) 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.
- (91) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

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

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (92) 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

- (93) 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.

COMMEMORATIVE PLAQUE

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

NUMBERING

- (95) 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.

OCCUPATION

- (96) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (97) 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

- (98) 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.

- (99) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (100) 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.

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (102) 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.

NOISE - USE

- (103) The use of the premises including music and other activities 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 midnight daily and 0dB above the L90 background between 12 midnight 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) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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.

NOISE - MECHANICAL PLANT

(104) 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) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) 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.

WASTE

- (105) 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.
- (106) The balcony and terrace areas shall not be used for storage.
- (107) The proposed entry arcade shall be of high quality design and amenity, be well lit, and kept clean and free of litter at all times.

Carried.

ITEM 7. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 11 MARCH 2003

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors Dixie Coulton and Fabian Marsden.

At the commencement of business at 4.07pm, those present were:-

Councillors Coulton, Marsden and Turnbull.

Apologies

The Chairman (the Lord Mayor) extended his apologies for his inability to attend the Priorities and Outcomes Committee owing to other commitments.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried.

Closed Meeting

At 4.15pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 2 and 3 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 4.44pm.

Report of the Committee

The Priorities and Outcomes Committee recommended that Council note that Items 7.1, 7.2 and 7.3 were determined by the Priorities and Outcomes Committee under delegated authority.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Priorities and Outcomes Committee of its meeting of 11 March 2003 be received, and the resolutions set out below for Items 7.1, 7.2 and 7.3 be noted.

Carried.

AUTOMATIC PUBLIC TOILET FEES AND OPERATION (S023215)**7.1**

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That further to resolution of Council of 26 June 2000, and arising from consideration of a report by the Senior Project Coordinator, Contracts and Asset Management to the Priorities and Outcomes Committee on 11 March 2003, on Automatic Public Toilet Fees and Operation, it be resolved that the 50 cent charge to the JCDecaux supplied Automatic Public Toilets be continued.

Carried.

Closed Meeting

At 4.15pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 2 and 3 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 matter and the circumstances of communications.

Items 2 and 3 were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public.

BLACKWATTLE BAY CATCHMENT STORMWATER POLLUTION ABATEMENT PROGRAM - APPROVAL TO GO TO TENDER (S015182)

7.2

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Senior Project Officer (Environment) to the Priorities and Outcomes Committee on 11 March 2003, on Blackwattle Bay Catchment Stormwater Pollution Abatement Program - Approval to go to Tender, it be resolved that approval be given to issue the following documents:

- Volume 1 - Request for Tender (as shown at Attachment A to the subject report);
- Volume 2 - Consultancy Services Deed (as show at Attachment B to the subject report); and
- Volume 3 - Specification (as shown at Attachment C to the subject report).

Carried.

ULTIMO AQUATIC CENTRE - MAIN WORKS DOCUMENTS TO TENDER (S020942)

7.3

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That further to resolution of Council of 16 December 2002, and arising from consideration of a report by the Senior Project Manager to the Priorities and Outcomes Committee on 11 March 2003, on the Ultimo Aquatic Centre - Main Works Documents to Tender, it be resolved that select tenders be invited for the Main Works, based on updated and complete Tender Documents arising from the City's review, including the plans shown and discussed at the meeting of the Priorities and Outcomes Committee.

Carried.

**ITEM 8. INVESTMENTS HELD BY COUNCIL AS AT 28 FEBRUARY 2003
(S02-0960)**

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

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to Council on 17 March 2003, on Investments Held by Council as at 28 February 2003, it be resolved that the report be received and noted.

Carried.

**ITEM 9. ELIZABETH STREET AND KIPPAX STREET, SURRY HILLS
ADJOINING 320-324 ELIZABETH STREET AURORA HOTEL -
OWNERS CONSENT (S023608)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Senior Property Manager to Council on 17 March 2003, on Elizabeth Street and Kippax Street, Surry Hills adjoining 320-324 Elizabeth Street Aurora Hotel - Owner's Consent, it be resolved that -

