CITY OF SYDNEY
FOUNDED 1842

Living City

18 NOVEMBER 2002

Meeting No 1371

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.43pm on 18 November 2002 pursuant to Notice 25/1371 dated 14 November 2002.

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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 5.43pm those present were:-

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

Councillor Farr-Jones, having previously advised that he may be late, arrived at the meeting of Council at 5.45pm during discussion on Item 5. Councillor Farr-Jones left the meeting of Council at 5.56pm during Question Time and did not return.

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council Meeting of 28 October 2002

Moved by Councillor Greiner, seconded by Councillor Coulton -

That the minutes of the meeting of Council of 28 October 2002, as circulated to Councillors, be confirmed.

Carried unanimously.

Minutes of Extraordinary Meeting of Council of 4 November 2002

Moved by Councillor Greiner, seconded by Councillor Coulton -

That the minutes of the extraordinary meeting of Council of 4 November 2002, as circulated to Councillors, be confirmed.

Carried unanimously.

Minutes of Extraordinary Meeting of Council of 11 November 2002

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the minutes of the extraordinary meeting of Council of 11 November 2002, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2. MINUTES BY THE LORD MAYOR

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

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

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 11 NOVEMBER 2002

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.08 pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Apology

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

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

Order of Business

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

2. Integrated Development Application: 2 Macleay Street, Potts Point (Jenner House)
1. Stage 2 Development Application: 31 Ultimo Road and 180 Thomas Street, Haymarket.

The meeting of the Planning Development and Transport Committee concluded at 7.15 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 11 November 2002 be received, and the recommendation set out below for Item 5.2 be adopted, with Item 5.1 being noted.

Carried.

The Committee recommended the following:-

DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 5.1 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

STAGE 2 DEVELOPMENT APPLICATION: 31 ULTIMO ROAD AND 180 THOMAS STREET, HAYMARKET (D2002/00715)

5.1

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 November 2002 in relation to Development Application D2002/00 made by Transgrid Pty Ltd for the site at 31 Ultimo Road for a Stage 2 development application for the construction of four storey predominantly below ground electricity substation to house three 400MVA transformers and associated 330 kV and 132kv switch gear with associated landscape works to the Ultimo Pedestrian way and parking/loading space for three vehicles, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

(1) Development must be in accordance with Development Application No. D2002/00715 dated 14 October 2002 and Statement of Environmental Effects prepared by Jeff Madden and Associates, dated October 2002 and drawings numbered 8038 70B, 71B, 72B, 73C, 74C, 75C, 76C, 77B, 78B, 79C prepared by Walter Construction Group (in conjunction with BVN) dated 8 October 2002 and as amended by the following conditions:

BUILDING ENVELOPE

(2) The approved building envelope is defined generally as follows:-

(a) Maximum height of 15.7m (RL 15.65m) above Thomas Street and the Ultimo Pedestrian Network is consistent with Stage 1;

(b) Maximum street wall height excluding architectural roof features to Thomas Street and the Ultimo Pedestrian Network of 12m (RL 12.75);

(c) Maximum street wall height excluding architectural roof features to Ultimo Road of 16.5m (RL 21.4);

USES

(3) The approved arrangement of uses within the development are defined generally as follows:-

(a) Substation accessed off Ultimo Road to be provided predominantly below Thomas Street level;

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

FLOOR SPACE RATIO

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

(a) The FSR of that part of the development contained within the boundary of the Central Sydney Local Environmental Plan 1996 shall not exceed 3.13:1 calculated in accordance with that plan. For the purpose of the calculation of FSR, the Floor Space Area of the development is 5,542 m^2.

(b) A Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, on completion of the substation.

BUILDING HEIGHT

(5)

(a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed 20.2m (RL 25.10m Ultimo Rd).

(b) A Registered Surveyor shall provide certification of the height of the building on completion of the construction of the office tower and prior to its occupation.

SUBSTATION

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

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

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

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

VEHICLE ACCESS AND CAR PARKING

(8) The following applies prior to construction:-

(a) The vehicle access arrangements to the building, including alterations to the existing signalised intersection at the junction of Darling Drive and Ultimo Road, shall be approved by the Road and Traffic Authority.

(b) Any alterations to the design of the building to meet the requirements of the RTA shall be approved by Council.

(9) The on-site loading parking spaces are not to be used by those other than an occupant or tenant of the subject building and any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of such car parking spaces to those other than an occupant or tenant in the building.

