



22 OCTOBER 2001

Meeting No 1341

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.53pm on 22 October 2001 pursuant to Notice 19/1341 dated 18 October 2001.

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PRESENT

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

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

At the commencement of business at 5.53pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) regulation 1999, the Council resolved that the order of business be altered such that Item 7 of the Business Paper be brought forward and dealt with first.

ITEM 7. DRAFT FINANCIAL STATEMENTS AND SUMMARY OF RESULTS FOR THE YEAR ENDED 30 JUNE 2001 (S017578)

Note - at this stage of the meeting the Council agreed that leave be granted to Mr Tony Whitfield, NSW Deputy Auditor General, to address the Council on the Draft Financial Statements and Summary of Financial Results for the year ended 30 June 2001.

Mr Whitfield, as Council's auditor, then briefly addressed Council on the Financial Statements for the year ended 30 June 2001.

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

That arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee on 15 October 2001, and to Council on 22 October 2001, on Draft Financial Statements and Summary of Results for the Year Ended 30 June 2001, it be resolved that Council -

- (A) adopt the Financial Statements for the twelve months ended 30 June 2001;
- (B) authorise the Lord Mayor, Councillor Coulton, the Acting General Manager and the Finance Manager to sign the General Purpose Financial Report;
- (C) authorise the Lord Mayor, Councillor Coulton, the Acting General Manager and the Finance Manager to sign the Special Purpose Financial Report.
- (D) authorise the Notice of Presentation of Audited Financial Statements for the period 1 July 2000 to 30 June 2001, as at Attachment A to the subject report, to be advertised on 23 October 2001.

Carried unanimously.

Note - The Lord Mayor, Councillor Coulton, the Acting General Manager and the Finance Manager signed the Financial Statements for the City of Sydney for the period ended 30 June 2001.

Apologies

The Deputy Lord Mayor, Councillor Lucy Turnbull, extended her apologies for her inability to attend the meeting as she was overseas.

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

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

Carried.

Welcome to Director City Projects

At this stage of the meeting the Chairman (the Lord Mayor) welcomed the new Director City Projects, Bridget Smyth, to Council.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Extraordinary Council meeting of 3 September 2001

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

That the minutes of the Extraordinary meeting of Council of 3 September 2001, as circulated to Councillors, be confirmed.

Carried.

Minutes of Council meeting of 17 September 2001

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the minutes of the meeting of Council of 17 September 2001, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. VARIATION TO COUNCIL MEETING SCHEDULE (A0401171)

MINUTE BY THE LORD MAYOR

To Council:

I have been invited by the Vancouver Board of Trade in Canada to participate in its Greater Vancouver Community Leadership Summit on the week commencing 18 November. I will be speaking on Sydney's pre-Olympic development and its post-Olympic outlook. The Vancouver Board of Trade is meeting all travel and accommodation costs.

Because my absence conflicts with the Council meeting scheduled for Monday November 19, I propose an amendment to the Council meeting schedule to bring forward Committees and Council by one week.

RECOMMENDATION:

That due to the Lord Mayor's absence overseas the Council meeting schedule be amended as follows:

The meetings of Committees scheduled for November 12 be held on November 5 following the scheduled Briefings, the Council meeting scheduled for November 19 be held on November 12 and next week's recess be maintained.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 22 October 2001 on Variation to Council Meeting Schedule, it be resolved that -

- (A) the meetings of Committees scheduled for 12 November 2001 be held on 5 November 2001 following the scheduled Briefings;
- (B) the Council meeting scheduled for 19 November 2001 be held on 12 November 2001;
- (C) the Council recess in week beginning 29 October 2001 be maintained;
- (D) there be a Council recess following the Council meeting of 12 November 2001.

Carried.

**ITEM 2B. REDUCING THE IMPACT OF RECENT EVENTS ON SYDNEY'S
TOURISM ECONOMY (S017540)**

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

That Items 2B and 3A on the Agenda be dealt with concurrently.

Carried.

MINUTE BY THE LORD MAYOR

To Council:

The impact on the Australian economy of last month's US terrorist attack has been significant. It has been particularly acute for Australia's tourism industry that is reeling anyway from the collapse of Ansett. A loss of 0.6% of GDP is expected in the December 2001 quarter, representing a loss to the Australian economy of around \$1 billion.

The impact is also expected to see a 15% reduction in export earnings over what would normally have been expected in the December quarter, representing an estimated \$500 million loss. The analysis anticipates a 4% reduction in accommodation, cafés' and restaurants' GDP, representing around \$140 million and a 3% reduction in transport GDP for the quarter, representing around \$210 million.

As tourism contributes approximately \$9 billion to the Sydney economy or about 5.5% of Sydney's estimated GDP, we can expect that the fallout of last month's event, compounded by the international economic downturn, will hit Sydney sharply.

For example, the occupancy figures from March to June 2001 show a drop in occupancy rates in Sydney City hotel room from 71% to 64% - the lowest rate since 1993. Over the last month, however, anecdotal evidence indicates that this situation has drastically worsened with an estimated 15% drop in occupancy rates.

Sydney Convention and Visitors Bureau

The Sydney Convention and Visitors Bureau (SCVB) is a not-for-profit destination marketing organisation. Its role is to promote Sydney and Regional NSW, both nationally and internationally, as the leading business and tourism destinations in the Asia Pacific.

The City of Sydney resigned from the SCVB in April last year, to focus on our own cultural calendar which complemented the Bureau's work by attracting national and international attention and media coverage through events such as New Year's Eve.

Given the extraordinary recent events that have had such a negative impact on the tourism economy, it is appropriate for the City to take steps to assist where it can to minimise the short-term effects.

The demonstrated impact on Sydney's economy highlights the need for partnerships between all levels of government and businesses that derive benefit from tourism.

As colleagues are aware, the General Manager has recommended that the City cease its membership of the Local Government Association, a recommendation I strongly support. The question arises how should the City use the funds previously committed to the LGA membership in the best interest of the City of Sydney.

I am proposing that the City becomes a Gold Member of the SCVB for a total cost of \$19,360. The City will be offering substantial support to the tourism industry at a time when it needs it the most.

RECOMMENDATION

That the Minute by the Lord Mayor entitled "Reducing the impact of recent events on Sydney's tourism economy" be endorsed, and the City's Gold membership of the Sydney Convention and Visitors Bureau be approved and in addition that a one-off grant of \$30,000 be made to the SCVB to assist it with its programs for the current year. Additional funds beyond the provision for the LGA fee are to be sourced from the General Contingency.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

ITEM 3A. MEMBERSHIP OF THE LOCAL GOVERNMENT ASSOCIATION AND ATTENDANCE AT LGA ANNUAL CONFERENCE (S001492)

MEMORANDUM BY THE GENERAL MANAGER

PURPOSE

1. To review the City's membership of the Local Government Association (LGA) and to consider the matter of representation at the forthcoming LGA Conference on 27-30 October 2001.

BACKGROUND

2. In response to a Question Without Notice from Councillor Coulton on 4 June 2001 (Attachment A) about whether the City achieves value for money in relation to its membership of LGA, the Lord Mayor asked the General Manager to provide a report.
3. The main purpose of the Local Government and Shires Associations is to represent the views of NSW councils to other governments, provide industrial relations and other specialist services to councils and promote local government to the community.
4. Established more than 100 years ago, all 173 councils and 19 special purpose county councils are members of the Associations. The City's involvement dates back to before 1981.
5. Financial contributions by the City of Sydney to the LGA totalled \$41,799.25 in 1999/00 and \$37,978 in 2000/01. The highest proportion of costs has been the membership fee, which was \$34,501 in 2000/01. Other costs related to attendance at courses/seminars, books and periodicals and a contribution to the Dial before you Dig project.
6. The membership fee for 2001/02 has been increased to \$35,768 (including GST). A total of \$35,000 has been allocated for this amount in the current year's budget.

7. The LGA in its promotional information cites a range of benefits as a result of participating in their organisation including policy advice/development, information provision, human resources and commercial services.
8. A very limited number of City of Sydney officers have had any real involvement in LGA projects. Some have attended training seminars held by the Association and report that these sessions have been of high quality. The Association also provides briefing sessions for newly elected Councillors. Staff have also reported that they found the weekly circular to be informative. However, the information in the circular is also available in other documents that the City receives.
9. The Local Government Association has not adequately represented the City's interests in relation to at least two primary issues of concern. The Association's negotiations with the State Government over the transfer of Parking Police were contrary to the City's interests. Their formula negotiated with the NSW Police Department is detrimental to the City of Sydney, particularly in relation to the City's previous agreement with the NSW Treasurer.
10. The Association's management and leadership in regard to the review of the Land and Environment Court has also failed to adequately represent the City's needs and those of local government.
11. Overall, the LGA is perceived as of limited use to Council officers. With an average expenditure of \$39,888 per annum (over the last two years) and few tangible benefits, membership does not represent value for money. Much of the Association's work is directed at influencing state government decision making. The City has not been well represented in this endeavour and has demonstrated the ability to negotiate more favourable agreements on its own behalf.
12. A member of the Local Government Association may resign on written notice to the Secretary and the resignation shall take effect on the receipt of the notice by the Association or such later date as is specified in the notice. No financial penalties apply (section 7a & 7b of Local Government Association constitution).
13. Depending on the decision Council makes on the question of membership, an appropriate decision will be made on attendance at the forthcoming LGA Conference.

PROPOSAL

14. That the City not renew its membership of the Local Government Association and monitor the performance of the LGA to see whether it warrants any change of policy on the part of the City.

OPTIONS

15. Continue the status quo.

CRITICAL DATES

16. Membership fees for the LGA became due on 1 July 2001, and to date have not been paid.

POLICY IMPLICATIONS

17. There are no policy implications in terminating membership of the LGA. By withdrawing, the City will rely on its own links with government to participate in policy development or negotiate agreements. The City of Sydney has a range of existing partnerships and links with government.

FINANCIAL IMPLICATIONS/FUNDING CERTIFICATES

18. By implementing the proposal, the City of Sydney will make a saving of \$35,000.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

19. Not applicable.

CONSULTATION

20. Relevant City of Sydney officers were consulted about their involvement with the LGA.

RELEVANT LEGISLATION

21. Not applicable.

CONCLUSION

22. The City's involvement with the LGA does not represent value for money. The Association has on more than one occasion advocated for policy changes that are contrary to the best interests of the city. Staff members report limited use of or involvement in LGA.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 22 October 2001 on a review of membership of the Local Government Association, it be resolved that Council not renew its membership of the Local Government Association.

