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**28 OCTOBER 2002**

**Meeting No 1368**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.07pm on 28 October 2002 pursuant to Notice 22/1368 dated 24 October 2002.

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### PRESENT

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

Councillors - Dixie Coulton, Kathryn Greiner, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 6.07pm those present were:-

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

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

### Opening Prayer

The Lord Mayor opened the meeting with prayer.

### **Apologies**

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council as he was interstate on business.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council as he was attending the Local Government Association Conference in Broken Hill.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

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

Carried.

## **ITEM 1. CONFIRMATION OF MINUTES**

### **Minutes of Council Meeting of 16 September 2002**

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

That the minutes of the meeting of Council of 16 September 2002, as circulated to Councillors, be confirmed.

Carried.

### **Minutes of Extraordinary Meeting of Council of 23 September 2002**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the minutes of the extraordinary meeting of Council of 23 September 2002, as circulated to Councillors, be confirmed.

Carried.

### **Minutes of Extraordinary Meeting of Council of 30 September 2002**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the minutes of the extraordinary meeting of Council of 30 September 2002, as circulated to Councillors, be confirmed.

Carried.

### **Minutes of Extraordinary Meeting of Council of 21 October 2002**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 21 October 2002, as circulated to Councillors, be confirmed.

Carried.

At this stage of the meeting, the Chairman (the Lord Mayor) introduced a Minute by the Lord Mayor on Sydney Peace Foundation.

### **Declaration of Interest**

Prior to discussion on Item 2, Councillor Greiner declared a non-pecuniary interest in this item, in that she is Chairman of the Sydney Peace Foundation.

### **ITEM 2: SYDNEY PEACE FOUNDATION**

FILE NO:

DATE: 28/10/02

### **MINUTE BY THE LORD MAYOR**

#### To Council:

The Sydney Peace Foundation is an alliance of corporate, media, public sector and community representatives whose aim is to influence public interest in and understanding of the meaning of peace. It is a not for profit organisation which has its constitution within the University of Sydney. The Foundation is accountable for the selection of the Sydney Peace Prize recipient, for fundraising and other events associated with each year's breakfast seminars, the annual Peace Prize Lecture and Award Ceremony.

Previous recipients of the Sydney Peace Prize have included:

2002 Mary Robinson

2001 Sir William Deane

2000 Xanana Gusmao

1999 Archbishop Emeritus Desmond Tutu

1998 Professor Muhammad Yunus

Sydney's international reputation as a peaceful multicultural hub makes it an ideal place to host the Peace Prize. Past recipients reflect on the seriousness and significance that the Prize is held in the international community. In times of current world conflict, initiatives such as the Sydney Peace Prize play important roles in emphasising the need for peace.

The City of Sydney has been approached by the Foundation to become an anchor participant in the Sydney Peace Prize.

As a partner the City of Sydney will contribute \$30,000 per annum over five years. The City will also provide in kind support in the form of use of minor reception rooms such as the Lord Mayor's Reception Room, Lady Mayoress' Room, and the Southern Function Room, with a discount being provided if the Vestibule or Centennial Halls are required.

In return the City receives acknowledgment and benefits as per the attached schedule.

#### RECOMMENDATION

It is recommended that the Minute by the Lord Mayor entitled "Sydney Peace Foundation" be endorsed, that the Lord Mayor and General Manager be authorised to implement the initiatives outlined therein and that provision be made in future budgets for the Sydney Peace Prize

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 28 October 2002, on Sydney Peace Foundation, it be resolved that -

- (A) the Minute by the Lord Mayor be endorsed;
- (B) authority be delegated to the Lord Mayor and the General Manager to implement the initiatives outlined in the subject Minute by the Lord Mayor; and
- (C) provision be made in future budgets for the Sydney Peace Prize.

Carried unanimously.

#### **ADDITIONAL MATTER FOR COUNCIL**

FILE NO:  
DATE: 28/10/02

#### **MINUTE BY THE LORD MAYOR**

To Council:

Attached for consideration by Council at its meeting on 28 October 2002 is a Memorandum by the General Manager on the Sydney National Cancer Foundation.

I bring forward this item for consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

**Declaration of Interest**

Prior to discussion on Item 3, the Chairman (the Lord Mayor) declared a non-pecuniary interest in this item, in that he is the Chairman of the Sydney National Cancer Foundation. The Chairman (the Lord Mayor) took part in discussion and voting on this matter.

**Declaration of Interest**

Prior to discussion on Item 3, Councillor Turnbull declared a non-pecuniary interest in this item, in that she is the Deputy Chairman of the Sydney National Cancer Foundation. Councillor Turnbull took part in discussion and voting on this matter.

Note - Both the Chairman (the Lord Mayor) and Councillor Turnbull voted on this item as to abstain from voting would have, as required by the Local Government (Meetings) Regulation 1999 (Clause 24), resulted in their votes being recorded as against the motion.