(10) The proposed office tower parking area identified on Basement 1 floor plan shall not be used for the parking of vehicles.

RESTRICTION ON USE OF CAR PARKING

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

TRAFFIC

(12) Designs and modifications to the signalised intersection of Ultimo Road and Darling Drive to incorporate the proposed driveways shall be carried out to the satisfaction of the RTA and Council, at the full cost of the applicant, prior to the commencement of the use of the development.

(13) The existing layout of Thomas Street south of Quay Street and including the footway set back shall be retained.

(14) All costs of traffic management measures associated with the development shall be borne by the developer.

(15) The following applies to the car parking area and service vehicle areas:-

(a) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989 with the required installation of falls and drains on the slab surface exempt.

(b) Any car parking shall be in accordance with the Central Sydney DCP 1996.

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

SECTION 61 CONTRIBUTION

(16) A contribution under Section 61 of the City of Sydney Act 1988 for any additional retail component arising from any amendments or changes to the proposed office foyer fronting the Ultimo Pedestrian Network of the development shall be paid in accordance with the following:

(a) Cash Contribution Required

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

(ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) Amount of Contribution

(i) The amount of the contribution will be equivalent to 1% of the development cost, prior to construction stage, as determined in accordance with the *"Central Sydney Contributions Plan 1997"*.

(c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to the commencement of excavation and construction of the development.

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

(d) Timing of Payment

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

NOISE

(17) The use of the premises must not give rise to any one or more of the following:

(a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

(b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

PUBLIC ART

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

LOT CONSOLIDATION

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

MATERIALS

(20) The plant to the roof including the air intake vents of the substation shall be clad in zinc to enhance the roof scape and promote design excellence.

Schedule 1B

Conditions to be complied with prior to Construction

DESIGN MODIFICATIONS

(21) The design of the substation shall be modified as follows:

(a) The internal space created between the lifts and the external wall (the lobby in front of the lifts) is narrow and requires modification to ensure access is achieved to the lift and promote an active street frontage. The applicant shall investigate a possible realignment of the façade and the use of a transparent material, or glass, to clad the lift core visible from Thomas Street and Ultimo Pedestrian Network.

The amendments shall be submitted for the approval of Council prior to the construction of these facilities under the Environmental Planning and Assessment Act 1979.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

(22) The Pedestrian and Traffic Management Plan approved by Council must be implemented in full during the construction period.

LOADING AND UNLOADING DURING CONSTRUCTION

(23) All loading, unloading and other construction activities shall be accommodated on-site except that:-

(a) 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.

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

WASTE

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

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

(b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by Council prior construction. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

(c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-

(i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.

(ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.

(iii) The location and design of any garbage chutes or compaction units required by Council's Code.

(iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(25)

(a) A copy of the Stage 2 certificate, a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be obtained and submitted to Council.

(b) Prior to occupation of the development a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be obtained and written confirmation of such shall be submitted to Council.

Note:

(i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.

(ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

PUBLIC DOMAIN PLAN

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

(a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and submitted (to be lodged with the Ultimo Pyrmont Public Domain Officer at City Projects) and approved by Council prior to occupation and operation of the facility under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans be submitted immediately 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 Ultimo Pyrmont Public Domain Technical Manual and the Street Tree Policy - Ultimo Pyrmont 1996.

(d) The Public Domain Plan shall incorporate the standard specifications and detail of the Ultimo Pyrmont Public Domain Technical Manual adapted to suit the specific site requirements as advised by the Ultimo Pyrmont Public Domain Officer and may include:-

(i) Adjustment to paving grades to provide a maximum cross fall of 2.5% from building line to top of kerb.

(ii) Repaving in accordance with Ultimo Pyrmont Public Domain Technical Manual. 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 Street Tree Policy - Ultimo Pyrmont 1996.

(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 kerbs and gutters.

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

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

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

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

STORMWATER AND DRAINAGE

(28) Any stormwater and drainage to be further implemented in the development shall require Council's consent including:

(a) 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.

(b) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Schedule 1C

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

UTILITY SERVICES

(29) Transgrid is to ensure that public utility authorities are advised of the development with any costs in the relocation, adjustment or support of services are to be the responsibility of the applicant.

ALIGNMENT LEVELS

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

(a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.

(b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

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

STRUCTURAL DOCUMENTATION

(31) The following documentation must be submitted to Council:

(a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));

(b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:

(i) The relevant clauses of the Building Code of Australia (BCA);

(ii) The relevant conditions of Development Consent;

(iii) The Architectural Plans incorporated with the Construction Certificate; and

(iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);

(v) Any other relevant report/s or documents. Specify on form S1A.