(SGD) JOHN KASS
Acting General Manager

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

That arising from consideration of a Minute by the Lord Mayor to Council on 22 October 2001 on Reducing the Impact of Recent Events on Sydney's Tourism Economy, and of a Memorandum by the General Manager to Council on 22 October 2001 on Membership of the Local Government Association and Attendance at LGA Annual Conference, it be resolved that -

- (A) the Minute by the Lord Mayor be endorsed;
- (B) the City of Sydney's Gold membership of the Sydney Convention and Visitors Bureau (SCVB) be approved;
- (C) a one-off grant of \$30,000 be made to the SCVB to assist it with its programs for the current year; additional funds beyond the provision for the LGA fee to be sourced from the General Contingency;
- (D) Council not renew its membership of the Local Government Association.

Carried unanimously.

ITEM 3B. CONTRACT EMPLOYMENT POLICY AND UPDATE ON ORGANISATIONAL EFFICIENCY REFORMS (S017336)

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

That consideration of this matter be deferred and dealt with under Confidential Items.

Carried.

ITEM 4. MATTERS FOR TABLING

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

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

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

Carried.

PETITION (S015015)

Councillor Marsden tabled a petition signed by 44 members of the City of Sydney Historical Association and other interested persons, requesting that Council consider restoring the “Sydney Heritage Walk” panels.

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

That the matter be referred through the Acting General Manager and Deputy General Manager to the Contract & Assets Management Unit to be investigated and addressed.

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 15 OCTOBER 2001

PRESENT

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

Councillors Dixie Coulton, Nick Farr-Jones and Robert Ho.

At the commencement of business at 5.47 pm those present were:-

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

Councillor Fabian Marsden was also present.

Apologies

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

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

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

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

Carried.

Order of Business

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

1. Investments Held by Council as at 30 September 2001
2. Draft Financial Statements and Summary of Results for the Year Ended 30 June 2001
4. Macquarie Street, Sydney Adjoining 71-79 Macquarie Street - Proposed Lease of Stratum Under
3. Tender for the Provision of Corporate Banking Services - Acceptance of Tender

Closed Meeting

At 5.58 pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 5.3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.03 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 15 October 2001 be received, and the recommendations set out below for Items 5.1 to 5.4 (inclusive) be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 30 SEPTEMBER 2001 (AO2-00360)

5.1

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 15 October 2001, on Investments Held by Council as at 31 August 2001 and 30 September 2001, it be resolved that the report be received and noted.

Carried.

DRAFT FINANCIAL STATEMENTS AND SUMMARY OF RESULTS FOR THE YEAR ENDED 30 JUNE 2001 (S017578)

5.2

That consideration of this matter be deferred to the meeting of Council on 22 October 2001.

Carried.

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

Closed Meeting

At 5.58 pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 5.3 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

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

Item 5.3 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

TENDER FOR THE PROVISION OF CORPORATE BANKING SERVICES - ACCEPTANCE OF TENDER (S015435)

5.3

That arising from consideration of a report by the Policy, Planning & Projects Accountant to the Finance, Properties and Tenders Committee on 15 October 2001, on Tender for the Provision of Corporate Banking Services, it be resolved that:

- (A) the tender submitted by Westpac Banking Corporation be accepted;
- (B) the City of Sydney enter into an agreement with Westpac Banking Corporation for provision of Council's corporate banking services to 30 June 2006;
- (C) the City of Sydney and Westpac Banking Corporation formally enter in a service level agreement that will guarantee specific critical performance measures; and
- (D) Council's Attorney be authorised to execute all documentation.

Carried.

Note - Item 5.4 was dealt with by the Finance, Properties and Tenders Committee in open session.

MACQUARIE STREET, SYDNEY ADJOINING 71-79 MACQUARIE STREET - PROPOSED LEASE OF STRATUM UNDER (S017575)

5.4

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 15 October 2001 on Macquarie Street, Sydney adjoining 71-79 Macquarie Street - Proposed Lease of Stratum Under, it be resolved that -

- (A) Council approve the granting of a lease pursuant to section 149 of the Roads Act, 1993 to the adjoining owner of 71-79 Macquarie Street, currently Australia Mutual Provident Society, of the stratum under Macquarie Street as shown on the plan shown at Attachment A to the subject report; for a period commencing on 29 August 2001, subject to -

- (i) the period of the lease being a maximum of 20 years or until such time as the building is refurbished, redeveloped or demolished, whichever is the sooner;
 - (ii) there being market rental reviews every five years with appropriate indexation in between;
- (B) authority be delegated to the General Manager to negotiate and determine the rent based on independent valuation advice;
- (C) Council's Attorney be authorised to execute all necessary documentation.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 15 OCTOBER 2001

PRESENT

Councillor Dixie Coulton
(Chairman)

Councillors - Nick Farr-Jones, Robert Ho and Fabian Marsden.

At the commencement of business at 6.15 pm those present were -

Councillors Coulton, Farr-Jones, Ho and Marsden.

Apologies

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

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

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

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

Carried.

The meeting of the Planning Development and Transport Committee concluded at 6.42 pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of 15 October 2001 be received, and the recommendations set out below for Items 6.1 and 6.2 be adopted, with Items 6.3 and 6.4 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

**DEVELOPMENT APPLICATION: MASONIC CENTRE, 279-285
CASTLEREAGH STREET, SYDNEY (2001/00461)**

6.1

That consideration of this matter be deferred to the meeting of Council on 22 October 2001.

Carried.

Note - This matter was dealt with by Council as Item 8 on the Business Paper.

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

**SECTION 96 APPLICATION: MASONIC CENTRE, 279-285 CASTLEREAGH
STREET SYDNEY (S016842)**

6.2

That consideration of this matter be deferred to the meeting of Council on 22 October 2001.

Note - This matter was dealt with by Council as Item 9 on the Business Paper.

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

The Planning Development and Transport Committee recommended that Council note that Items 6.3 and 6.4 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: "SKYGARDENS", 77-83A CASTLEREAGH STREET AND 166 PITT STREET SYDNEY (D01-00396)**6.3**

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

That arising from consideration of a report by the Planner to the Planning Development and Transport Committee on 15 October 2001 in relation to Development Application D01-00396 made by Mulroneys Architects Pty. Ltd. for the site at 77-83A Castlereagh Street and 166 Pitt Street Sydney for the fit out and use of level 4 for the purpose of a late opening tavern providing entertainment, 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.

- (1) Development must be in accordance with Development Application No. D01-00396 dated 4 July 2001, drawings numbered 0112-DA01 & 02 dated 2 & 3 July 2001 respectively and the Management Principles set out in the submitted Statement of Environmental Effects dated 3 July 2001, prepared by Mulroneys Architects 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 BANK CHEQUE made payable to the City of Sydney.

(b) Amount of Contribution

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".
- (c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) Timing of Payment

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

ENTERTAINMENT

- (3) No entertainment shall be provided external to the enclosed areas of the level 4 tavern.
- (4) No entertainment provided within the enclosed areas of the level 4 tavern shall be transmitted to the outdoor roof terrace area of the tavern.
- (5) The use of the enclosed areas of the level 4 tavern for the provision of entertainment shall not commence until such time as an application, pursuant to Section 68 of the Local Government Act, 1993, has been submitted to and approved by Council. The premises must comply with the requirements of the BCA, in particular those relating to Places of Public Entertainment.
- (6) The use of the enclosed areas of the level 4 tavern for the provision of entertainment shall cease after a period of one year from the date of the Place of Public Entertainment final approval under Section 68 of the Local Government Act, 1993. A further application may be lodged before the expiration of the one year period for Council's consideration of the continuation of the provision of entertainment.
- (7) The provision of entertainment within the enclosed areas of the level 4 tavern shall be limited to the stated form of a low key, background type and restricted to single performers or small groups.

- (8) Where licensed premises holds, or obtains a Place of Public Entertainment Approval, each specific area to which the approval refers, shall display in a prominent position, a sign which states "This Area Is Approved for "X" Persons' in letters a minimum 25mm in height on a contrasting background. The population of the approved area will be determined at the time the application pursuant to Section 68 of the Local Government Act, 1993 is determined.

HOURS OF OPERATION

- (9) The hours of operation of the enclosed areas of the level 4 tavern are regulated as follows:
- (a) The hours of operation shall be restricted to between 10.00 am and 12.00 midnight on Mondays to Sundays (inclusive);
 - (b) Notwithstanding (a) above, these areas may operate between 12.00 midnight and 2.00 am the following morning, 7 days per week, for a trial period of one year from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.
 - (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.
- (10) The hours of operation of the unenclosed roof terrace areas of the level 4 tavern are restricted to between 10.00 am and 10.00 pm on Sundays to Wednesdays (inclusive) and between 10.00 am and 12.00 midnight on Thursdays, Fridays and Saturdays;

DESIGN MODIFICATION/GAMING ROOM

- (11) The gaming room shall be relocated or reconfigured so as to not provide a direct access to the lift lobby area, which also serves the retail shopping levels, and to enable a direct relationship to be established between the tavern uses and the gaming area. Details shall be submitted to and approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SECURITY

- (12) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).

- (13) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.
- (14) The Management/Licensee shall install a fixed audio/visual camera at the principal entrance to the premises. Suitable signage shall be appended at the entrance alerting potential patrons that the facility exists and will be utilised if required.
- (15) Digital video surveillance cameras shall be strategically placed throughout the premises with particular coverage to the principal entrance. The video tapes/discs are to be retained for a period of no less than 14 days before being destroyed or reused. The time and date are to be recorded on the tape/disc, which must be made available to the Police on their request.
- (16) Licensed security personnel must be employed to patrol the licensed area and the immediate vicinity of the premises from 8.00 pm until 30 minutes after closing time or until the last patron has left the premises, whichever is the later. Security personnel are to be deployed at a ratio of one security person per 100 patrons.
- (17) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner.

NOISE

- (18) The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".