- (A) Council grant its consent as owner of the land to the lodgement of the development application for a terrace café balcony over the roads adjoining 320-324 Elizabeth Street (Aurora Hotel), to enable consideration of the application;
- (B) Council advise that it has not conducted a thorough assessment of the application and granting owner's consent does not fetter the discretion of the consent authority in determining the application. Despite this, some preliminary issues have been identified which will need to be addressed and satisfied as part of the assessment process, including but not necessarily limited to;
 - (i) the form, scale and proportion of the upper storey need improvement; particularly the massing should be relocated towards Elizabeth Street to better define the corner;
 - (ii) the detailing, materials and finishes of the balcony need to be fully documented and be of a high standard; and
 - (iii) Council express its desire for the gaming room to be relocated from the ground floor to the first floor or to the rear of the ground floor;
- (C) authority be delegated to the General Manager to grant a lease, not exceeding 20 years, if development consent is granted, pursuant to Section 149 of the Roads Act 1993, to the owner of the adjoining premises 320-324 Elizabeth Street (currently George Thomas Hotels Pty Ltd) for the occupation of part of Elizabeth Street and Kippax Street, in stratum above, by the terrace café balcony at market rental to be determined by the General Manager based on independent valuation advice;
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 10. REZONING APPLICATION FOR KING STREET WHARVES 9 AND 10 (DRAFT AMENDMENT 15) (SO20670)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Manager Strategic Planning to Council on 17 March 2003, in relation to the Rezoning Application for King Street Wharves 9 and 10 (Draft Amendment 15), it be resolved that:-

- (A) the Central Sydney Local Environmental Plan 1996 be amended in the manner shown in Attachments A, B and C to the subject report and that the following clause be inserted:

"Notwithstanding any other provision of this plan, a 158 space short stay public car park is permitted with development consent within the Maritime and Transport zone, outlined in red on the zoning map (sheet 3), and shall be excluded from the calculation of floor space area.

The consent authority shall in granting consent impose suitable conditions requiring a covenant restricting the use of the car park solely for that purpose."

- (B) Planning NSW be notified of Council's resolution to prepare a local environmental plan, in accordance with Section 54 (Decision to prepare a local environmental plan) of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Lord Mayor to finalise matters relating to Central Sydney Local Environmental Plan 1996 in relation to the rezoning of Wharves 9 & 10;
- (D) Council exercise its delegated powers under Section 65 (Certificate of Director) and Section 69 (report by Director) of the Environmental Planning and Assessment Act 1979, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997, and titled 'LEPs and Council land-Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council';
- (E) it be noted that a significant component within the site area of the Masterplan is the provision of tourist coach parking facilities and that these facilities are a fundamental contribution to the City's tourist infrastructure.

Carried.

ITEM 11. QUESTIONS ON NOTICE**SUSTAINABLE CITY STRATEGY (S018718)**

1. By Councillor Greiner -

Question

Lord Mayor, a number of years ago you announced that a major initiative for the City was the development and implementation of a sustainable city strategy.

Would you please inform the Councillors with a status report on - the sustainable city strategy including benchmarking, how the strategy impacts on urban design, planning policy, development and building control, traffic and transport, service delivery and property management and maintenance?

Answer by the Lord Mayor

The Acting Director Asset Management and Compliance advises that -

“Since 2000 as part of the City’s Sustainable Strategy, the City has undertaken the following. These initiatives impact on urban design and planning policy, development and building control, traffic and transport, service delivery and property management and maintenance:

1. engaged an Environment Project Officer and a Stormwater Project Officer;
2. established a sustainability committee, which meets every two (2) months, with representatives across council to discuss and implement ecologically sustainable development (ESD) strategies within Council operations, policy and programs;
3. continued participation in the Energy Smart Business Partners Program operated by the Sustainable Energy Development Authority;
4. continued participation in the Cities for Climate Protection program operated by the International Council for Local Environmental Initiatives;
5. implemented 33 of the 97 actions listed in the Port Jackson South Stormwater Management Plan that involved the City through operations, policy and programs including the Clean Harbour Partners, and a study to quantify sediments and gross pollutants entering the stormwater network;
6. expanded the ESD requirements within the recent LEP review to provide scope for specific conditions within the forthcoming DCP review; and
7. prepared submissions for Cross City Tunnel project to ensure adequate air quality monitoring and provision for air filtration should sufficient technology become available.

The City's State of the Environment Report, which was distributed to Councillors, is available at Council's One Stop Shop and is also on Council's website, provides a detailed explanation where these and other upcoming projects are at.