(c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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

(i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND

(ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND

(iii) Evidence of relevant experience in the form of a CV/Resume;

(iv) Appropriate current professional indemnity insurance.

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

An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.

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

Council reserves the right to randomly audit any structural documentation.

WASTE MANAGEMENT

(32) All requirements of the approved Waste Management Plans must be implemented during the construction period of the development with any changes to be submitted to the satisfaction of the Council before commencement.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(33) All requirements of the Hoarding and Scaffolding Permits issued for the site shall be adhered to and in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Interim Policy for Temporary Protective Structures.

APPLICATION FOR A ROAD OPENING PERMIT

(34) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.

Documents required with the application include:-

(a) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;

(b) Evidence that public utility drawings have been inspected;

(c) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;

(d) A Security Deposit for reinstatement of public way.

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

BARRICADE PERMIT

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

ROAD AND DRAINAGE WORKS

(36) Detailed road and drainage works engineering design and construction plans for any proposed reconstruction/realignment of Ultimo Road and Thomas Street and associated drainage works are to be submitted to Council and approval gained prior to the commencement of any associated work within the public way. Such plans are to include:

(a) Location of all public utility services in the vicinity of the proposed works and details of any deviations or alterations required as a consequence of the proposal.

(b) Location, geometric design, construction materials and specifications for any proposed realignment of the kerbs in the public way and the location of the existing kerbs.

(c) Geometric design, materials and specifications for any reconstruction of the footpath and road carriageway in the public way.

(d) Hydraulic and geometric design of any proposed alterations or deviations of the stormwater drainage system and connections thereto, within the public way.

(e) Details of any installation or relocation of street furniture, signage and landscaping within the public way.

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

The submission to Council is to include:

(i) The detailed engineering plans in duplicate and a Certification Form prepared and signed by an appropriately qualified practising Civil Engineer.

(ii) The certification repeated for each revision issued to Council.

(iii) The nomination of an appropriately qualified practising engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.

(37) As a consequence of its heritage significance, any trachyte kerbing to be removed or relocated is to be protected, stored and re-installed in accordance with Council's requirements and to its satisfaction.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

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

(a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(39) The following environmental protection measures are required:

(a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by Council.

(b) Such statement must include:

(i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;

(ii) The proposed method of discharge;

(iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;

(iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;

(v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".

(c) The Water and Sediment Control Statement shall be implemented during the construction period.

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

(40) 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 Council prior to discharge into such system.

(41) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

(a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

(b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;

(c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

(d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

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

STREET TREES

(45) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction (except as part of the approved public Domain plan) shall be replaced, to the approval of Council.

RECEPTACLES FOR CIGARETTE BUTTS

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

(i) be located entirely on private property and must not be located on or over Council's footpath;

(ii) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;

(iii) not obstruct any required access/egress path for people with disabilities;

(iv) be appropriately secured to the building;

(v) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and

(vi) emptying of receptacle/s must be carried out on a daily basis.

USE OF MOBILE CRANES

(47) Permits required for use of mobile cranes:-

(a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

OBSTRUCTION OF PUBLIC WAY

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

REMOVAL OF GRAFFITI

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

CARE OF BUILDING SURROUNDS

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

ROOF GARDEN

(51) The Japanese Roof garden shall be maintained on a regular basis and no less than four times a year.

AWNING MAINTENANCE

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

ACCESS

(53) 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.

COMMEMORATIVE PLAQUE

(54) The following is required:

(i) 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.

(ii) 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 occupation.

(iii) The approved plaque must be installed prior to Occupation.

Carried.

DETERMINED BY COUNCIL

INTEGRATED DEVELOPMENT APPLICATION: 2 MACLEAY STREET, POTTS POINT (JENNER HOUSE) (D2002/00277)

5.2

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 November 2002 in relation to Development Application D2002/00277 made by Contract Properties Pty Ltd for the site at 2 Macleay Street, Potts Point (Jenner House) for the adaptive reuse of the heritage listed building for 3 residential apartments and 6 car spaces, it be resolved that:

(A) authority be delegated to the General Manager, upon the receipt of the revised Terms of Approval from the Heritage Council of New South Wales, which show the appropriate drawing references, to determine the subject development application, having regard to the draft conditions of consent detailed in the subject report, as amended at the meeting of the Planning Development and Transport Committee;

(B) should approval be granted to the subject development application, the Section 149 Certificate for the site be updated to include an advisory note that the apartment located at the eastern end of the site will be affected by amenity loss, diminution of views and natural light if development occurs on the adjoining land to the east. This advice is to be inserted in a prominent position at the beginning of the Section 149 Certificate.