- (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.
- (19) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.
 - (20) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
 - (21) The access doors between the enclosed areas of the level 4 tavern and the external roof terrace areas of the tavern shall be closed immediately after the cessation of the operations of the roof terrace area.
 - (22) The removal of recycled bottles and glasses shall only occur between 7.00 am and 8.00 pm weekdays and 9.00 am and 5.00 pm weekends and public holidays, to avoid noise disruption to the surrounding area.
 - (23) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
 - (24) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
 - (25) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.

GENERAL

- (26) No beer brewed on the site shall be sold in commercial quantities for resale elsewhere.
- (27) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.

- (28) All deliveries of goods associated with the use shall utilise the existing loading vehicle and goods lift facilities within the building.
- (29) No automatic teller machines (ATM) shall be installed in the premises.
- (30) The external roof terrace area shall be adequately illuminated at night to the satisfaction of Council. Care should be taken to ensure that the illumination does not cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is being caused, the intensity and hours of illumination must be varied to the approval of Council.

CARE OF BUILDING SURROUNDS

- (31) 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.
- (32) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

SIGNS

- (33) 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.
- (34) No flashing signage visible from the public way shall be installed.
- (35) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- (36) Any future external signage for the gaming area shall only be ancillary to an identification sign for the premises, as an under-awning sign or other sign acceptable to the Council.

FIRE SAFETY

- (37) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1B

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

BCA REQUIREMENTS

- (38) 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.
- (39) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.
- (40) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

DISABLED ACCESS

- (41) 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.

VENTILATION/HEATING/COOLING SYSTEMS

- (42) The proposed tavern kitchen must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

WASTE

- (43)
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - (i) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
 - (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

SANITARY FACILITIES

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

CERTIFICATION OF DESIGN OF FOOD PREMISES

- (45) Prior to issue of a construction certificate under the *Environmental Planning and Assessment Act 1979*, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Plans and specifications of the design corresponding with and attached to a Design Certificate (see (b));
 - (b) A Certificate for Design of Food Premises, submitted in the form of Attachment F1, OR a Compliance Certificate (in accordance with Section 109C of the *Environmental Planning and Assessment Act 1979*), to certify compliance with the:-
 - (i) National Code for the Construction and Fitout of Food Premises;
 - (ii) *Food Act 1989*;
 - (iii) *Food (General) Regulation 1997*;
 - (iv) The relevant clauses of the Building Code of Australia; and
 - (v) Council's Ventilation Code; and
 - (vi) Relevant conditions of Development Consent.
 - (c) **Notes**
 - (i) An appropriately qualified person completing Attachment F1 must;
 - a. be appropriately qualified and experienced in the design, codes and legislative provisions for food premises;
 - b. provide evidence of relevant experience in the form of a CV/Resume;
 - c. have appropriate current professional indemnity insurance.
 - (ii) An appropriately qualified person issuing a Compliance Certificate must have accreditation in accordance with the *Environmental Planning and Assessment Act 1979*.
 - (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

- (iv) Separate certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.
- (46) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

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

- (47) 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.
- (48) 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

- (49) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
 - (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (50) **Notes:**
 - (a) 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.
- (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.
- (c) 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.
- (d) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

BCA REQUIREMENTS

- (51) Each Fire Safety Measure required to serve the building shall be maintained and certified as meeting the standard of performance to which it was originally installed prior to the issue of an entertainment approval. Any additional Category 1 fire safety measures required by the BCA in respect of the proposed change of use shall be provided to serve the building.
- (52) Prior to the issue of an entertainment approval, the parts of the building presently affected by building works shall be placed in a condition that will not impair the fire safety of occupants in the subject tenancy, to the satisfaction of the consent authority.
- (53) Prior to the determination of the “in principle” Place of Public Entertainment Approval, a Fire Safety Engineering Report reflecting the current fire safety parameters of the building shall be issued to the satisfaction of the consent authority. A Part 4a Compliance Certificate under the EP & A Act shall be issued in respect of the report, to the satisfaction of the consent authority. The population allowable under the terms of the entertainment approval shall be subject to satisfaction of those parameters and compliance with required egress widths and sanitary facilities.
- (54) Certification of the compliance of any existing combustible linings, with respect to the BCA requirements for fire and smoke propagation, shall be required prior to issue of an entertainment approval.

Schedule 1D

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

HOURS OF WORK AND NOISE

- (55) 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) 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'.
 - (e) **Note:** The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.
- (56) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

Schedule 1E

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

- (57) 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. The fit out shall be capable of meeting the BCA requirements pertaining to Places of Public Entertainment. A copy of the certificate shall be submitted to Council if it was not the PCA.

BCA REQUIREMENTS

- (58) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (59) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

WASTE

- (60) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.
- (61) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

HEALTH

- (62) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act,1979)

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (63) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.
- (64) The following requirements apply to coolrooms:-
- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
 - (b) The door of the coolroom(s) shall be openable at all times from the inside without the use of a key.
 - (c) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised angle iron or other approved material with the lowest shelf at least 150 mm clear of the floor.
 - (d) Provision shall be made for the conveying of all refrigeration condensates to approved drainage fittings and all refrigeration, water and other service conduits shall be concealed in floors, walls or plinths.
 - (e) The coolroom being capable of operating so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5°C and the coolroom shall be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the outside.
 - (f) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - (g) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s).

- (65) A permanent waste line from the grease trap room with a connection at the boundary of the premises shall be provided to enable the removal of waste from the grease arrestor. A grease arrestor (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area.
- (66) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1°C and able to be easily read from outside the appliance.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (67) 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.
- (68) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (69) 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.
- (70) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (71) **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 2

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

Carried unanimously.

Note - Mr Tony Falcone and Mr Robert Forster addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

DEVELOPMENT APPLICATION: 11 BARRACK STREET, SYDNEY (D2001/00383)

6.4

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 15 October 2001 in relation to Development Application D2001/00383 made by Nettleton Tribe Architects for the site at 11 Barrack Street Sydney, for conservation, alterations and additions to the heritage building including an award of Heritage Floorspace, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2001/00383 dated 28 June 2001 and the following drawings prepared by Nettleton Tribe Architects:

Drawing Number:	Date:
2346-101 Issue C	21-09-01
2346-102 Issue C	24-09-01
2346-103 Issue C	21-09-01
2346-104 Issue C	21-09-01
2346-105 Issue C	21-09-01
2346-106 Issue C	21-09-01
2346-107 Issue C	21-09-01
2346-201 Issue C	21-09-01
2346-202 Issue C	21-09-01

and as amended by the following conditions:

FLOOR SPACE RATIO

- (2) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 3.1:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 2,070.5 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

AWARD OF HERITAGE FLOOR SPACE

- (3) The owner may be awarded 2,415 sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-

- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 2,070.5 sqm.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will only be registered as the owner 2,415 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

SECTION 61 CONTRIBUTION

- (4) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
 - (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney.
 - (b) **Amount of Contribution**
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".
 - (c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
- (d) **Timing of Payment**
- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (5) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (i) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (ii) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (6) The form of recording is to be as follows:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;

- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

FURTHER DETAILS REQUIRED

- (7) The design of the south elevation of the new addition, including the use of materials/finishes and the proportion of the openings, shall be modified in relation to its appropriateness to the heritage building and historic setting. The revised design of the south elevation shall be submitted for approval by Director City Development prior to the issue of a Construction Certificate.
- (8) The applicant shall prepare a detailed colour scheme (interior and exterior) including the carpet design for the heritage building. The investigation shall be based on an investigation of earlier colour decorative schemes as outlined in the Conservation Management Plan. The result of the investigation shall be submitted for approval by Director City Development prior to the issue of a Construction Certification.

HERITAGE

- (9) The Conservation Management Plan, prepared by Jackson Teece Chesterman Willis, shall be revised to incorporate the revisions submitted 21/08/2001 and 26/09/2001. A copy of the revised Conservation Management Plan shall be submitted for approval by Director City Development prior to the issue of a Construction Certificate.
- (10) The conservation works identified in the "11 Barrack Street, Sydney - Schedule of Conservation Work" (prepared by Jackson Teece Chesterman Willis submitted 21/08/2001) must be completed and approved by the Director City Development prior to the registration of HFS award.

- (11) The conservation architect (as noted in Condition 13) is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of HFS award.
- (12) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval of the Director City Development prior to the issue of any Construction Certificate and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.
- (13) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (14) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (15) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (16) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

MODELS

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

Note:

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

ELECTRONIC MODEL - BUILDINGS 'AS BUILT' AND UNDERGROUND UTILITIES AND SERVICES

- (19) Prior to the issue of a Certificate of Occupation under the Environmental Planning and Assessment Act 1979, an accurate 1:1 electronic model of the approved development must be submitted to Council for the electronic City Model.
 - (a) The data required to be submitted within the surveyed location shall include and identify:-
 - (i) buildings 'as built' above and below ground;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) the property boundaries and the kerb lines adjacent to the site.
 - (b) The data is to be submitted as a DXF file on physical media (floppy disc or CD). Preferably, all plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
 - (c) Within the DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
 - (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Manager, Spatial Information should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Note:

- (e) The submitted model/data must be amended to reflect any further approvals under section 96 of the Environmental Planning and Assessment Act 1979, that affect the location of any of the underground services or structures and/or external configuration of building above ground.

CONSISTENCY OF DRAWINGS

- (20) 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.

DEMOLITION/SITE RECTIFICATION

- (21) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

SEPARATE APPLICATIONS

- (22) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.
- (23) A separate development application must be submitted at the appropriate time for the use and internal fitout work of each tenancy.
- (24) Any proposal to strata subdivide the building and site will require a separate application to Council to obtain development consent for the proposal and application to Council or an accredited certifier for approval of the final Strata Plan and execution of the Strata Certificate under Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended.
- (25) 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.

BUILDING NAME

- (26) Any change to the name of the building is to be subject to the approval of Council.

Schedule 1B

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

ACCESS FOR PEOPLE WITH DISABILITIES

- (27) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (28) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to the issue of a Construction Certificate. It must include details of the:-
- (a) Proposed loading and unloading arrangements during the demolition/construction period;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management during the demolition/construction period;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition/construction period.

