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**25 MARCH 2002**

**Meeting No 1349**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45pm on 25 March 2002 pursuant to Notice 3/1349 dated 21 March 2002.

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### **PRESENT**

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

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

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

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

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

#### Opening Prayer

The Lord Mayor opened the meeting with prayer.

**Apology**

Deputy Lord Mayor, Councillor Lucy Turnbull, extended her apologies for her inability to attend the meeting of Council 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.

**ITEM 1. CONFIRMATION OF MINUTES****Minutes of Council Meeting of 22 October 2001**

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

That the minutes of the meeting of Council of 22 October 2001, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Council Meeting of 4 March 2002**

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

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

Carried.

**ITEM 2. ADDITIONAL MATTERS FOR COUNCIL**

FILE NO:

DATE: 22/3/02

**MINUTE BY THE LORD MAYOR**

To Council:

Attached for consideration by Council at its meeting on 25 March 2002 are -

- a confidential Memorandum by the General Manager on Courier Newspapers - Proposed Development Application for Magazine Distribution - Owner's Consent;
- a confidential report on 50-52 Darlington Road - Proposed Tenancy.

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That consideration of the confidential matters, as referred in the Minute by the Lord Mayor, be deferred to the end of the meeting and dealt with in closed session.

Carried.

Note - at this stage of the meeting, the Chairman (the Lord Mayor) foreshadowed the tabling of a further Minute by the Lord Mayor introducing a Memorandum by the General Manager on Policies on Building Certification and Compliance.

### **ITEM 3. MEMORANDA BY THE GENERAL MANAGER**

Note - a Memorandum by the General Manager on Cahill Expressway Improvement Project at East Circular Quay - Owner's Consent was dealt with by Council as Item 9 on the business paper.

Note - a Memorandum by the General Manager, which had been introduced by a Lord Mayor's Minute, on Courier Newspapers - Proposed Development Application for Magazine Distribution - Owner's Consent, was dealt with as a confidential item at the end of the meeting.

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

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

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

Carried.

**ITEM 5. REPORT OF THE PRIORTIES AND OUTCOMES COMMITTEE - 12 MARCH 2002****PRESENT**

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

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull.

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

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

**Closed Meeting**

At 5.30pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 5.1 to 5.3 (inclusive) on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 6.55pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 12 March 2002 be received, and Items 5.1 to 5.3 (inclusive) be noted.

Carried.

The Priorities and Outcomes Committee recommended that Council note that Items 5.1 to 5.3 (inclusive) were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

The Committee recommended the following -

**Closed Meeting**

At 5.30pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed to the public in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 5.1 to 5.3 (inclusive) on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

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

Items 5.1 to 5.3 (inclusive) were then dealt with by Priorities and Outcomes Committee while the meeting was closed to the public.

**STREET CLEANING SERVICES: COMPETITIVE TENDERING ROUND TWO  
- APPROVAL TO PROCEED TO TENDER (S016000)**

**5.1**

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

That arising from consideration of a report by the Acting Section Manager, Urban Assets - Contracts and Asset Management, to the Priorities and Outcomes Committee on 12 March 2002, on "Competitive Tendering Round II: Street Cleaning Services" it be resolved that Street Cleaning Services, consistent with the subject report and its attachments, as amended at the meeting of the Priorities and Outcomes Committee, be adopted and put to tender.

Carried.

**GRAFFITI REMOVAL SERVICE: COMPETITIVE TENDERING ROUND TWO  
- APPROVAL TO PROCEED TO TENDER (S017376)**

**5.2**

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

That arising from consideration of a report by the Acting Senior Project Coordinator, Contracts and Asset Management, to the Priorities and Outcomes Committee on 12 March 2002, on "Competitive Tendering Round Two - Graffiti Removal Service", it be resolved that the Graffiti Removal Service, consistent with the subject report and its Attachments, as amended at the meeting of the Priorities and Outcomes Committee, be adopted and put to tender.

Carried.

**WATER FEATURES MAINTENANCE SERVICE: COMPETITIVE TENDERING  
ROUND TWO - APPROVAL TO PROCEED TO TENDER (S019313)**

**5.3**

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

That arising from consideration of a report by the Project Manager, Contracts and Asset Management, to the Priorities and Outcomes Committee on 12 March 2002, on "Competitive Tendering Round Two - Water Features Maintenance Service", it be resolved that the Water Features Maintenance Service, consistent with the subject report and its Attachments, be adopted and put to tender:

Carried.

**ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 18 MARCH 2002**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

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

At the commencement of business at 6.14pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

**Apology**

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee owing to an unexpected business commitment.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

**Order of Business**

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

2. Development Application: Quarrymasters Hotel, 214-216 Harris Street, Pymont
4. Section 96(2) Application: Gaelic Club, 56-64 Devonshire Street, Surry Hills
3. Development Application: 332-338 Kent Street, Sydney
1. Progress Report on Development Applications

The meeting of the Planning Development and Transport Committee concluded at 6.47 pm.



Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 18 March 2002 be received, and the recommendation set out below for Item 6.1 be adopted, with Items 6.2 to 6.4, inclusive, being noted.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL****PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)****6.1**

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 18 March 2002, in regard to the progress report for the month of January 2002, it be resolved that the subject report be received and noted.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Items 6.2 to 6.4, inclusive, were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: QUARRYMASTERS HOTEL, 214-216 HARRIS STREET, PYRMONT 2099 (D/01/00743)**

**6.2**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 18 March 2002, in relation to Development Application 2001/00743 made by Robin Graham Architect Pty Ltd for the site at 214-216 Harris Street, Pyrmont for the extension of hours of operation to 2.00am, 6 days a week and midnight on Sundays, it be resolved that consent be refused for the following reasons:

- (1) The proposed extended use of the premises would adversely affect the residential amenity of the locality.
- (2) The proposal fails to comply with provisions of Sydney Regional Environmental Plan No. 26, specifically Clause 18.
- (3) The proposal is inconsistent with Council's recently adopted "Policy on Trading Hours for New and Existing Premises."
- (4) The proposal is not in the public interest, having regard to the submissions received by Council and the adverse precedent that would be created.