Within coming months, the City is to:

1. review the Port Jackson South Stormwater Management Plan and develop through its sustainability committee, a plan that may be adopted by Council to set the City's strategic directions in regard to stormwater;
2. develop a greenhouse action plan identifying objectives, reduction targets and milestones to reduce greenhouse gas emissions within the City's local government area;
3. release Sustainable Asset Guidelines for City owned assets, to address ESD issues including energy and water efficiency, solid waste and waste water minimisation for implementation during planning, project design and implementation phases; and
4. document its Sustainable City Strategy to identify objectives, timing, responsibilities, and outcomes for ESD issues that ties together current and proposed programs, policies and operations."

DOMESTIC AND COMMERCIAL WASTE MANAGEMENT (S018718)

2. By Councillor Greiner -

Question

Lord Mayor, I have had representation from City residents who are concerned about a possible double standard. As a condition of consent for development approval Council can insist on domestic and commercial waste management facilities being provided and, at the same time, Council levies residential owners for domestic waste irrespective of the fact that their waste management is organised on a private basis.

Would you please ensure that this anomaly is corrected?

Answer by the Lord Mayor

The Acting Director Asset Management and Compliance advises that -

“As a condition of consent for development approval, the City requires that buildings be built in compliance with its ‘Code for Waste Handling in Buildings’ to ensure that the built structure (whether the use is residential, business or mixed) has satisfactory waste storage and handling facilities.

In accordance with section 496 of the Local Government Act 1993, the City makes a domestic waste collection service available to all residentially rated properties and ‘must make and levy a charge for each year’ for the provision of this service ‘for each parcel of rateable land for which the service is available’.

In summary, the City's approval relates to the building's structure, whilst the levy relates to the operation of a domestic waste service - these are two separate issues."

COWPER WHARF ROAD (S018718)

3. By Councillor Greiner -

Question

Lord Mayor, on previous occasions I have raised the potential pedestrian and vehicular black spot at Cowper Wharf Road adjacent to "Harry's Café de Wheels". A Sydney institution indeed, if not an icon, this facility attracts many cars which park illegally along Cowper Wharf Road and it is only a matter of time before a pedestrian or a driver is seriously injured, particularly given the extreme increase in traffic currently being generated by co-located commercial and residential developments.

Could you please inform Council what steps you have taken to reduce the risk of a fatality in this area?

Answer by the Lord Mayor

The Director City Development and Projects advises that:

"City staff have previously investigated the problem of cars illegally parking on the footway next to Harry's Café de Wheels. The illegal parking activity occurs primarily in the driveway which is used for service vehicle access to Berth No.4 of the Sydney Fleet Base in Woolloomooloo Bay.

With the impending boundary change this area is set to come wholly within the City of Sydney local government area. This will provide the opportunity for the City to increase parking enforcement patrols to address illegal parking in this location.

The installation of bollards has been investigated but is not appropriate as it would block access to the Navy's driveway. Bollards would also be impractical as they would only relocate the problem to nearest available area without bollards.

As the issue is essentially one of illegal parking the appropriate response is enforcement activity. The mobile ordinance crew patrols this area regularly.

In 2001/02 147 penalty infringement notices were issued for offences such as 'No Stop', 'Stop on Path' and 'No Parking'. For 2002/03, as at the end of February, 353 penalty infringement notices have been issued for the same offences."

QUESTIONS WITHOUT NOTICE

WESTFIELD DEVELOPMENT - CENTREPOINT (S018724)

1. By Councillor Greiner -

Question

Lord Mayor, my question follows on from a Question Without Notice I asked on Monday 24 February 2003, concerning Council facilitating the public discussion of the Westfield redevelopment site. You very kindly responded to my concern about Customs House being the site for the exhibition and the Council taking on the role as facilitator of the communication.

Has this been advanced in any way, shape or form? Your response at the time, Lord Mayor, just to remind you, was that the Customs House exhibition space may not be available, but you were going to investigate that and you were going to take a look at whether or not we could actually facilitate the debate.

Answer by the Lord Mayor

Could the Director City Development and Projects please inform Council as to whether or not the exhibition space will still be operating in the next month, so we can put the Westfield proposal on exhibition?

Director City Development and Projects

Lord Mayor, the exhibition space in Customs House will not be available. The last exhibition concludes in two weeks time at the end of March, after which the exhibition space will close, and there will then be a two week period during which staff will pack up.

The Westfield proposal will be on display at the Town Hall House model and will also be on Council's website.

Answer by the Lord Mayor (continued)

I ask that relevant staff draft a reply to Councillor Greiner in relation to the issues raised in her previous Question Without Notice, and the action agreed upon in my response to that Question, and that a copy of the reply be circulated to all Councillors.