BCA COMPLIANCE

- (29) The new work shall be constructed in Type A construction as per BCA Part C.
- (30) The existing fire sprinkler system serving the building shall be upgraded to meet BCA Part E.
- (31) The basement storage and rooms containing services and equipment shall be separated from the remainder of the building by construction having the Fire Resistance Level required by BCA Part C. Egress from the proposed basement switchroom shall meet the requirements of the appropriate utility authority.
- (32) Any new opening in the building, where exposed to a fire source feature shall be protected as required by BCA Part C. Lintels supporting such opening shall meet the requirements of BCA Part C.

- (33) Any roof lights in the building shall be protected as required by BCA Part C. Openings in walls projecting above the glazed roof shall be protected as required by BCA Part C.
- (34) The opening stair serving the building shall be smoke-separated by bounding construction meeting the requirements of BCA Part D. The non-fir-isolated main entry stair proposed to be used as an egress stair shall be smoke-separated from the lift shaft by bounding construction. The stairs shall be provided with additional emergency lighting with particular regard being paid to the winder treads in lieu of BCA compliant treads and risers.
- (35) Egress from the proposed roof plant enclosure shall meet the requirements of BCA Part D.
- (36) The fire safety measures other than automatic fire sprinklers required by this consent shall be provided in accordance with performance requirements of the BCA and the NSW Fire Brigades.
- (37) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

PUBLIC DOMAIN PLAN

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

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

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

Note:

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

GLAZING

- (39) All external glazing in the development must be clear and untinted.
- (40) 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.

LETTER TO VERIFY SUPPORT FOR NEW LOADS

- (41) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

METAL FIXINGS FOR FAÇADE PANELS AND CURTAIN WALLS

- (42) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
 - (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-

- (i) Average Corrosion Rate of *Hot Dipped Galvanised Coating* to be 2 microns per year; and
- (ii) The Average Corrosion Rate of *mild steel* in the facade environment taken to be 20 microns per year; and
- (iii) The Pitting Rate of *mild steel* taken to be 10 times the Average Corrosion Rate; and
- (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate *doubles*.

NON-COMPLIANCE WITH THE DEEMED TO SATISFY PROVISIONS OF THE BCA

- (43) For areas **not** complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.

STORMWATER AND DRAINAGE

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

DESIGN FOR STORAGE AND HANDLING OF WASTE

- (45)
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - (i) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (c) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
- (d) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

Schedule 1C

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

DEMOLITION DETAILS

- (46) 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).

OTHER DEMOLITION DETAILS

- (47) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
 - (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Report/s of adjoining buildings.

- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (48) 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.
- (49) 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.
- (50) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
 - (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

- (51) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (52) 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.

BARRICADE PERMIT REQUIRED

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

USE OF MOBILE CRANES

- (54) 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.

FOOTPATH DAMAGE BANK GUARANTEE

- (55) 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 of \$50,000 as security for any damage rectification to the Barrack Street footway.
- (56) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (57) 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.

MECHANICAL VENTILATION OR AIR CONDITIONING TO BE CERTIFIED

- (58) 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

- (59) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
 - (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and **S1B** completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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

Schedule 1D

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

HOURS OF WORK AND NOISE

- (60) 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

- (61) 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

- (62) 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.

PROTECTION OF STREET TREES

- (63) 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.

NO OBSTRUCTION OF PUBLIC WAY

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

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE TO BE SUBMITTED

- (66) 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.

FIRE SAFETY CERTIFICATE TO BE SUBMITTED

- (67) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.

GLAZING MATERIALS

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

FUTURE PARTITIONING

- (69) Future partitioning shall be designed so that access to all fire stairs from all areas including public areas is available at all times and so that not less than two exits shall be readily available at all times from every point on the floor including the lift lobby area. Lockable or security doors or partitioning preventing access to at least two exits from the lift lobby area will not be permitted.

NUMBERING

- (70) 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" and with consultation of the conservation architect. If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

TRADE WASTE COLLECTION CONTRACT

- (71) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (72) 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.

A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

(73) 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

REMOVAL OF GRAFFITI

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

HOURS OF OPERATION

- (75) The hours of operation must be restricted to between 7.00am and 7.00pm Mondays to Fridays, inclusive.

NOISE

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

- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

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

WINDOW CLEANING

- (78) 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.

NO SIGNS OR GOODS ON PUBLIC AREA

- (79) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

REFUSE COLLECTION, WASTE NOT TO BE PLACED ON PUBLIC WAY

- (80) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.

Carried.

ITEM 7. DRAFT FINANCIAL STATEMENTS AND SUMMARY OF RESULTS FOR THE YEAR ENDED 30 JUNE 2001 (S017578)

Note - Item 7 was dealt with at an earlier stage of the meeting.

ITEM 8. DEVELOPMENT APPLICATION: MASONIC CENTRE, 279-285 CASTLEREAGH STREET, SYDNEY (2001/00461)

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

That arising from consideration of a report by the Area Planning Manager to the Planning, Development and Transport Committee on 15 October 2001, and to Council on 22 October 2001, in relation to Development Application D2001/00461 made by Grocon Pty Ltd for the Masonic Centre at 279-285 Castlereagh Street for the construction of a glass enclosure at street level and the carrying out of associated modifications, it be resolved:-

- (A) That the requirement for a Development Plan be waived under the provisions of Clause 28B (4) of the Central Sydney Local Environmental Plan 1996.

And

- (B) That consent be granted for the development subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2001/00461 dated 25 July 2001 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated July 2001, and the drawings detailed below prepared by Peddle Thorp and Walker Architects:-

Drawing No

002	Site Plan	Dated 2 July 2001
003	Ground Floor Plan	Dated 2 July 2001
004	Upper Basement Mezzanine	Dated 2 July 2001
005	Ground Floor Plan	Dated 2 July 2001
006	Street Level Plan Lobby and Cafe Proposed	Dated 25 July 2001
010	East Elevation	Dated 2 July 2001
011	South Elevation	Dated 2 July 2001

020	Section 1 and 2	Dated 2 July 2001
021	Section Details	Dated 2 July 2001

and as amended by the following conditions:

APPROVED DESIGN

- (2A) The final design shall be subject to the approval of the Director City Development directly based on the submission of detailed engineering drawings.
- (2B) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The design details of the proposed enclosure, including all external finishes and colours (including glazing), must be in accordance with the materials schedule and sample board, and specifications prepared by Peddle Thorp and Walker Architects submitted with the applications and detailed below:-

Materials

Clear glass	Roof and Exterior Walls
Off form concrete (existing)	Wall inside
Granite (Steel Grey)	Floor (ramps and lobby)
Timber (Cherrywood)	Floor (Platforms)
Stainless Steel	Tension rods and MS Plate

Note:

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

- (4) All glazing in the development must be clear and untinted.
- (5) 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.
- (6) In order to maintain visibility to the enclosure interior, the windows must not be obscured by:-
- blinds, curtains or the like;
 - advertising posters, painted signs, displays or the like;

- (c) Furniture, fixtures, fittings or the like.
- (7) 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.
- (8) The architect of the project as approved should not be changed without prior notice to Council.

USE

- (9) A separate development application must be submitted at the appropriate time for the use of the proposed restaurant/cafe.

SIGNS

- (10) A separate development application for any proposed signs that are either externally fitted or applied, or internal signs intended to be visible from the public domain, must be submitted for the approval of Council prior to the erection or display of any such signs.

Schedule 1B

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

FLOOR SPACE RATIO

- (11) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the approved development (including the approved tower) must not exceed 12.1:1 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 approved development is 33, 238 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
 - (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 219 sqm of heritage floor space was allocated (purchased and transferred) to the development, being half the amount of the additional floor space to be created in excess of the floor space of the existing approved development, as specified in the Central Sydney Local Environmental Plan 1996.

PHYSICAL MODELS

- (12) 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
- (13) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

SECTION 61 CONTRIBUTION

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

- (a) **Cash Contribution Required**

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

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

- (b) **Amount of Contribution**

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

- (c) Certification of the calculation of the contribution in accordance with the “*Central Sydney Contribution Plan 1997*” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

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

(d) **Timing of Payment**

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

BCA

- (15) 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.
- (16) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.
- (17) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (18) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (19) The premises must be ventilated in accordance with the Building Code of Australia and Council’s Ventilation Code.

ACCESS

- (20) 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.

PUBLIC ART

- (21) High quality artwork 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 artwork must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

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

- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum cross fall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of City of Sydney approved Smartpole(s), (to be provided at the applicant's 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.

GLASS INSTALLATION

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

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

- (24) 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.
- (25) 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

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

Notes

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

Schedule 1D

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

USE OF MOBILE CRANES

- (27) 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.

- (28) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (29) 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.
- (30) 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.

DEMOLITION DETAILS

- (31) 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).

- (32) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (c) Dilapidation Report/s of adjoining buildings.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.

LOADING AND UNLOADING DURING CONSTRUCTION

- (33) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) 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.

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (34) 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

- (35) 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.

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:

- (c) 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.

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

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE

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

- (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CLEANING

- (37) The glazed enclosure and awnings shall be appropriately maintained and shall be cleaned at regular intervals as is necessary, but not less than once per quarter.

REMOVAL OF GRAFFITI

- (38) The owner/manager of the premises shall be responsible for the removal of any graffiti from the premises within 48 hours of the graffiti appearing.

CARE OF BUILDING SURROUNDS

- (39) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the premises shall ensure that the footpath, gutter, entry and surrounds are kept clean and clear of litter at all times.

Carried.