Carried unanimously.

Note - Mr Robin Graham, Mr Adam Summerville and Mr Greg Riches addressed the meeting of the Planning Development and Transport Committee on Item 6.2.

**DEVELOPMENT APPLICATION: 332-338 KENT STREET, SYDNEY (D2001/00876)**

**6.3**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 18 March 2002 in relation to Development Application D2001/00876 made by Warwick Sherman and Michael Keating for the site at 332-338 Kent Street Sydney, to carry out conservation works and additions to an existing building, and the award of Heritage Floor Space, 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. D2001/00876 dated 20 December 2001 and Heritage Impact Statement prepared by Brian McDonald and Associates Pty Ltd, dated 15 February 2002 and drawings numbered DA01, DA02, DA03, DA04, DA05 and DA06, all Revision A prepared by Joshua Farkash and Associates dated 28 February 2002, and drawings numbered SK01 and SK02 dated 12 February 2002, and SK03 dated 20 February 2002, prepared by Brian McDonald and Associates, and as amended by the following conditions:

#### REPORTS TO BE COMPLIED WITH

- (2) Except where amended by the following conditions, the development shall be generally in accordance with the recommendations of the following reports:
  - (a) Conservation Management Plan prepared by Brian McDonald and Associates Pty Ltd dated 15 February 2002;
  - (b) Heritage Impact Statement prepared by Brian McDonald and Associates Pty Ltd dated 15 February 2002;
  - (c) Supplementary Heritage Impact Statement – Building Code of Australia Issues prepared by Brian McDonald and Associates Pty Ltd dated 20 February 2002;
  - (d) Supplementary Heritage Impact Statement – Structural Engineering Issues prepared by Brian McDonald and Associates Pty Ltd dated 20 February 2002;
  - (e) Supplementary Heritage Impact Statement – Building Services prepared by Brian McDonald and Associates Pty Ltd dated 26 February 2002;
  - (f) Maintenance Plan prepared by Brian McDonald and Associates Pty Ltd dated 20 February 2002; and

- (g) Archaeological Assessment and Impact Assessment Report prepared by Cultural Resources Management dated February 2002.

#### **APPROVED DESIGN**

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

#### **FLOOR SPACE RATIO**

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 4.55:1 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 2,196.3m<sup>2</sup>.
- (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**

- (5) The owner may be awarded 1,410m<sup>2</sup> 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 proposed building, which has a FSA of 2,196.3m<sup>2</sup>.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.

- (d) The owner will only be registered as the owner of 1,410m<sup>2</sup> 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.

#### **BUILDING HEIGHT**

(6)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 39.04 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

#### **APPROVED DESIGN ROOF-TOP PLANT**

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

#### **METROWEST INVESTIGATION AREA**

- (8) Having regard to the submission of the Rail Infrastructure Corporation (RIC) and the proposed tunnel for the Metrowest Rail Link that may be constructed below part of the subject site in the future, all structures, including the lift pits, structural footings, rock anchors and the like, shall be located outside the proposed Metrowest Standard Tunnel Easement and Zones of Influence identified on drawings CT001, CT002 and CT003, all Revision 01, prepared by Connell Wagner.

#### **GENERAL HERITAGE REQUIREMENTS**

- (9) 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.

- (10) 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 Schedule 1 Heritage Item under the Central Sydney Heritage Local Environmental Plan 2000.
- (11) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
  - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
  - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (12) 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.
- (13) A written statement should be provided by the Heritage Consultant appointed to the project confirming that the work carried out is consistent with the scope of work in the Heritage Floor Space (HFS) application, and, has been carried out to an acceptable conservation standard. This statement is required prior to the release of the award of HFS.
- (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. Prior to the commencement of work the applicant is to submit to Council a copy of the contractual terms for the appointment of the site manager and tradepersons and appropriate information to demonstrate that they have the appropriate skills required to undertake the approved scope of conservation work.
- (15) A Register is kept on site to detail all visits made by the conservation architect and archaeologist including the length of stay and works inspected during each visit.
- (16) An interpretation plan 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 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) and interpretation by design to assist the public to understand the history and significance of the site. The plan should include information required to satisfy condition 18 below.
- (17) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site. The design, location and wording of the plaque shall be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.
- (18) All future signage shall be subject to a separate development application and must be consistent with the signage strategy in the Conservation Management Plan prepared by Brian McDonald and Associates Pty Ltd dated 15 February 2002 (as amended by this consent).
- (19) The following additional design and materials information shall be submitted to Council for approval:

- (a) Material samples (including dimensions) of the bluestone and brick paving in the carriageway and courtyard, and, the pavers on the proposed roof deck.
  - (b) The glass blocks on the eastern elevation and the glass screens in the proposed lobby.
- (20) The following amendments shall be made to the Conservation Management Plan (CMP) prepared by Brian McDonald and Associates Pty Ltd (dated 15 February 2002):
- (a) That policy 6.3.6 'public access' be incorporated into the interpretation strategy (Section 7.9) of the CMP, and, that the policy be rewritten to include production of a pamphlet on the history and significance of the building.
  - (b) The curtilage of the building needs to be clearly delineated and mapped either in section 4.6.3 or on the drawings showing significance in appendix 8.2.
  - (c) Section 4.6 'components of significance' should clarify whether there is any significant moveable heritage in the building. Any significant moveable heritage should be described and located in appendix 8.2.
  - (d) The Burra Charter needs updating to include the version approved 26 November 1999. Cross-referencing between the Burra charter and the main text (particularly the policies) should be amended as required.
  - (e) The signage strategy (section 7.6) should be amended to include appropriate location and design and appearance of a 'directory board' for all tenancies in the building
- (21) Prior to the determination of the proposed Kent Street façade colour scheme, the applicant's Heritage Consultant shall further investigate and provide a report, including details of the testing methodology, on the original paint scheme at 332-334 Kent Street, and the possibility of the successful removal of paint from the façade at 336-338 Kent Street. This report shall be submitted to Council for determination prior to the issue of any Construction Certificate.