Carried.

Note - At the meeting of the Planning Development and Transport Committee, the motion to make this recommendation to Council was carried on the following show of hands -

Ayes (4) - Councillors Coulton, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner.

Note - Dr Peter Sheridan, Mr Andrew Towzell, Ms Pru Harper and Mr Stephen Nordon addressed the meeting of the Planning Development and Transport Committee on Item 5.2.

ITEM 6. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 18 NOVEMBER 2002

PRESENT

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

Councillors Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 3.20pm, those present were:-

The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull.

Councillor Robert Ho was also present.

Closed Meeting

At 3.21pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item 6.1 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 4.05pm.

Report of the Committee

The Priorities and Outcomes Committee recommended that Council note that Item 6.1 was determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

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

That the Report of the Priorities and Outcomes Committee of its meeting of 18 November 2002 be received, and Item 6.1 be noted.

Carried.

Closed Meeting

At 3.21pm 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 Item 6.1 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 proposed to conduct) business;

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

Item 6.1 was then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public and subsequently dealt with by Council in open session.

SYDNEY TOWN HALL CATERING SERVICES - APPROVAL TO GO TO TENDER (S021561)

6.1

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

That arising from consideration of a report by the Venue Manager, Sydney Town Hall to the Priority and Outcomes Committee on 18 November 2002, on Catering Services for the Sydney Town Hall - Approval to go to Tender, it be resolved that -

(A) approval be given to develop specifications and tender documents consistent with Option 1 as detailed in the subject report, and as amended at the meeting of the Priorities and Outcomes Committee;

(B) the final brief, including Key Performance Indicators, be circulated to members of the Priorities and Outcomes Committee for 72 hours for comment.

Carried.

ARCHAEOLOGICAL ASSESSMENT OF THE ULTIMO AQUATIC CENTRE - APPROVAL TO GO TO TENDER

6.2

Note - no report was circulated on this matter.

ITEM 7. QUESTIONS ON NOTICE

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

QUESTIONS WITHOUT NOTICE

STREET SAFETY CAMERAS (S018727)

1. By Councillor Turnbull -

Question

Lord Mayor, I heard on the radio today about a number of arrests following an assault in Liverpool Street. Can you advise as to whether our street safety cameras were involved in assisting with the arrest?

Answer by the Lord Mayor

Thank you Deputy Lord Mayor. Last Sunday in the early hours of the morning, about 3.30 am or so, five youths attacked a couple in Liverpool Street and then they split up into two groups. Council staff had actually seen it coming and alerted the police. The moment it happened the police were called and all five were arrested. They tracked them in different directions, because they broke up into one lot of three and one lot of two.

General Manager, I think that it is worth mentioning if for no other reason than to congratulate the staff in Council's closed circuit television control room. It is good to see that they are awake and alert at 3.30 am on a Sunday morning. It is a piece of good news.

I also think we should congratulate the Day Street Police for responding very quickly. It is a good thing when people who try to evade like that still get caught.

I think we should congratulate and thank our staff. Likewise, I request that a letter be forwarded to the Local Area Commander congratulating his staff on their role in the matter.

JESSIE STREET LIBRARY (S018724)

2. By Councillor Greiner -

Question

Lord Mayor, I have received correspondence from the Jessie Street Library in relation to the movement of our library from its current location to Customs House. There is a request, and I think it is a fairly self-evident need, for more space for the Jessie Street Library.

To raise a couple of points, their collection has grown from 5,000 to 8,000 books, and their archives from 40 linear metres to approximately 80 linear metres. They have space constraints and I would just ask, Lord Mayor, that the needs of the Jessie Street Library be taken into account given the direct correlation of clientele that use both the City of Sydney Library and the Jessie Street Library in the area of research.

I would ask that we note that they are in need of increased space and see whether we could assist them in some way.

Answer by the Lord Mayor

Thank you Councillor Greiner. Certainly their needs will be considered. I will ask the General Manager to have the matter examined because we should look after them. I think that given the nature of the Library when it moves to Customs House, in that there will be a lesser volume of books, but there will be home deliveries of books and it will be more interactive, it may be difficult to house an expanding archive of books from the Jessie Street Library.