ITEM 9. SECTION 96 APPLICATION: MASONIC CENTRE, 279-285 CASTLEREAGH STREET, SYDNEY (S016842)

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

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 15 October 2001 and to Council on 22 October 2001, in relation to the Section 96 Application D73/00161A made by Grocon Pty Ltd to amend the detailed design of the approved tower structure, including the re-configuration of the building core and basement levels, an increased tower footprint and clarification of the structural design and facade design, at the Masonic Centre, 279-285 Castlereagh Street, it be resolved that:-

- (A) the requirement for a Development Plan be waived under the provisions of Clause 28B (4) of the Central Sydney Local Environmental Plan 1996.
- (B) the Acting General Manager continue to negotiate with the applicant regarding:-
 - (1) the detailed design of the tower including the submission of precise architectural details, plans at scale 1:50 and 1:20 where appropriate, of the facade design and final materials, treatment and finishes; and
 - (2) an appropriate public benefit in lieu of the previously required construction of the underground pedestrian link, in consultation with the Lord Mayor, the outcome of which shall be communicated to Councillors;
- (C) authority be delegated to the Acting General Manager to determine the application having regard to the outcome of the negotiations in (B);
- (D) in the event that the application is recommended for approval the Acting General Manager shall have regard to the following draft conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 161/73 submitted by Joseland Gilling and Associates and TW Hodgson and Sons and approved on 5 November 1973, including the drawings prepared by Joseland Gilling and Associates and TW Hodgson and Sons detailed below:-

1960/31A to 1960/40A

1960/41B

1960/42B

1960/43A to 1960/45A

1960/45

as amended by the Section 96 application dated 25 July 2001 submitted by Grocon Pty Ltd, the planning report prepared by JBA Urban Planning Consultants and dated July 2001, and the drawings prepared by Peddle Thorp and Walker Architects detailed below:-

Drawing No

- 001 – Location Plan – Dated 2 July 2001
- 002 – Site Plan – Dated 2 July 2001
- 003 – Lower basement Floor Plan – Dated 2 July 2001
- 004 – Upper Basement Floor Plan – Dated 2 July 2001
- 005 – Ground Floor Plan – Dated 2 July 2001
- 006 - First Floor Plan – Dated 2 July 2001
- 007 - Second Floor Plan – Dated 2 July 2001
- 008 - Third Floor Plan – Dated 2 July 2001
- 009 - Fourth Floor Plan – Dated 2 July 2001
- 010 - Fifth Floor Plan – Dated 2 July 2001
- 011 - Lower roof Plan Level 6 – Dated 2 July 2001
- 012 - Lower Plant Room Plan Level 6A – Dated 2 July 2001
- 013 - Typical Medium Rise Floor Plan Level 7-18 – Dated 2 July 2001
- 014 - Transfer Floor Plan Level 19-20 – Dated 2 July 2001
- 015 - Transfer floor Plan Level 21 – Dated 2 July 2001
- 016 - Typical High Rise Floor Plan Level 22-30 – Dated 2 July 2001
- 017 - High Rise Plant Room Plan – Dated 2 July 2001
- 018 - High Rise Lift Motor Room Plan – Dated 2 July 2001
- 019 - High Rise Roof Plan – Dated 2 July 2001
- 020 - DA/Section 96 Comparison Plan – Dated 2 July 2001
- 021 - East Elevation – Dated 2 July 2001
- 022 - South Elevation – Dated 2 July 2001
- 023 - North Elevation – Dated 2 July 2001
- 024 - West Elevation – Dated 2 July 2001
- 025 - N-S Section – Dated 2 July 2001
- 026 - E-W Section – Dated 2 July 2001

027 - Facade Detail – Dated 2 July 2001

027 - Facade Detail – Dated 2 July 2001

028 - Level 6 Facade Structure – Dated 2 July 2001

and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The external finishing materials to be used in the construction of the tower shall be in accordance with the details contained in the approved plans and the submitted materials sample board unless otherwise approved by Council. In this regard the external finishing materials of the tower are to be:-
 - (a) Exterior walls – off form concrete to match the existing building.
 - (b) Podium Glazing Structure – stainless steel.
 - (c) Metal Framed Windows – pre-finished aluminium (colour to be approved).
 - (d) Podium Glazing – clear glass.
 - (e) Tower Glazing – lightly tinted to provide adequate thermal performance (colour to be approved).

Final samples of all external finishing materials are to be submitted to Council and approved prior to the issue of a Construction Certificate for the construction of the tower under the Environmental Planning and Assessment Act 1979.

- (4) 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.
- (5) In order to ensure satisfactory ground level wind conditions, the construction of the approved tower shall not take place unless the ground level enclosure approved under Development Application No: D2001/00461 is constructed prior to or concurrently with the construction of the tower as the works are required to ameliorate wind impacts. No Occupation Certificate for the tower shall be issued until the satisfactory completion of the ground level enclosure has occurred.
- (6) The visible light reflectivity from building materials used in the construction of the development shall not exceed:-

- (a) 8% on the western facade of the building in accordance with the recommendations of the Solar Reflectivity Analysis report prepared by Windtech Consultants Pty Ltd and dated 3 July 2001, unless an alternative is otherwise demonstrated to be appropriate; and
 - (b) 20% on the remaining facades of the building.
- (7) The architect of the project as approved should not be changed without prior notice to Council.

REPORT TO BE COMPLIED WITH

- (8) The development shall be carried out in accordance with the recommendations of the wind report prepared by Windtech Consultants Pty Ltd and dated 3 September 2001.
- (9) The development shall be carried out in accordance with the recommendations of the Solar Reflectivity Analysis report prepared by Windtech Consultants Pty Ltd and dated 3 July 2001.

SECTION 61 CONTRIBUTION

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

(a) Cash Contribution Required

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

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

(b) Amount of Contribution

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

- (c) Certification of the calculation of the contribution in accordance with the "Central Sydney Contributions Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

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

(d) Timing of Payment

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

SUBDIVISION

- (11) Any proposed subdivision (stratum) of the site and building will require separate applications to Council to obtain Development Consent for the proposal and subsequent approval of the final Plan of Subdivision and endorsement of a Subdivision Certificate under Part 4A of the Environmental Planning and assessment Act 1979.

EXTERNAL LIGHTING

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

SIGNS

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

Schedule 1B

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

CONSTRUCTION CERTIFICATE

- (14) 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.

FLOOR SPACE RATIO

- (15) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 12.3:1 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 33,746sqm.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (c) Prior to issue of a Construction Certificate for the construction of the tower under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 473 sqm of heritage floor space was allocated (purchased and transferred) to the development, being half the amount of the floor space in excess of the floor space of the originally approved development.

BUILDING HEIGHT

(16)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 150.065 (AHD) (130.15m).
- (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).

BOUNDARY WINDOWS COVENANT

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

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

ACCESS

- (18) 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 for the construction of the tower under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

ELECTRICITY SUBSTATION

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

PHYSICAL MODELS

- (20) 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

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, which affect the external appearance of the building.

DEMOLITION/SITE RECTIFICATION

- (21) The following conditions apply to the development:-

- (a) Prior to issue of the Construction Certificate for the construction of the tower under the Environmental Planning and Assessment Act 1979, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

- (b) Without limiting the generality of paragraph (a), the Deed must provide for:-
- (i) a bank guarantee to be provided in the sum of \$50,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$50,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the above mentioned events, to:

 - b. make the building safe and attractive at ground level;
 - c. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - d. in the event that the tower is partially constructed, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

CAR PARKING AND SERVICE VEHICLE LAYOUT

(22)

- (a) The layout plan of the car park is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be line marked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(23) The following applies to car parking:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - 66 business/commercial premises spaces for use by tenants of the building; and
 - 7 service vehicle spaces 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) In addition parking for bicycles and motorcycles shall be provided in accordance with the provisions of the Central Sydney Development Control Plan 1996. Details of such parking facilities shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the construction of the tower under the Environmental Planning and Assessment Act 1979.
- (d) All parking 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.

(24) The following applies to car parking:

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

- (b) Prior to issue of a Construction Certificate for the construction of the approved tower and associated alterations to the building under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

Note:

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

PUBLIC ART

- (25) 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 artwork must be submitted for the approval of Council prior to issue of a Construction Certificate for the construction of the tower under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (26) 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 for the construction of the tower under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.

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

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

PUBLIC TELEPHONES

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

RECEPTACLES FOR CIGARETTE BUTTS

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

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

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(29)

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

Note:

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

TELECOMMUNICATIONS PROVISIONS

- (30) 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 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.
- (31) A separate DA must be submitted at the appropriate time for any external telecommunications apparatus to be installed on the building.

STORMWATER AND DRAINAGE

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

WASTE

- (33) 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 for construction of the tower 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 Occupation Certificate.

- (34) 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.

Schedule 1C

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (35) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));

- (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
- (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

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

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

UTILITY SERVICES

- (36) To ensure that utility authorities are advised of the development:-
- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. 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 any services is to be the responsibility of the developer.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (37) 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.
- (38) 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.
- (39) 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.

USE OF MOBILE CRANES

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

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

(41) 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.

Schedule 1D

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

HOURS OF WORK AND NOISE

(42) 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

- (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.

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

- (45) 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.

PROTECTION OF STREET TREES

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (47) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (48) 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.
- (49) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE

- (50) An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with the Environmental Planning and Assessment Amendment Regulation 2000 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. The Occupation Certificate shall not be issued unless and until the satisfactory completion of the ground level enclosure has occurred.

ELECTRONIC MODEL - BUILDINGS 'AS BUILT' AND UNDERGROUND UTILITIES AND SERVICES

- (51) Prior to the issue of a Certificate of Occupation under the Environmental Planning and Assessment Act 1979, an accurate 1:1 electronic model of the approved development must be submitted to Council for the electronic City Model.
 - (a) The data required to be submitted within the surveyed location shall include and identify:-
 - (i) buildings 'as built' above and below ground;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) the property boundaries and the kerb lines adjacent to the site.

- (b) The data is to be submitted as a DXF file on physical media (floppy disc or CD). Preferably, all plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
- (c) Within the DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Manager, Spatial Information should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Note:

The submitted model/data must be amended to reflect any further approvals under section 96 of the Environmental Planning and Assessment Act 1979, that affect the location of any of the underground services or structures and/or external configuration of building above ground.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (52) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

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

- (53) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

VENTILATION

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

- (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.

- (57) 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

- (58) 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.

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:

- (c) 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.
- (d) 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.

COMMEMORATIVE PLAQUE

(59) 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

- (60) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE

- (61) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

- (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
- (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Carried.

ITEM 10. AGREEMENT WITH UTILITIES FOR ROADS & FOOTWAYS RESTORATIONS (S010959)

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

That arising from consideration of a report by the Manager, Contracts & Asset Management to Council on 22 October 2001 in relation to an Agreement with Utilities for Roads and Footways Restoration, it be resolved that:

- (A) The draft agreement for the Restoration of Service Openings in Roads and Footways, as amended at the meeting of Council, be endorsed as the City of Sydney's in principle agreement for further negotiations with utility authorities;
- (B) the City of Sydney Road and Footway Specifications be approved;
- (C) Negotiations with EnergyAustralia continue on the basis of the in principle City of Sydney agreement;
- (D) authority be delegated to the Lord Mayor to negotiate variations and conclude a legally binding agreement with EnergyAustralia on such terms and conditions that may be agreed;
- (E) authority be delegated to the Lord Mayor to enter into agreements with other utility authorities, either separately or collectively, consistent with the in principle agreement;
- (F) authority be delegated to the Lord Mayor to negotiate and/or approve future variations to such agreements executed.