Note:

It is possible, following the Council's determination of the report, that an alternate colour scheme that is more sympathetic to the original colour scheme, may need to be implemented. Moreover, it is possible that the current painted façade of 336-338 Kent Street may need to be removed.



- (22) Having regard to the James Taylor and Associates (Civil and Structural Consulting Engineers) letter dated 6 March 2002, the addition of plywood, or other similar topping, to existing wooden floors to achieve an acceptable diaphragm action shall be minimised. As part of the detailed design of this element of the project, the applicant's Heritage Consultant shall be involved in the resolution of this matter, including but not limited to:
- (a) investigation and submission of a report to Council of the findings on the potential to expose significant floors as part of the scope of work in this application; and
  - (b) preparation and submission of a Heritage Impact Statement to Council for approval.

These reports shall be submitted to Council for consideration prior to the issue of any Construction Certificate.

- (23) A schedule of conservation work outlining conservation methodology is required for the conservation work included in the scope of the application prior to the release of the construction certificate.
- (24) In order to maintain the heritage significance of the premises, where windows with a low sill height on the existing Kent Street façade fail to comply with the Building Code of Australia, the subject windows will be secured by fixing shut the bottom window pane.

#### **ARCHAEOLOGICAL INVESTIGATION**

- (25)
- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
  - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
  - (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
  - (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.

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

Note:

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

- (26) The City Archaeologist shall be notified of the following stages of the project:
  - (a) Approval of the excavation permit under Section 140 of the Heritage Act 1977; and
  - (b) Commencement of the monitoring program.
- (27) Two copies of any archaeological report as a result of the monitoring program shall be submitted to the City Archaeologist.

#### **GENERAL BUILDING CODE REQUIREMENT**

- (28) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following upgrading works are required to the building:
  - (a) Compliance with the recommendations of the Building Code of Australia Report J01430 dated 25 February 2002 prepared by McKenzie Consulting Group, and the Services Design Brief prepared by Hyder Consulting dated 28 February 2002, subject to the following works:
  - (b) Egress from the building must be provided in accordance with Performance Requirements DP, DP5 & DP6 of the Building Code of Australia having regard to the proposed travel distance on each floor and the discharge and path of travel from the fire stair to Kent Street;
  - (c) The existing structure supporting the proposed additions must comply with Performance Requirement CP1 of the Building Code of Australia;
  - (d) Openings in the walls bounding the rear lightwell must be protected to comply with Performance Requirement CP2 of the Building Code of Australia.

## **PHYSICAL MODELS**

- (29) 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

Note:

- (a) The model 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.
- (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**

- (30) 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.

### **CONSISTENCY OF DRAWINGS**

- (31) 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.

### **SECTION 61 CONTRIBUTION**

- (32) 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.

**EXTERNAL LIGHTING**

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

**BUILDING NAME**

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

**SEPARATE APPLICATION FOR SPECIFIC USE**

- (35) A separate development application must be submitted at the appropriate time for the specific use of each floor and tenancy of the buildings.

## **Schedule 1B**

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

**PUBLIC ART**

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

**PUBLIC DOMAIN PLAN**

- (37) 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.

#### **TOILETS AVAILABLE FOR USE BY PUBLIC**

- (38) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the location shall be approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **RECEPTACLES FOR CIGARETTE BUTTS**

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

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

#### **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- (40) 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.

#### **TELECOMMUNICATIONS PROVISIONS**

- (41) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
  - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
  - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (42) A separate development application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

#### **GLAZING**

- (43) All external glazing in the development must be clear and untinted.
- (44) 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.



**PAVING MATERIALS**

- (45) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 “Slip Resistance of Pedestrian Surfaces Part 1: Requirements”, Appendices A and B.

**STORMWATER AND DRAINAGE**

- (46) 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**

- (47)
- (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).

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:

Special requirements exist in Council’s Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

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**

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

### **LETTER TO VERIFY SUPPORT FOR NEW LOADS**

- (49) 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).

### **ALTERNATE SOLUTION**

- (50) 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 should be prepared in consultation with the heritage consultant appointed to the project, and 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.

## **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 WORK METHOD STATEMENT**

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

- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
  - (d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
  - (e) Disconnection of Gas and Electrical Supply;
  - (f) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
  - (g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
  - (h) Waterproofing of any exposed surfaces of adjoining buildings;
  - (i) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.
  - (j) Working hours, in accordance with this Development Consent;
  - (k) Confinement of demolished materials in transit;
  - (l) Proposed truck routes, in accordance with this Development Consent;
  - (m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.
- (53) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

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

- (54) 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.

#### **APPLICATION FOR BARRICADE PERMIT FOR ENCLOSURE OF A PUBLIC PLACE (ROAD AND FOOTPATH) REQUIRED FOR CONSTRUCTION/BUILDING WORK**

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

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

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

#### **CONTROL OF VERMIN**

- (57) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

## **USE OF MOBILE CRANES**

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

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

## **CERTIFICATION OF MECHANICAL VENTILATION**

(59) 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.

(60) 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**

- (61) 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.
  - (d) Notes:
    - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
      - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND

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

## **Schedule 1D**

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

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

- (62) 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**

- (63) 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**

- (64) 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.

**LOADING AND UNLOADING DURING CONSTRUCTION**

- (65) 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.



### **PROTECTION OF STREET TREES DURING CONSTRUCTION**

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

### **CONTROL OF RUN-OFF DURING CONSTRUCTION**

- (67) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
  - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
  - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

### **NO OBSTRUCTION OF PUBLIC WAY**

- (68) 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**

#### **OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

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

- (70) 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.