WATTLE STREET PEDESTRIAN BRIDGE (S018724)

2. By Councillor Greiner -

Question

Lord Mayor, the Wattle Street pedestrian overhead bridge was the subject of some graffiti and vandal attacks in its previous design. We reconstructed it.

Can Council officers, who may or may not have the answer, inform Council as to whether or not the new design has been successful in resolving the problems of graffiti and vandalism on the overpass?

Answer by the Lord Mayor

I invite the Director City Development and Projects to respond.

Director City Development and Projects

Lord Mayor, work on the bridge hasn't been completed as yet.

Commencement of the work was deferred until after Christmas due to the start of the school holidays and the lower price if the work was undertaken after Christmas. The work is still ongoing.

ITEM 12. NOTICES OF MOTION

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

Closed Meeting

At 6.02pm, Council resolved -

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

- Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 13, 14, 15 and 16 on the Agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and
- Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 2 on the Agenda as this matter 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 matter and the circumstances of communications.

Items 2, 13, 14, 15 and 16 were then dealt with by Council while the meeting was closed to the public.

ITEM 13. ULTIMO AQUATIC CENTRE - EARLY WORKS TENDER (S020942)

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the General Manager determines.

ITEM 14. APPOINTMENT OF LIFT TENDER – SYDNEY TOWN HALL UPGRADE - PHASE A - TENDER 0302 (15629)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the recommendation as shown in the subject report be adopted.

The motion was carried on the following show of hands -

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

Noes (2) Councillors Farr-Jones and Greiner

Motion carried.

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the commencement of the works referred to in the subject report.

ITEM 15. GRAFFITI REMOVAL SERVICE: CONTRACT FOR NEW EAST AND WEST SERVICE AREAS

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

That arising from consideration of report by the Contract Manager, Graffiti, to Council on 17 March 2003, on Graffiti Removal Service: Contract for New East and West Service Areas, it be resolved that:

- (A) Council award the contract for the Intensive Removal (blitz) and Ongoing Removal and Inspection component of the new East and West Service Areas to the Provider referred to in paragraph 34 of the subject report;
- (B) Council award the contract for the new East and West Service Areas to the Provider referred to in paragraph 34 of the subject report;
- (C) Council approve and allocate the blitz amount in the new areas referred to in paragraph 22 of the subject report to the 2002- 2003 budget;
- (D) Council approve and allocate the recurrent amount in the new areas referred to in paragraph 24 of the subject report to the 2003- 2004 budget; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 16. COUNCIL CHAMBER UPGRADE - ACCEPTANCE OF TENDER

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

That arising from consideration of a report by the Executive Project Manager, City Development and Projects to Council on 17 March 2003, on Tender No 0303 Council Chamber Upgrade - Acceptance of Tender, it be resolved that:

- (A) Council accept the tender submitted by Avnir Group for Tender No 0303 Sydney Town Hall Council Chamber Upgrade in the amount referred to in paragraph 31 of the subject report;
- (B) Council approve a contingency sum as listed in paragraph 33 of the subject report to cover the cost of unforeseen works or circumstances;
- (C) authority be delegated to the General Manager to execute the contract;
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

At this stage of the meeting, all staff, with the exception of the General Manager, General Counsel, Director City Development and Projects, Finance Manager, Manager Property Strategy, Chief of Staff (Office of the Lord Mayor) and a Committee Secretary, left the meeting of Council.

ITEM 2. SYDNEY SQUARE

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

That arising from the consideration of a Minute by the Lord Mayor to Council on 17 March 2003, on Sydney Square, it be resolved that:

(A) to (L) (inclusive). (See clauses (P) and (Q))

- (M) authority be delegated to the General Manager to take all other steps necessary or convenient to give effect to the terms of this resolution;
- (N) Council's attorney be authorised to execute all necessary documentation;
- (O) the contents of the subject Minute not be reproduced in the minutes of Council;
- (P) the terms of clauses (A) to (F) inclusive of this Resolution remain confidential until the General Manager, with the concurrence of the Lord Mayor, determines;
- (Q) the terms of clauses (G) to (L) inclusive of this Resolution remain confidential until the occurrence of the event referred to in clause (K) of this Resolution or such earlier time as the General Manager determines, having regard to the requirements of those clauses.

Carried unanimously.

At 6.55pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 7 April 2003 at which
meeting the signature herein was subscribed.