Carried unanimously.

ITEM 11. QUESTIONS ON NOTICE**EMPLOYMENT OF CASUAL STAFF/OVERTIME EXPENDITURE (S014452)**

1. By Councillor Farr-Jones –

Question

Lord Mayor, as I still have not received an answer to a previous Question Without Notice (Council meeting of 27 August), allow me to again repeat the question as set out below:

Employment of Casual Staff/Overtime Expenditure:

Lord Mayor, I think I am right in saying that you recently publicly foreshadowed some downsizing of staff. In view of that, could you please provide me with information for the last three years, preferably quarterly, covering the extent of casual staff at various times and the amount of overtime expended in those years and/or quarters.

I note indeed in the draft Financial Statements that there has been a \$3.2m allocation for operating result movements for Employee Costs between 1999/2000 and 2000/2001. Could your response please include an itemisation of this amount?

Answer by the Lord Mayor

The information that you requested in your Question Without Notice has now been collated and was circulated in this week's Councillors' Information Service.

CIGARETTE SMOKING (S014453)

2. By Councillor Greiner –

Question

Lord Mayor, I have received correspondence from constituents concerned about the impact of cigarette smoking whilst queuing for buses at bus stops in the city. Non-smokers are unable to escape their fumes, thus compromising health and amenity issues.

Given that smoking is banned at sporting facilities such as Stadium Australia, Sydney Cricket Ground and Sydney Football Stadium, would you also write to Mr John Stott, the CEO of State Transit, to request Sydney Buses and/or the State Government ban cigarette smoking whilst standing in queues at bus stops?

Answer by the Lord Mayor

I have requested that the Acting General Manager write to the Director General of the Department of Health to ask if the State Government has a program of proposed further bans on smoking, beyond the bans already imposed. The Acting General Manager will circulate the Director General's reply to Councillors in the Councillors' Information Service.

CENTRAL SYDNEY CONTRIBUTIONS PLAN 1997 (S014453)

3. By Councillor Greiner –

Question

Lord Mayor, the Central Sydney Contributions Plan 1997 (Section 61), since its inception in February 1998, has contributed over \$8 million to Council's Capital Works Program.

Could Councillors be provided with :

- (a) An update on the Central Sydney Contributions Plan for the fiscal year 2000-2001, with a view to not only monies received but also monies owing to Council; and
- (b) An itemised expenditure as to the distribution of the \$8 million so identified in the 2000 Annual Development Monitoring Report?

Answer by the Lord Mayor

Firstly the total amount collected over the four year period since its inception in December 1997 is \$9,453,752m.

These funds have been applied towards the \$147m works program contained in the S61 Plan. In reality the City Improvement Program cost much more than this but the Plan has not been updated to reflect this. Clearly it will be many many years before the City recoups sufficient from the small S61 levy to recoup these costs.

AFFORDABLE HOUSING (S014453)

4. By Councillor Greiner –

Question

Lord Mayor, affordable housing is always in great demand. Could the Councillors be provided with a report from the Department of Housing as to the amount of affordable housing which is available in the City of Sydney LGA, and also be given some indication as to the demand for affordable housing by residents within the LGA for the City of Sydney?

Answer by the Lord Mayor

I have asked the Acting General Manager to obtain the information from the Department of Urban Affairs and Planning and report on this matter.

‘IMPROVEMENT TO LIGHTING STRATEGY’ (S014453)

5. By Councillor Greiner –

Question

Lord Mayor, even though you decided to not fund the “Life Under the Freeway Project”, would you agree to at least funding the ‘Improvement to Lighting Strategy’ as articulated in the “Life Under the Freeway Project – Short Report”?

Answer by the Lord Mayor

The Acting General Manager advised that:

“Agreement was reached between the Roads & Traffic Authority, Sydney Harbour Foreshore Authority and the City for the implementation of the lighting upgrade as a high priority project to improve the amenity and the safety of the open space under the freeway with the costs to be shared equally amongst the three organisations.

The upgrade was completed on 23 June 2001 at a total cost of \$48,000. Thirty (30) down lights were installed to the underside of the bridge decks, illuminating the whole open space under the freeway to levels well exceeding Australian Standards and complying to the City’s Exterior Lighting Strategy. The entry points at Harris Street and Bulwara Road are now well lit. Lighting levels at the intersection of Harris Street and Fig Street have been improved. The City has requested EnergyAustralia to upgrade one street lamp with higher wattage near the pedestrian crossing at the south-west corner of this intersection.

Both the Harris Centre and the local residents are very pleased with the outcome.”

QUESTIONS WITHOUT NOTICE

BUILDING SECURITY (S014459)

1. By Councillor Greiner -

Question

Lord Mayor, I am interested to discover who determined the security measures that have been undertaken in the Town Hall.

Answer by the Lord Mayor

Councillor Greiner, I had a meeting with Council's Executive and relevant security staff last Monday, to discuss security issues. I also had a long discussion with the Commissioner of Police.

There are mixed press reports about the level of risk in Sydney but it was felt that we should do all the things that could improve security without necessarily greatly increasing costs.

The security arrangements are actually quite sensible. I am happy to have a discussion behind closed doors, but I don't think we should have a public discussion about it.

PAGODA - CORNER OF DIXON AND GOULBURN STREETS (S014460)

2. By Councillor Ho -

Question

Lord Mayor, I draw your attention to the pagoda on the corner of Dixon and Goulburn Streets. Over the past year there have been complaints that homeless people occupy the pagoda and drink there, urinate there and sleep there. We have been working together with the Director Living City Services to clean the area up but there is an ongoing problem.

My question is whether Council would enclose the pagoda and rent the space for a kiosk or perhaps we could provide a community service by installing an information centre, such as they have at Manly Beach. Perhaps it could be operated by volunteers. At least we could try and get rid of the black spot.

Answer by the Lord Mayor

Councillor Ho, I will ask the Director Living City Services to keep a fairly close watch on this area for a while and see what we can achieve, and then see if you still think there is a case for building another structure.

We are trying to avoid erecting more structures, which would block the area, because we like to keep that area fairly open. Often we have events like Chinese New Year and the Night Market and we need clear passage there.

I ask the Director Living City Services to keep a special eye on this area in order to reach a standard that satisfies Councillor Ho and to let me know if there is a need to do something else.

SUSSEX AND GOULBURN STREETS INTERSECTION (S014460)

3. By Councillor Ho -

Question

Lord Mayor, at the intersection of Sussex Street and Goulburn Street, a lot of people proceeding along Goulburn Street do not see the “No Right Turn” sign, which is blocked by traffic lights and other signs. They pull up at the intersection and wait to complete a right hand turn, causing arguments and confrontation.

I ask whether that “No Right Turn” sign could be relocated a bit further forward before the lights to eliminate these unnecessary disputes.

Secondly, how can we stop double parking in Sussex Street between Liverpool and Hay Streets? It is causing peak hour congestion in Sussex Street.

Answer by the Lord Mayor

General Manager, I request that you do two things. Could you, firstly, ask the Manager Transport and Access to have a look at the “No Right Turn” sign and, secondly, ensure that the Parking Police supervise this part of Sussex Street.

ITEM 12. NOTICES OF MOTION

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

Closed meeting

At 6.40 pm the 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)(a) of the Local Government Act 1993 to discuss Item 3B on the agenda as this matter comprised discussion of personnel matters concerning particular individuals; and

Section 10A (2)(c) of the Local Government Act 1993 to discuss Items 13, 14 and 15 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 16 on the agenda as this matter comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

Items 3B, 13, 14, 15 and 16 were then dealt with by Council while the meeting was closed to the public.

Order of Business

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

15. City Homeless Brokerage Program
16. Fireworks Tenders New Year's Eve Celebrations 2001
14. Cook & Phillip Park Asset Enhancement Strategy
13. Proposed sale of Council's 51 Druitt Street Strata Property
- 3B. Contract Employment Policy & Update on Organisational Efficiency

ITEM 15. CITY HOMELESS BROKERAGE PROGRAM (S015993)

Moved by Councillor Marsden, seconded by Councillor Greiner -

That arising from consideration of a report by the Project Manager, Safe City and Homelessness Strategy, to Council on 22 October 2001 in relation to a revised model for the Homeless Brokerage Program, it be resolved that:

- (A) The specifications for the revised City Homeless Brokerage Program as shown at Attachment A to the subject report be approved;
- (B) The proposed process for inviting and assessing Expressions of Interest from service providers as set out in paragraph 9 of the subject report be approved;
- (C) The City Homeless Brokerage Program Specifications be amended to include a Part B detailing the Frequent HPIC User Project as a separable and severable component under the strict condition that it be fully funded by the State Government.

Carried unanimously.

ITEM 16. FIREWORKS TENDERS NEW YEAR'S EVE CELEBRATIONS 2001 (S016923)

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

That arising from consideration of a report by the Producer, New Year's Eve to Council on 22 October 2001 on Fireworks Tenders, New Year's Eve Celebrations 2001, it be resolved that:

- (A) Council approve the awarding of Tender #0121 – 9 pm Barges to Foti's International Fireworks Pty Ltd at the budgeted cost noted in paragraph 24 (a) of the subject report.
- (B) Council approve the awarding of Tender #0122 – Midnight Barges to Foti's International Fireworks Pty Ltd at the budgeted cost noted in paragraph 24 (b) of the subject report.
- (C) Council approve the awarding of Tender #0123 – Midnight Bridge and Buildings to Foti's International Fireworks Pty Ltd at the budgeted cost noted in paragraph 24 (c) of the subject report.

Carried unanimously.