### **CONTRACT REQUIRED FOR REMOVAL OF TRADE WASTE**

- (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.

### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (72) 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**

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

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

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

#### **HEATING/COOLING SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS**

- (74) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.

#### **NUMBERING**

- (75) 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**

#### **REMOVAL OF GRAFFITI**

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

**NO SPRUIKERS OR AMPLIFIED NOISE**

- (77) 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.

**NOISE**

- (78) 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.

**GLASS SHOPFRONT TO BE UNOBSCURED**

- (79) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

**CARE OF BUILDING SURROUNDS**

- (80) 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**

- (81) 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**

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

**ALARM TO BE FITTED WITH TIMING DEVICE**

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

**WASTE NOT TO BE PLACED IN PUBLIC WITHOUT PERMISSION**

- (84) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council's Service Planning Unit as to the position, time and manner of placement of waste on the public way.

**Schedule 2**

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

Carried.

**SECTION 96 (2) APPLICATION: GAELIC CLUB, 56-64 DEVONSHIRE STREET, SURRY HILLS (D2000/00575)****6.4**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 18 March 2002, in relation to Section 96(2) Application for Development Application D2000/00575 made by Back Schwartz Vaughan Solicitors for the site at 56-64 Devonshire Street, Surry Hills to modify condition (6) relating to the hours of operation of the Place of Public Entertainment, it be resolved that the application be approved and that Condition (6) be modified to read as follows -

**APPROVED DEVELOPMENT****HOURS OF OPERATION**

- (6) The hours of operation of the Club are regulated as follows:
- (a) The hours of operation of the Club shall be restricted to between 11.00 am and 12.00 midnight on Sundays to Wednesdays, inclusive, and 11.00 am to 2.00 am on Thursdays to Saturdays, inclusive;
  - (b) Notwithstanding (a) above, the Club may operate 24 hours per day, 7 days per week, for a trial period of 12 months from the date of commencement of these extended hours. The Club shall inform Council in writing of the date upon which these extended hours commenced;
  - (c) A further application may be lodged to continue the Club's trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based, inter alia, on 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 occurred during the trial period;
  - (d) If the Club has operated successfully in the first trial period in (b) above, and complied with the performance conditions in (c) above, a second extended trial period for extended hours may be granted for a period of up to 5 years.

Carried unanimously.

**ITEM 7. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 19 MARCH 2002**

PRESENT

Councillor Turnbull  
(Acting Chairman)

Councillor Fabian Marsden.

At the commencement of business at 5.23pm, those present were:-

Councillors Marsden and Turnbull.

**Apology**

The Chairman (the Lord Mayor) extended his apologies for his inability to attend the meeting owing to an urgent commitment.

Councillor Coulton extended her apologies for her inability to attend the meeting owing to a prior commitment.

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the apologies from the Lord Mayor and Councillor Coulton be accepted and leave of absence be granted.

Carried.

**Closed Meeting**

At 5.24pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item.7.1 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 5.25pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 19 March 2002 be received, and Item 7.1 be noted.

Carried.

The Priorities and Outcomes Committee recommended that Council note that Item 7.1 was determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

**Closed meeting**

At 5.24pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed to the public in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 7.1 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

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

Item 7.1 was then dealt with by Priorities and Outcomes Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session.

Carried.

**EXTERNAL AUDIT SERVICES TENDER (S019412)**

**7.1**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Policy, Planning and Projects Accountant to the Priority and Outcomes Committee on 19 March 2002, on the External Audit Services Tender, it be resolved that approval be given to the Tender Specifications shown at Attachment A to the subject report.

Carried.



### **Declaration of Interest**

Prior to discussion on Item 8, the Chairman (the Lord Mayor) declared an interest in this matter in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took part in discussion and voting on this matter.

### **ITEM 8. PLANNING NSW STAGE 2 DA REFERRAL: BULLECOURT PLACE, 390-422 HARRIS STREET, PYRMONT (O/02/00003)**

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

That arising from consideration of a report by the Assistant Specialist Planner to Council on 25 March 2002, in relation to Planning NSW Development Application No. 382-12-2001 made by Australand for the site at 390-422 Harris Street, also known as Bullecourt Place, for the erection of two mixed use buildings comprising 231 dwellings, including 13 home offices and 1,720 sq.m of commercial space, with on-site parking for 341 vehicles; and the adaptive re-use of the former Bristol Arms Hotel for commercial/office purposes, it be resolved that:-

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

Carried.

### **ITEM 9. CAHILL EXPRESSWAY IMPROVEMENTS AT CIRCULAR QUAY – COUNCIL CONSENT, AS LANDOWNER, TO LODGE DA WITH PLANNING NSW (S019544)**

FILE NO:

DATE: 25/3/02

### **MEMORANDUM BY THE GENERAL MANAGER**

#### To Council:

The Roads and Traffic Authority (RTA) proposes to lodge a development application with Planning NSW (PNSW) to widen the existing pedestrian link Quay on the Cahill Expressway at Circular Quay.

The proposal includes :

- (i) the reduction in width of the existing vehicular lanes on the Expressway to accommodate the widening of the pedestrian link;
- (ii) the provision of a viewing platform approximately 60m long x 6m wide on the pedestrian link;
- (iii) two new glass lifts at East Circular Quay to carry people directly from Circular Quay to the pedestrian link;

- (iv) direct access from the pedestrian link, across Macquarie St to the Royal Botanic Gardens.

Certain strata of land within the proposed development are within Council land, such as the lifts at East Circular Quay. Consequently, Council's consent as landowner is required for the DA to be lodged with PNSW.

The proposed widening of the pedestrian link is supported as it will greatly enhance the amenity of the existing link and make it more accessible to the public at large.

The prime issue for Council, as landowner, arising from this proposal, is the effect the development will have on Council land. In particular, the effect the lifts will have on East Circular Quay in terms of cleaning and maintenance together with the resolution of any consideration appropriate for the use of Council land.