However, because there will be an office and a reading room in Town Hall House, there may be scope to work with the Jessie Street Library and have them actually manage that for us. There might be some economies or benefit in having the Jessie Street Library as the custodians of our place here, and I ask that Council staff investigate that proposition thoroughly.

I invite the General Manager to respond also.

General Manager

The Jessie Street Library is not being relocated. We looked seriously at that and considered all those options and decided it wasn't feasible to move the Jessie Street Library but, as the Lord Mayor has indicated, we are going to create a new facility in Town Hall House, a reading room, and there is scope to look at the matters raised.

But, at the end of the day when we looked at the relocation of the main Library to Customs House, and all the other elements to that equation, Customs House was not suitable for the Jessie Street Library.

HOMELESS PERSONS (S018725)

3. By Councillor Ho -

Question

Lord Mayor, last night I walked down Macquarie Street and there were six homeless people outside the Mitchell Library. They were quite well-behaved. Last week in front of the Labor Council building in Sussex Street, in the vicinity of the fire exits, there were four homeless people. I think it is becoming an increasing problem.

I wonder if Council's Law Enforcement Unit could patrol the area and discourage them?

Answer by the Lord Mayor

Thank you Councillor Ho. I will ask the staff to take that question on notice. It is an issue that really is to do with the City's Outreach Program. I would like to see what the Outreach Program is doing about the presence of the homeless people in Macquarie Street and also around the Labor Council building, whether we know who those people are, whether they are our clients, and what prospects they have for being rehoused.

I will take the question on notice, more in terms of the Outreach Program than the Law Enforcement program, and ask that Council staff provide a report for the Councillors on this matter, please.

PREMISES - 121 PYRMONT STREET (S018724)

4. By Councillor Greiner

Question

Lord Mayor, I have received correspondence from a Pyrmont resident concerned with the operation of a Land and Environment Court approved brothel operating at 121 Pyrmont Street, with rear access to Paternoster Lane.

The conditions of consent that were granted by the Land and Environment Court are clearly not being adhered to and the next door resident is, not surprisingly, distressed by this and asks that Council's Law Enforcement Officers ensure that the Land and Environment Court conditions be adhered to, in particular, areas such as the back room door to the premises, which consists of a fly screen door with a pressed metal fly screen attached. It is not a solid door.

Habitation is occurring on the premises even though this was not a condition of the Land and Environment Court. Solicitation of clients in the rear car park and within their vehicles in the street is also occurring.

I ask, through the General Manager, if perhaps Council's Law Enforcement Officers could investigate this matter?

Answer by the Lord Mayor

Councillor Greiner, there is a sign at the front of 121 Pyrmont Street which warns that there will be random inspections made. I therefore would ask the question of the City Prosecutor - have we made any inspections yet? If we do make inspections, they can't say they are not on notice of it because there is a big sign out the front.

The second issue is that the effect of our publicity and lights on the front may be that we have driven all the trade to the back. Therefore, is there scope for some intervention in the rear lane as well?

I invite the City Prosecutor to either respond or take the question on notice.

City Prosecutor

Lord Mayor I would rather take the question on notice. There have been inspections undertaken of the premises, but not since this request today. There have been non-compliances in the past in relation to the back door but, as far as we understand, the main concern with that condition is whether people can see in through the back door, and in the past that hasn't been such a problem. However, it needs further investigation.

Answer by the Lord Mayor (continued)

You are saying the conditions may be ambiguous. Can you please investigate and provide a report for the Councillors.

PAGODA - DIXON STREET (S018725)

5. By Councillor Ho -

Question

Lord Mayor, about three months ago I raised a question as to whether the pagoda at the top of Dixon Street can be rented out. Would it be possible to obtain a response to my question please?

Answer by the Lord Mayor

Councillor Ho, I am advised by the Director Corporate Services that the Property Unit is looking at this issue but doesn't have an answer as yet. The matter is being examined.

I request that a response to Councillor Ho's question be expedited, please.

ITEM 8. NOTICES OF MOTION

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

ITEM 9. STORMWATER TRUST GRANTS STAGE 4 - APPOINTMENT OF A CONSULTANT

Note - no report was circulated and this item was not discussed at the meeting of Council.

At 6.00pm the meeting concluded.

Chairman of a meeting of the Council of the City of Sydney held on 9 December 2002 at which meeting the signature herein was subscribed.