ITEM 14. COOK & PHILLIP PARK ASSET ENHANCEMENT STRATEGY (S016724)

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

That arising from consideration of a report by the Manager Projects to Council on 22 October 2001 on Cook and Phillip Park Asset Enhancement Strategy, it be resolved that -

- (A) Council proceed with a strategy for comprehensive enhancements to the Cook & Phillip Park complex, including the indicative program of works listed in Table 1 of the subject report.
- (B) An annual Asset Management Plan to maintain service standards and integrity of pool facilities be approved by the General Manager subject to the concurrence of the Lord Mayor.
- (C) The indicative cost estimate be approved for the program of works listed in Table 1 of the subject report in the amount of \$2.3M, noting that this is an indicative cost estimate and will be revised once final engineering design is complete.
- (D) The General Manager be authorised to proceed to invite tenders where necessary for these works.
- (E) The Lord Mayor be authorised to approve the nature and scope of works and program once finalised, as well as funding sources subject to tenders being dealt with by Council as current practice.
- (F) Councillors be provided with a full report on issues pertaining to future liability claims against any party arising out of engineering/design defects and commissioning delays/failures.

Carried unanimously.

ITEM 13. PROPOSED SALE OF COUNCIL'S 51 DRUITT STREET, SYDNEY, STRATA PROPERTY (P06-00748/1)

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

That arising from consideration of a report by the Senior Property Manager to Council on 22 October 2001 on the proposed Sale of Council's 51 Drutt Street, Sydney, Strata Property, it be resolved that:

- (A) The property be sold at the price and to the party named in paragraph 10 of the subject report;
- (B) if the sale in clause (A) does not proceed, authority be delegated to the General Manager with the concurrence of the Lord Mayor to negotiate and enter into a contract of sale for an amount not less than the valuation amount indicated in paragraph 9 of the subject report;
- (C) Council's attorney be authorised to execute the sale contract and all other documentation necessary to effect and complete the sale.

Carried unanimously.

ITEM 3B. CONTRACT EMPLOYMENT POLICY AND UPDATE ON ORGANISATIONAL EFFICIENCY (S017336)

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

That arising from consideration of a Memorandum by General Manager to Council on 22 October 2001, on Council's Contract Employment Policy and Organisational Efficiency Reforms, it be resolved that:

- (A) The Contract Employment Policy at Attachment A to the subject report, as amended at the meeting of Council, be approved;
- (B) The new maximum staff ceiling of 713 permanent EFT and an annual average of 50 casual EFT be noted and endorsed;
- (C) The General Manager update Councillors quarterly, with the organisational structure and staff numbers against every Division and Unit of Council;
- (D) The general staff employment freeze be continued until at least 31 March 2002, up until which time all external recruitment of staff will require the approval of the General Manager and the concurrence of the Lord Mayor.

Carried.

The Contract Employment Policy, as adopted by Council, is as follows -

CONTRACT EMPLOYMENT POLICY

1. INTRODUCTION

- (a) All persons who are 'employees' have a contract of employment with their employer. In the case of Council employees, many of the terms and conditions of their contract of employment are implied by Council awards. Generally, Council award employees are hired for an indefinite duration.
- (b) For the purposes of this policy 'contract employment' is defined as employment by means of a written agreement between employer and employee and where such employment is for a specified period of time. Although contract employment is contrary to traditional public sector employment practices which are based on the concepts of tenure and a long term, career service, it is a common private sector practice which is being used increasingly as public sector organisations shift their focus to the measurement of outputs, improving service delivery and redefining core business.
- (c) In support of this trend, the Local Government Act which came into operation in July 1993 requires senior or executive appointments be made on the basis of merit and that their contracts are performance based and with a maximum term of five years.

2. BENEFITS

- (a) There are a number of benefits accruing from the use of 'contract employment'. Contracts are performance based. This means that they relate directly to specified achievements over an agreed period; they are also able to be linked to an organisation's goals and targets. For employees, the performance based nature of contracts provides a framework for formal recognition and reward for performance.
- (b) An appointment for a specified duration provides flexibility for both the employing organisation and the individual and enables senior positions to more readily reflect organisational change as it occurs. Total employment cost packaging also ensures that the true cost of employment is clearly identified.
- (c) The use of employment contracts can accommodate short-term projects or specialist work, categories that have previously been difficult to provide for in the public sector.

CONTRACT EMPLOYMENT POLICY

3. APPOINTMENTS

All new appointments to The Council of the City of Sydney falling within the categories identified below will be by means of performance based contracts of up to five years' duration. The length of the contract will not exceed five years and will depend on the nature of the work.

(a) Categories of Contract Appointment

Appointment by contract will apply to the following positions:

- (i) Those positions determined by Council to be senior staff positions under the Local Government Act 1993. These are:
 - The General Manager
 - Positions of Director (at Divisional level)
 - M3 level positions
- (ii) Those positions evaluated Salary Band 7 or above.
- (iii) Specialised, contract-based, temporary positions or project positions or where specialist skills are required for a particular and usually limited purpose or where a project is of a specified duration
- (iv) Support positions related to the term of Council, eg. Office of the Lord Mayor and Councillor support.

(b) Approval of Employment Contracts and Benefits

- (i) The appointment of the General Manager is a power exercisable by Council and the subsequent negotiation of the terms and conditions of the General Manager's contract of employment is the delegated function of the Lord Mayor.
- (ii) Employment contracts at Director level can only be approved by the General Manager after consultation with the Lord Mayor and Council.
- (iii) Employment Contracts at M3 level can only be approved by the General Manager after consultation with the Lord Mayor.
- (iv) All other employment contracts can only be approved by the General Manager.
- (v) Approval and consultation arrangements for all employment contracts, either new contracts or renewal of existing contracts, will require a written proposal to the Lord Mayor, Council or as appropriate.

CONTRACT EMPLOYMENT POLICY

- (vi) Any benefits or allowances outside the terms and conditions of this policy can only be approved by the General Manager with the written concurrence of the Lord Mayor.
- (vii) No contract of employment, nor the extension of a contract of employment can be executed or approved prior to a three month period before the commencement date of the contract and not more than 3 months before the expiry date of an existing contract (ie. no post dating of contracts). Council cannot be bound to a new contract of employment prior to this date.
- (viii) An employment contract may only be extended beyond the nominal term with the approval of the General Manager and prior consultation with the Lord Mayor.

(b) Recruitment to Contract Positions

- (i) Advertising of all positions to be offered on contract will be in accordance with the Local Government Act 1993 and Council's general policy on the advertisement of vacancies.
- (ii) Selection will be on merit and against identified key selection criteria that relate to the position concerned.

(c) Elements Of The Contract

An employment contract for performance based fixed term employment is expected to include:

- (i) A detailed job description.
- (ii) Specified performance goals and outputs, or a requirement for the appointee to enter into a performance agreement within a given period of time.
- (iii) Information on the length of the employment, notice period, termination/renewal of the contract and other matters related to the contract's management.
- (iv) Details of remuneration and benefits available to the staff member under the contract.
- (v) An outline of the availability and application of any salary progression and/or scheme of bonus payments.
- (vi) A statement of the terms and conditions of employment.
- (vii) A requirement for regular, formal performance assessments against the agreed performance plan or agreement.

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- (viii) Standards contracts to be used for senior staff and other contract appointments are detailed as part of in Council's Recruitment Procedures.

4. THE EMPLOYMENT CONTRACT

(a) Terms And Conditions of Employment - General

- (i) Terms and conditions of employment for staff employed under contract will be as specified in the Council of the City of Wages / Salary Award 1998 and relevant enterprise agreements, except where positions are designated as senior staff by the Local Government Act 1993, by Council under that legislation or by other agreement.
- (ii) Terms and conditions of senior staff are to be negotiated at the time of entering into an employment contract. Conditions of employment must be specified in the contract document, although it is anticipated that a common set of conditions will apply to all senior staff positions.
- (iii) All staff employed under 'contract employment' are expected to devote the whole of their time and attention during normal working hours and at such other times as may be reasonably necessary to the business of Council. Where applicable (project related contracts only for staff at salary band 6 or below), work outside ordinary hours will attract the benefits of the City of Sydney Wages / Salary Award 1998.
- (iv) Entitlements to annual, sick, long service, special and any other form of leave (except rostered recreation days and in the case of senior staff, picnic days) will also be as laid down in the City of Sydney Wages / Salary Award 1998 or relevant Council policies unless otherwise specified in the contract.
- (v) With the exception of 'senior staff positions' and where otherwise agreed, contract employment staff will have the protection of and access to the Industrial Relations Commission of New South Wales on matters relating to terms and conditions of employment.

(b) Remuneration And Benefits

- (i) The remuneration for all contract positions will be expressed as an annual total remuneration package. Other than those positions which comprise Councils Executive Group, (viz the General Manager and Directors), the package will comprise:
 - a. the salary range determined for the position using Councils job evaluation system;

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- b. the rate of annual leave loading (where applicable);
 - c. employers contribution to superannuation at the minimum amount stipulated from time to time under the Superannuation Guarantee Act;
 - d. an amount equivalent to the cost of providing a business/private use vehicle of the category, if any, prescribed in Councils motor vehicle policy (approved positions only)
 - e. Any other approved salary sacrifice arrangement.
- (ii) The remuneration and benefits of the General Manager and Directors positions will be determined by Council. The General Manager's remuneration package is determined at Level 6 in the NSW Chief Executive and Senior Executive Services. Director's remuneration shall be no greater than 70% of the remuneration paid to the General Manager.
- (iii) Those components of executive remuneration which are determined by external factors, including employer superannuation contribution and cost of living changes, will be reviewed annually by Council having regard to the Statutory and Other Offices Remuneration Tribunal for the NSW Chief Executive and Senior Executive Services.
- (iv) As a general rule, appointments other than senior staff will be made at the lower rate applicable to the salary band range.
- (v) Staff employed under contract of employment will have total remuneration based on total employment cost which is defined to include:
- a. Base or cash salary
 - b. Pre-tax employer superannuation contributions
 - c. Pre-tax employee superannuation contributions;
 - d. Pre-tax Council vehicle in accordance with the Council's Motor Vehicle Policy (where nominated)
 - e. Any other approved salary sacrifice agreed between the employee and the General Manager
- (vi) The sum of all approved salary sacrifice deductions, including related Fringe Benefits Tax payments, will be deducted from the total remuneration package providing deductions do not exceed 50% of the total package.