I propose that the Council, as landowner, approves in principle the proposed development and delegates authority to the General Manager to negotiate the various property issues associated with the proposal, in consultation with the Lord Mayor, and to grant owner's consent to the lodgement of the development application to PNSW.

#### RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 25 March 2002, on Cahill Expressway Improvements at Circular Quay - Council Consent, as Landowner, to lodge a Development Application with Planning NSW, it be resolved that:

- (A) Council, as landowner, approve in principle the lodgement of the development application of the Roads and Traffic Authority with Planning NSW; and
- (B) authority be delegated to the General Manager to -
  - (1) negotiate and finalise the various property issues associated with the development with the Roads and Traffic Authority, in consultation with the Lord Mayor; and subsequently
  - (2) grant Council's consent, as landowner, to the lodgement of the Development Application with Planning NSW.

(SGD) ROBERT DOMM  
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 25 March 2002, on Cahill Expressway Improvements at Circular Quay - Council Consent, as Landowner, to lodge a Development Application with Planning NSW, it be resolved that:

- (A) Council, as landowner, approve in principle the lodgement of the development application of the Roads and Traffic Authority with Planning NSW; and
- (B) authority be delegated to the General Manager to -
  - (1) negotiate and finalise the various property issues associated with the development with the Roads and Traffic Authority, in consultation with the Lord Mayor; and subsequently
  - (2) grant Council's consent, as landowner, to the lodgement of the Development Application with Planning NSW.

Carried.

#### **Declaration of Interest**

Prior to discussion on Item 10, the Chairman (the Lord Mayor) declared an interest in this matter in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took part in discussion and voting on this matter.

#### **ITEM 10. COMMENTS ON THE SYDNEY HARBOUR FORESHORE AUTHORITY'S DRAFT ROCKS LIGHTING POLICY (S019472)**

Moved by Councillor Coulton, seconded by Councillor Ho -

That arising from consideration of a report by the Project Manager - Industrial Design, City Projects, to Council on 25 March 2002, on Comments on Sydney Harbour Foreshore Authority's Draft Rocks Lighting Policy, it be resolved that the subject report be endorsed and Attachment A to the subject report, as amended, be forwarded to the Sydney Harbour Foreshore Authority, under cover of a letter from the General Manager. The amendments to Attachment A are to:

- (A) address the City's concern that the proposed lighting levels on Argyle and George Streets within the Rocks appear not to be adequate to meet safe lighting requirements, particularly for pedestrians;
- (B) clarify that the heritage fixtures proposed for George Street will be upgraded to use metal halide lamps with modern optics;
- (C) ensure that the Sydney Harbour Foreshore Authority's proposed lighting levels will meet the operating requirements for the street surveillance cameras previously installed in the Rocks by the City under the City's Safe City Program;

- (D) include an executive summary;
- (E) require that the City be provided with detailed specifications on the proposed lighting fixtures.

Carried.

**ITEM 11. PROPOSAL TO CHANGE SOUND INSULATION PROVISIONS OF THE BUILDING CODE OF AUSTRALIA (S004186)**

No report on this matter was submitted to Council. Following discussion, it was -

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

That arising from discussion of a matter raised by the Director City Development relating to a Proposal to change Sound Insulation Provisions of the Building Code of Australia, it be resolved that -

- (A) authority be delegated to the Lord Mayor to approve a submission for forwarding to the Building Codes Board on a proposal to change sound insulation provisions of the Building Code of Australia, subject to prior circulation of the submission to all Councillors;
- (B) Councillors be invited to comment on the draft submission within 72 hours of its circulation and, where appropriate, Councillors' comments be incorporated in the submission.

Carried.

At this stage of the meeting, the foreshadowed Minute by the Lord Mayor was tabled at the meeting.

**POLICIES ON BUILDING CERTIFICATION AND COMPLIANCE (S019541)**

FILE NO:

DATE: 25/3/02

**MINUTE BY THE LORD MAYOR**

To Council:

I bring to your attention a Memorandum from the General Manager attaching the following three documents on Building Certification and Compliance.

1. Submission on Improving Building Compliance and Certification in New South Wales.

2. Policy on Certification and Inspections regarding Certificates of Occupation of new buildings (under existing laws).
3. Policy on inspections of existing buildings in relation to Development Consents.

RECOMMENDATION:

I submit the documents for your consideration.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

At this stage of the meeting, Council resolved that Item 16 be dealt with in two parts, and voted on separately, namely -

- (1) Clauses (A), (F) and (G) of the recommendation in the subject Memorandum by the General Manager; and
- (2) Clauses (B), (C), (D) and (E) of the recommendation in the subject Memorandum by the General Manager.

**Declarations of Interest**

Prior to discussion on Item 16, Councillor Coulton declared a possible pecuniary interest in this matter in that her husband has appeared on behalf of a party that may or may not be involved in this matter. Councillor Coulton indicated that she had chosen not to be briefed by Council staff on this matter, and would not participate in discussion and voting on the first motion on this matter, but would participate in discussion and voting on the second motion on this matter.

At 6.01pm, prior to discussion on the first part of this matter, Councillor Coulton left the meeting. Councillor Coulton was not present at, nor in sight of, the meeting during discussion and voting on the first motion on this matter. At 6.04pm, Councillor Coulton returned to the meeting and was present during discussion and voting on the second motion on this matter.

Councillor Ho also declared an interest in this matter in that his wife, the Hon Helen Sham-Ho MLC, is a member of, and may be appointed Chair of, the State Government Inquiry into the Certification Process. Councillor Ho took part in discussion and voting on this matter.

Note - it was the General Counsel's advice that Councillor Coulton was able to participate in discussion and voting on the second motion on this matter, and that Councillor Ho did not have a pecuniary interest in this matter and could also participate in discussion and voting.