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- (vii) Staff appointed to positions not designated as senior staff positions will receive salary and conditions in accordance with the City of Sydney (Wages / Salary) Award 1998 and associated agreements.
- (viii) Where the occupant of a contract position is allocated an “home-to-work & return” vehicle in accordance with the Council’s Motor Vehicle Policy, the cost to Council of providing that vehicle will not be deemed to form part of that staff member’s annual remuneration for the calculation of superannuation, Fringe Benefits Tax or any other purpose.

(c) Other Benefits

Other benefits including mobile telephones and payment of private telephone services will be allocated on the basis of position requirements in accordance with the relevant Council policy and will not form part of any remuneration package.

(d) Superannuation

- (i) Council will contribute to a superannuation fund for the benefit of each contract employee at least the minimum amount stipulated from time to time under the Superannuation Guarantee Act.
- (ii) Council’s contribution to an approved superannuation fund under the Superannuation Guarantee Act.
- (iii) The Superannuation Guarantee Act contribution will be deducted from the annual total remuneration package. The contract will provide for adjustments to the superannuation component of the package to reflect variations in the superannuation guarantee charge, except in the case of Executive Group positions, where superannuation will be included in Councils annual review of Executive Group remuneration.
- (iv) Where an appointee is a member of the State Authorities Superannuation Scheme or the State Superannuation Fund and elects to continue as a member of those schemes the Council will continue to contribute to the particular fund in respect of that member as laid down in the relevant legislation. This contribution will be drawn from the amount provided in the employee’s package for superannuation (to be deducted from the package). Council will also make additional contributions, where applicable, to make up any shortfall between the amount set aside in the package and the total amount Council is obligated to contribute to the fund. This additional contribution will not form part of the total remuneration package.

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(e) Retention Bonus Payments

- (i) In accordance with the Council's resolution of 21 June 2001, where the General Manager and the Lord Mayor approve a retention bonus as part of a contract of employment the bonus will:
 - a. generally be in the range of 15% - 25% of the total remuneration package for the previous year of service.
 - b. In any case, the retention payment shall not exceed 50% of the annual total remuneration package.
- (ii) Any staff member on such an arrangement will only be eligible for the payment if the staff member works until the designated date of termination without taking more than 1 week of leave (of any kind) during the last month and no more than 2 weeks of leave (of any kind) during the last three months.
- (iii) The retention bonus cannot be offered as part of the recruitment process and the staff member must have been employed by the Council for at least 6 months.

(f) Disputes Resolution

- (i) Contract staff will have access to the Dispute Settlement Procedures prescribed in the City of Sydney Wages / Salary Award 1998, except in the case of senior staff.
- (ii) Senior staff contracts will provide for alternative dispute resolution procedures. These will include referral to the General Manager or to a mediator agreed to by the parties. It is expected that court proceedings would be entered into by either party only after a process of mediation had been attempted.

(g) Performance Management

- (i) All contracts of employment are to include an annual performance agreement between Council and the General Manager or the General Manager and the staff member.
- (ii) The agreement must be consistent with, and give effect to, the General Manager's performance agreement with the Lord Mayor on behalf of Council.
- (iii) The agreement will set strategic objectives and performance measures consistent with the job description for the position.

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- (iv) The General Manager and the staff member will agree on the terms of the performance agreement within three months of the commencement of the contract and thereafter annually.
- (v) Senior staff performance agreements must be approved directly by the General Manager.
- (vi) The performance agreement should contain three key elements:
 - a. identified major responsibility areas;
 - b. key result areas for the coming twelve (12) months;
 - c. a record of results sought and measurement criteria to be used for each key result area;
- (vii) The General Manager and the staff member may agree to vary the contents of the performance agreement during its currency to take into account changes in responsibilities, functions or council priorities.
- (viii) Performance will be monitored on a regular basis and reviewed annually by the staff member's immediate manager and approved by the General Manager.
- (ix) As part of a performance review the member of staff will be required to prepare a summary of his or her accomplishments against the agreed performance goals. The performance summary will be assessed by the responsible line manager in consultation with the General Manager prior to a meeting to discuss the review with the staff member. The General Manager, or his/her nominee is responsible for making the final assessment of a staff members performance.

(h) Performance Pay and Bonuses

- (i) Performance pay reflects the provisions of the City's Award and Enterprise Agreement where an increase in salary within the range of 1% to 5% of salaries may be approved.
- (ii) Performance bonuses reflect the provisions of the Employee Policy – Remuneration and Benefits (as approved by Council on 21 June 2001) where bonus payments up to 15% of annual total remuneration may be approved.
- (iii) Performance reviews will be used to determine performance bonus payments or, where applicable, a staff member's progression within the salary/remuneration package range of his or her position.

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- (iv) Determination of performance pay under the provisions of the City of Sydney wages / Salary Award 1998 are be subject to the General Manager's approval.
- (v) All performance bonus payments to M2 (Directors) and M3 under the provisions of their contract of employment require the direct approval of the General Manager. This cannot be sub-delegated. Performance bonuses paid to M2 and M3 are subject to prior consultation with the Lord Mayor.
- (vi) Performance pay and performance bonus payments will be in accordance with the Employee Policy – Remuneration and Benefits (as approved by Council on 21 June 2001) and shall be reported to the Lord Mayor on a quarterly basis.
- (vii) Performance bonuses are subject to an annual review, will be paid as lump sum payments and are in addition to the annual total remuneration identified in the employment contract.

(i) Renewal Of Appointment

- (i) Where a contract is for a period of three to five years and no further arrangements have been entered into, the member of staff will be required to notify Council at least four months before expiry of the contract, if he or she wishes to renew the employment contract. Where a contract is for a period of less than three years, the member of staff will be required to notify Council at least three months before expiry of the contract if he or she wishes to renew the contract. Council can then decide either to offer the staff member re-appointment or to advertise the position.

Council is to advise the staff member of its intentions, for a three to five year contract not less than two months before the contract expiry date or for a contract of less than three years, six weeks before the expiry date.

- (ii) In the event that a staff member's contract is not renewed or he or she is not offered appointment to another position, employment terminates on the expiry date of the contract. However, where Council and the staff member agree, the contract may be extended on a month by month basis up to a maximum of three months from the contract expiry date. In this event, the provisions of the existing contract will continue to apply, with the exception of those dealing with renewal of appointment.
- (iii) The renewal of senior staff contracts, for the purposes of consultation with the Lord Mayor and Council, shall be subject to the timing limitations as set out in clause 3(b)(vii).

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(j) Termination Of The Contract

- (i) A contract may be terminated in the following circumstances:
- a. when the staff member does not meet the performance requirements specified in the contract or as subsequently altered;
 - b. by the Council and the staff member agreeing in writing;
 - c. by the staff member with one months notice in writing;
 - d. by the Council if the staff member commits an act which would entitle the Council to summarily dismiss him or her;
 - e. by the Council for any reason other than the above, provided the staff member is paid the equivalent of the cost of the remuneration package to a maximum of six months (5 year contract), three months (3 year contract) or the balance of the contract term, whichever is the lesser.
(Note: a lesser payment will be stated for contracts of a duration less than 3 years).
- (ii) Contracts for M2 and M3 levels of management can only be terminated under paragraph (j)(I)(e) above with the prior consultation of the Lord Mayor. Other staff terminations under paragraph (j)(I)(e) above must be reported to the Lord Mayor on a quarterly basis.
- (iii) The payment of any termination arrangements in excess of the limits prescribed in paragraph (j)(I)(e) above shall require the approval of the General Manager and the concurrence of the Lord Mayor.
- (iv) In the event the contract is terminated the member of staff will be entitled to payment of salary and benefits up to the date of termination, as well as any accrued entitlements which are prescribed in the contract as payable on termination.
- (v) Entitlements will be calculated at the annual total remuneration package rate, less the amounts identified in the annual total remuneration package for the position to cover the employers contribution to superannuation and annual leave loading.
- (vi) Should special circumstances arise where the General Manager wishes to make termination payments in addition to the provisions of clause (j)(I)(e) plus accrued entitlements, the Lord Mayor's written concurrence is required.

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(k) General Contractual Conditions

A member of staff employed under contract is subject to Councils code of conduct and other policies approved and amended from time to time.

(l) Confidentiality And Restraints

- (i) Both Council and the member of staff have a responsibility to maintain confidentiality about the terms of the contract (other than the annual publication of total remuneration packages for senior staff as required by Council policy), personal information, relating to the staff member and the conduct of Council business. In particular, the staff member must not disclose during the period of employment or, thereafter, confidential information gained as a result of his or her employment with Council without the prior written approval of the General Manager.
- (ii) The staff member will not attempt to use any information acquired in the course of their employment in any manner which may injure or cause loss to the Council. In certain situations, it may be necessary to require the staff member to sign a separate confidentiality agreement, or include a clause within their contract that binds them for up to 6 months after their employment ceases.
- (iii) Any intellectual property invented or created by the staff member as a result of his or her employment also remains the property of Council, unless otherwise agreed in writing.

(m) Professional Indemnity

Council will indemnify the member of staff against any loss or claim made by a third party or cause of action of any kind arising out of the employment provided he or she has acted honestly, diligently and in good faith.

(n) Existing Employees

- (i) In some cases existing Council employees will seek and gain recommendation for appointment to a position, which is being offered as a 'senior staff position' or on contract employment.
- (ii) Unless otherwise specified in the contract all leave and other entitlements will be carried forward and continue to accrue. Some staff positions will receive annual leave and long service and other leave as set out in their contracts. Such leave will not be less than statutory entitlements. All other 'contract employment' positions will have leave and other entitlements determined by the City of Sydney Wages / Salary Award 1998. Accrued but unused sick leave will not be paid out at completion of a contract unless specified in the contract.

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(o) **Gratuity Payments**

The accrual of service towards payment of any gratuity on retirement will cease from the commencement date of the initial contract. Any service already accrued will be frozen as at that date and the entitlement carried forward to the date when the staff member retires. Gratuity payments are not made on resignation or in the case of termination for any reason, including termination due to the contract not being renewed. The payment of a gratuity to eligible members of staff will be in accordance with Council policy.

5. RELATED POLICIES AND LEGISLATION

- Employee Policy – Remuneration and Benefits
 - Motor Vehicle Policy
 - Recruitment and Selection Policy
 - Performance Management
 - Local Government Act 1993 (as amended)
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At 7.50pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 25 March 2002 at which
meeting the signature herein was subscribed.