**ITEM 16. POLICIES ON BUILDING CERTIFICATION AND COMPLIANCE  
(S019541)**

FILE NO:

DATE: 25/3/02

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

The Minister for Planning, The Hon Andrew Refshauge, recently announced an Inquiry into the Certification process.

The Inquiry is quite extensive and covers a lot of issues that are relevant to the City of Sydney.

At the same time Council over the last year has received complaints relating to several buildings alleging non-compliance by builders. These have been investigated and action is being taken to rectify any deficiencies.

Under the circumstances, it is appropriate for Council to make a submission to the Inquiry and revise its strategy for dealing with new and existing buildings within the current legislative framework, until such framework is amended.

Accordingly staff have prepared three Policy documents as follows:

1. Submission to the Inquiry and to the Minister.
2. A Policy on dealing with buildings which are not yet occupied, prior to the issuance of certificates of occupancy, both in relation to buildings where the City issues certificates of occupancy, and where certificates of occupancy are issued by private sector principal certifying authorities.
3. A Policy for resolving which buildings currently occupied that warrant further inspections or action by Council.

The policies are self-explanatory and are subject of a briefing this afternoon.

RECOMMENDATION:

That further to the Briefing of Councillors on 25 March 2002, and arising from consideration of a Memorandum by the General Manager to Council on 25 March 2002, on Policies on Building Certification and Compliance, it be resolved that -

- (A) Council endorse actions taken to date in dealing with these issues;
- (B) Council adopt in principle the submission to the Committee of Inquiry, and the Minister for Planning, entitled Submission on Improving Building Compliance and Certification in NSW;

- (C) Council adopt in principle the draft policy dealing with new buildings not yet occupied entitled Policy on Certification and Building Inspections regarding Certificates of Occupation for New Buildings;
- (D) Council adopt in principle the policy dealing with buildings that are currently occupied in terms of whether or not they warrant any further investigation, entitled Policy on Inspections of Existing Buildings in relation to Compliance with Conditions of Development Consent;
- (E) Councillors may make comments to the Lord Mayor in relation to the documents in paragraphs (B), (C) and (D) above by close of business on 27 March 2002, and that authority be delegated to the Lord Mayor to finalise and approve the terms of each of those documents;
- (F) the General Manager be authorised to allocate any necessary resources, to be funded from any areas of Council operation which are in surplus, for the purpose of implementing the policies referred to in (C) and (D) above;
- (G) the Lord Mayor, in consultation with the General Manager, be authorised to deal with all issues arising from matters relating to existing buildings, and to negotiate with the Government on any policy changes in the future, and to take all other necessary actions to ensure that the public interest and Council's interests are protected.

(SGD) ROBERT DOMM  
General Manager

(1) In accordance with the decision of Council to deal with this matter in two parts, it was:

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

That further to the Briefing of Councillors on 25 March 2002, and arising from consideration of a Memorandum by the General Manager to Council on 25 March 2002, on Policies on Building Certification and Compliance, it be resolved that -

- (A) Council endorse actions taken to date in dealing with these issues;
- (B) the General Manager be authorised to allocate any necessary resources, to be funded from any areas of Council operation which are in surplus, for the purpose of implementing the policies referred to in clauses (C) and (D) of the recommendation in the subject Memorandum by the General Manager;
- (C) the Lord Mayor, in consultation with the General Manager, be authorised to deal with all issues arising from matters relating to existing buildings, and to negotiate with the Government on any policy changes in the future, and to take all other necessary actions to ensure that the public interest and Council's interests are protected.

Carried unanimously.

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

That further to the Briefing of Councillors on 25 March 2002, and arising from consideration of a Memorandum by the General Manager to Council on 25 March 2002, on Policies on Building Certification and Compliance, it be resolved that -

- (A) Council adopt in principle the submission to the Committee of Inquiry, and the Minister for Planning, entitled Submission on Improving Building Compliance and Certification in NSW, incorporating the amendments requested by Councillors at the briefing on 25 March 2002;
- (B) Council adopt in principle the draft policy dealing with new buildings not yet occupied entitled Policy on Certification and Building Inspections regarding Certificates of Occupation for New Buildings, incorporating the amendments requested by Councillors at the briefing on 25 March 2002;
- (C) Council adopt in principle the policy dealing with buildings that are currently occupied in terms of whether or not they warrant any further investigation, entitled Policy on Inspections of Existing Buildings in relation to Compliance with Conditions of Development Consent, incorporating the amendments requested by Councillors at the briefing on 25 March 2002;
- (D) Councillors may make comments to the Lord Mayor in relation to the documents referred to in clauses (A), (B) and (C) of this motion by close of business on 27 March 2002, and that authority be delegated to the Lord Mayor to finalise and approve the terms of each of those documents;

Carried unanimously.

Note - the Chairman (the Lord Mayor) thanked Council staff for their hard work and the research undertaken over the last several months on these complex issues.



**ITEM 12. QUESTIONS ON NOTICE****ULTIMO COMMUNITY CENTRE - MAGIC KIDS CHILD CARE CENTRE (S018718)**

1. By Councillor Greiner -

**Question**

Lord Mayor, I have received correspondence from parents whose children attend the Magic Kids Child Care Centre located within the Ultimo Community Centre. Their major concern is that the lift at the centre has been out of action during the past week, and it is anticipated it will be out of action this week as well.

Could you please advise Councillors -

1. The number of times this lift has broken down?
2. In a building so recently constructed, why this elevator offers such poor performance for the parents and the children?
3. Whether it would be possible to remodel the entrance to the Magic Kids Child Care Centre, which is located on level 2 of the Centre, to make it more accessible and not solely dependent on access via the lift?

Given that there are seven individual flights of stairs from the carpark to the Centre, they cause enormous problems for parents and toddlers accessing these fire stairs.

At the very least, will Council officers do an immediate inspection to improve the surface of the fire stairs which are currently used by the parents, to ensure that the risk of slipping by parent and/or child is minimised, by the positioning of safety strips on every step?

**Answer by the Lord Mayor**

The Acting Director Corporate Services advises that -

“A contract is in place for both routine and reactive maintenance of the lifts at the Ultimo Community Centre. I have requested details from the contractor of the number of instances on which they have carried out work to the lifts.

Further, an independent lift engineer has been engaged to review and report on the operations and systems of both lifts.

A delay in repairing the lift at the Child Care Centre attached to the Ultimo Community Centre was caused because the lift motor had to be taken off-site for repair by the lift contractor. It had been hoped that the lift would have been repaired more quickly but the lift is expected to be back in action this week.

In the meantime, access to the Child Care Centre has been arranged using the lift in the Ultimo Community Centre. Access to the Child Care Centre is being organised when required outside of the operating hours of the Ultimo Community Centre.

Arrangements are also being made to organise the placing of non-slip strips on the steps in the fire stairs in the Child Care Centre building.

It is understood that these interim arrangements are working quite well while the lift is being repaired.”

## **HOMEOWNERS' WARRANTY SCHEME (S018718)**

2. By Councillor Greiner -

### **Question**

Lord Mayor, the State Government announced changes to the Homeowners' Warranty Scheme affecting residents living in highrise buildings. These alterations to the insurance provisions will take effect as from 1 April 2002.

As I understand the legislation, home owners living in multi-story highrise buildings of more than 3-storeys will now no longer have access to a warranty clause, but will have to sue the builder through the body corporate to effect any redress for sub-standard or flawed workmanship.

Could Council officers please advise as a matter of urgency -

1. Their understanding of the intended legislation?
2. The impact that this will have on the individual home owner in a highrise building located in the City of Sydney LGA?
3. If Council has a view as to whether this is the most appropriate form of ensuring protection for home owners in the city from faulty workmanship?

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

The General Counsel advises that -

“We are aware of a number of media releases which propose amendments to the Home Warranty Insurance Scheme.

However, there is very little factual information available to the City at the present time. Contact will be made with the State Government with a view to obtaining further information in relation to the proposed Scheme.”

**RACE TRACK - WHARF 8, HICKSON ROAD (S018718)**

3. By Councillor Greiner -

**Question**

Lord Mayor, I have received correspondence concerning a race track set up at Wharf 8 at Hickson Road and which operated on the nights of 8<sup>th</sup> and 9<sup>th</sup> March.

Could Councillors please be informed -

1. Whether the proprietors of Wharf 8 had Council approval for such an event?
2. Are more race meetings or other outdoor events that may result in significant noise pollution being planned; or already been notified to Council, or anticipated by Council?

**Answer by the Lord Mayor**

The Director City Development advises that -

“The City of Sydney does not have planning jurisdiction over the subject site, but rather the State Minister for Planning does. It might normally be expected that Planning NSW would have referred any development application for such a proposal to the City seeking comments but no such opportunity was provided to the City on this occasion. Should the City have been provided with such an opportunity, it is likely that the City would have vigorously objected to the proposal.”

**Answer by the Lord Mayor (continued)**

I have instructed City staff to prepare me a letter to Planning NSW expressing the City's concern and disappointment that the opportunity to make a submission was not provided prior to the Minister granting development consent for the car rally. I have also requested that the City and all other affected stakeholders be provided the opportunity to review and make a submission on any future proposals that the Minister may be considering, that may have a detrimental effect on the amenity of the surrounding environment.

## **QUESTIONS WITHOUT NOTICE**

### **SIGNAGE (S018724)**

1. By Councillor Greiner -

#### **Question**

Lord Mayor, I noticed coming across the Harbour Bridge that there is a building, which I think is located at 1 Clarence Street, which has a sign on the roof, along the planter wall, saying "Signage for Lease".

My understanding would be that that is not actually in keeping with Council's code on advertising.

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

Councillor Greiner, I will ask the staff to investigate and provide a report on that.

### **LITIGATION (S018729)**

2. By Councillor Farr-Jones -

#### **Question**

Lord Mayor, following on from some information which was contained in a memorandum which you circulated to Councillors last week, my question is whether Councillors can be advised of all current litigation - whether Council is a plaintiff, a defendant or a co-defendant - and if Councillors could be updated quarterly on such litigious issues.

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

Yes, we have a quarterly report. We can do one now on current cases. I would ask that General Counsel try not to use legal jargon that even I, as an honorary lawyer, cannot always understand.

### **ULTIMO COMMUNITY CENTRE - MAGIC KIDS CHILD CARE CENTRE (S018724)**

3. By Councillor Greiner -

#### **Question**

Lord Mayor, I would like to thank the staff for the answer to my Question on Notice concerning the Ultimo Community Child Care Centre that had problems with the lifts. I think that all Councillors as well as you, Lord Mayor, and the General Manager, were in receipt of correspondence indicating that last Friday morning two parents and two children were stuck in the lift for half an hour. This is a critical issue.

I would like, through you to the General Manager, to ask what the current status is. I know that they instigated the use of the service lift, but this is clearly an important issue which needs a speedy response. I am wondering if the General Manager has a more up-to-date response than the one he kindly provided to my Question on Notice.

**Answer by the Lord Mayor**

I invite the General Manager to respond.

**General Manager**

Lord Mayor, there has been some history in relation to lift maintenance at the Ultimo Community Centre. I am advised there have been approximately seven breakdowns since September last year. Unfortunately, those breakdowns have not always been advised to Council staff. I have now acted to implement new procedures to ensure that this will always be the case in future. The lift in question which broke down was fixed, I am advised, on 19 March. Prior to that, a second lift was being utilised.

There seems to have been a problem with the contractor reporting to us and we are going to make sure that does not happen again. We have also engaged an independent consultant to report on what needs to be done to ensure there are no ongoing problems. That report is due this week. We will obviously advise Councillor Greiner of the outcome of that. Of course, we now have the temporary procedure we can put in place in the interim with the use of the second lift. While I can't guarantee these problems will not happen again, I can guarantee that we will act promptly to put in place interim arrangements while we work towards a more final solution.

**DISABILITY STRATEGIC PAPER (S018729)**

4. By Councillor Farr-Jones -

**Question**

Lord Mayor, in my capacity as Chair of the Access Sub-Committee - which is a role I will probably hold for maybe one or two more weeks - I want to raise my concern about the slippage in time of the completion of the Disability Strategic Paper. This slippage has been well over 12 months from the time when staff advised we were likely to have the plan complete. I would like your assurance that resources will be committed from the City to ensure a timely drafting and completion of the Strategic Paper.

Whilst issues of access go obviously to people in wheelchairs, please take on board that there are many areas of access. One of the major ones in the City is the aged community, people with impaired sight or hearing. Whilst wheelchair access is a crucial aspect of the built environment, and I think there has to be a lot of work done in relation to ramps, there are a number of areas affecting access issues.

**Answer by the Lord Mayor**

Firstly, Councillor Farr-Jones, there has been a lot happening in the organisation in the last few months preparing for the boundary changes. I understand that the General Manager, in recent weeks, has taken the matter in hand and I will ask him to elaborate on that.

**General Manager**

Lord Mayor, we have undertaken very recently a review of that situation. I have my Executive Manager working on it at the moment. We are engaging a young disabled person, starting possibly next week, attached to my office, who will act as a consultant on access issues, particularly for people in wheelchairs. We are going to utilise as best we can the resources of Council itself, with the addition of some consultancy report. We are not going to reinvent the wheel on this issue. A lot of work has been done in other areas and we are currently examining the best practices from other Councils in the Sydney region.

As I said, a young consultant, Julian Stewart, will be starting in my office next week and I expect some major progress to be made very soon.

**Answer by the Lord Mayor (continued)**

Could I add that there are a number of issues that I have been very keen for the organisation to clean up before any boundary changes. We need to get on top of these things. If the boundaries change in a couple of months, we will have to spend time in the Kings Cross and Glebe areas dealing with local issues. I agree with you, Councillor Farr-Jones. There has been a lot on, but it is important that we do this.

**TRAFFIC ISSUES (S018724)**

5. By Councillor Greiner -

**Question**

Lord Mayor, if I may raise two issues, through you to the staff, which will require some ongoing work. There would appear to be a need for a traffic management review at the corner of Pymont Bridge Road and Harris Street, where there is a significant peak hour banking of traffic trying to get through Harris Street towards Jackson's Landing. One of the reasons why the residents at that end of the Peninsula are most affected is that Lend Lease has blocked off Bowman Street. I am unsure as to who has the legal liability for Bowman Street, which I had always assumed was a public road.

Could you ask Council staff to investigate these matters and report back?

**Answer by the Lord Mayor**

Yes, Councillor Greiner. I am not sure whether that area has been transferred yet. It might be Lend Lease's; it might be the Sydney Harbour Foreshore's; it might be the City of Sydney's. A lot of what was transferred to the Sydney Harbour Foreshore Authority, in the long term, will come to us.

**ITEM 13. NOTICES OF MOTION****PARKING - CBD (S018733)**

1. Moved by Councillor Greiner, seconded by Councillor Farr-Jones -

That Council undertake a 24-hour 'snapshot' of parking spaces available in those streets of the CBD bounded by Bridge, Kent, Druitt/Park and Elizabeth/Phillip Streets to ascertain the degree of non-compliance by commercial vehicles, with a view to overcoming problems experienced by these vehicles when making deliveries and, as well, to assist Council's Parking Officers to function effectively.

Amendment. At the request of the Chairman (the Lord Mayor), and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion -

That Council staff investigate and report, within two months, on types and causes of parking infringements (such as clarity of legal status of roadway or spaces; adequacy of signage) in loading and commercial zones within those streets of the CBD bounded by Bridge, Kent, Druitt/Park and Elizabeth/Phillip Streets, and recommend a range of measures to improve the effectiveness of enforcement in those areas.

Motion, as amended by consent, carried unanimously.

**Closed Meeting**

At 6.38pm, 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)(c) of the Local Government Act 1993 to discuss Items 14 and 15 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

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

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

**ITEM 14. COURIER NEWSPAPERS - PROPOSED DEVELOPMENT APPLICATION FOR MAGAZINE DISTRIBUTION - OWNERS CONSENT (S019354)**

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

That arising from consideration of the Memorandum by the General Manager to Council on 25 March 2002, on Courier Newspapers - Proposed Development Application for Magazine Distribution - Owners Consent, it be resolved that:

- (A) the City approve in principle the grant of owner's consent to the lodgement of a development application by Courier Newspapers in relation to the street distribution of publications as outlined in the subject report, noting that owner's consent does not fetter Council's discretion as consent authority;
- (B) authority be delegated to the General Manager to negotiate and, with the concurrence of the Lord Mayor, enter into a newspaper distribution agreement with Courier Newspapers, adequately protecting Council's interest in respect of the issues identified in the subject report, such authority to lapse once the lease or agreement has been executed; and
- (C) all relevant documentation be executed by Council's attorney.

Carried.

**ITEM 15. 50-52 DARLINGHURST ROAD – PROPOSED TENANCY (S019205)**

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

That arising from consideration of a report by the Director Corporate and Legal Services to Council on 25 March 2002, on 50-52 Darlington Road - Proposed Tenancy, it be resolved that:

- (A) Council approve in principle the entry into an agreement to lease and lease with the party named in paragraph 1 of the subject report in relation to 250m<sup>2</sup> on the ground floor of 50-52 Darlington Road, on the terms set out in the subject report;
- (B) authority be delegated to the General Manager to finalise the terms of the agreement to lease and lease, such authority to lapse once the lease or agreement has been executed;
- (C) Council's Attorney execute all relevant documentation.

Carried.



At 6.50pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 13 May 2002 at which  
meeting the signature herein was subscribed.