**ITEM 3. SYDNEY NATIONAL CANCER FOUNDATION**

FILE NO:

DATE: 24/10/02

**MEMORANDUM BY THE GENERAL MANAGER**To Council:

On 3 June 2002, the Council considered a Memorandum by the General Manager on the establishment of the Sydney Cancer Centre Foundation, subsequently renamed the Sydney National Cancer Foundation. Council endorsed the proposal and resolved as follows:

"That arising from consideration of a Memorandum by the General Manager to Council on 3 June 2002, on "Sydney Cancer Centre", it be resolved that:

- (A) the subject Memorandum by the General Manager by endorsed;
- (B) Council strongly support the expansion of the research capacity of the Sydney Cancer Centre to sharpen the focus of cancer biomedical research in Sydney's biotechnology sector;
- (C) Council support the establishment of the Sydney Cancer Centre Foundation to raise funds to help and support the Sydney Cancer Centre;
- (D) Council approve a seeding grant of \$150,000 pa for three years to either the Sydney Cancer Centre (or the Sydney Cancer Centre Foundation) as appropriate and that the City provide in kind support and its endorsement to the Sydney Cancer Centre, subject to the City being given appropriate recognition for its contribution;

- (E) the General Manager be authorised to -
- (i) enter into an appropriate agreement to implement this resolution, and include as part of the agreement annual reporting to Council on the achievements of the Foundation, its strategic plans, budgets, programs and financial results; and
  - (ii) designate a senior member of staff with responsibility to monitor, assist and liaise with the Sydney Cancer Centre and Foundation and keep Councillors appropriately informed."

The Lord Mayor, as Chairman of the Sydney National Council Foundation, proposes to send a letter to ratepayers seeking financial support for the Foundation.

The previous resolution authorises Council to provide in kind support to the Foundation, as well as funding for three years.

At this stage, it is intended that the letter would be sent to City of Sydney ratepayers and other appropriate constituents. Some cost would be incurred by Council. For abundant transparency, the matter is resubmitted to Council for endorsement, notwithstanding the fact that authority exists for this to take place. In addition, the new Executive Director of the Foundation has been to see me seeking in kind support, including the use of meeting rooms and other services for the Foundation. For example, it's proposed that the Foundation be launched at a function at Town Hall within the next month.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 28 October 2002, on Sydney National Cancer Foundation, it be resolved that the City of Sydney -

- (A) produce a mail-out to appropriate constituents in support of the Sydney National Cancer Foundation;
- (B) endorse the provision of in kind support, including the use of meeting rooms, hosting of functions and the provision of other services such as data bases, over time.

(SGD) ROBERT DOMM  
General Manager

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the General Manager to Council on 28 October 2002, on Sydney National Cancer Foundation, it be resolved that the City of Sydney -

- (A) produce a mail-out to appropriate constituents and stakeholders, including those in neighbouring municipalities, in support of the Sydney National Cancer Foundation;
- (B) endorse the provision of in kind support, including the use of meeting rooms, hosting of functions and the provision of other services such as data bases, over time.

Carried unanimously.

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

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

**ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 30 SEPTEMBER 2002**

PRESENT

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

Councillors Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 4.15pm, those present were:-

Councillors Coulton, Marsden and Turnbull.

The Chairman (the Lord Mayor) arrived at the meeting of the Priorities and Outcomes Committee at 4.28pm during discussion on Item 2.

**Closed Meeting**

At 4.16pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 5.1 and 5.2 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 4.40pm.

Report of the Committee

The Priorities and Outcomes Committee recommended that Council note that Items 5.1 and 5.2 were determined by the Priorities and Outcomes Committee under delegated authority.

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

That the Report of the Priorities and Outcomes Committee of its meeting of 30 September 2002 be received, and the recommendations set out below for Items 5.1 and 5.2 be noted.

Carried.

### **Closed Meeting**

At 4.16pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 5.1 and 5.2 on the agenda as these matters comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

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

### **APPOINTMENT OF DESIGN CONSULTANTS FOR THE SYDNEY TOWN HALL UPGRADE PHASE A - TENDER NO. 0221 (S015629)**

#### **5.1**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Senior Urban Designer to the Priorities and Outcomes Committee on 30 September 2002, on Appointment of Design Consultants (Design, Documentation and Contract Administration) for the Sydney Town Hall Upgrade Phase A - Tender No. 0221, it be resolved that:

- (A) Council endorse the scope of work for the Town Hall Phase A project;
- (B) Council approve the consultant engagement process outlined in paragraph 17 of the subject report; and
- (C) a Project Control Group be established comprising the Lord Mayor, Councillor Turnbull and the General Manager.

Carried.

**RESTORATION OF FRAZER FOUNTAIN, ART GALLERY ROAD (L01-00127)****5.2**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Public Art Co-ordinator to the Priorities and Outcomes Committee on 30 September 2002, on the Restoration of the Frazer Fountain, Art Gallery Road, it be resolved that:

- (A) Council approve scope of works as outlined in Paragraph 7 (e) of the subject report and proceed to go to Open Tender, in order that fountain restoration may be competitively priced;
- (B) Council approve engaging Howard Tanner to update report and provide design specifications for water and lighting features and provide advice during tender review; and
- (C) Council believes that the indicative cost estimate for the water feature is excessive and seeks to have that amount reduced and, in any event, sets a project budget not exceeding \$200,000 and notes that any variation would be subject to approval by the Lord Mayor.

Carried.

**ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 21 OCTOBER 2002**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

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

At the commencement of business at 6.13 pm those present were -

Councillors Coulton, Greiner, Marsden and Turnbull.

Councillor Ho arrived at the meeting at 6.14 pm during discussion on Item 6.2, which had been brought forward.

**Apology**

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

**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. Section 96 Modification Application: The Masonic Club, 169-173 Castlereagh Street Sydney
4. Development Application: 61-65 Regent Street Chippendale
1. Progress Report on Development Applications
6. Integrated Development Application - 1 Chifley Square Sydney (Former Qantas House)
3. Crown Development Application: SIT Campus, Building E, 19 Mary Ann Street, Ultimo (Frontage to Thomas Street)
5. Development Application: 1-59 Quay Street, Haymarket

The meeting of the Planning Development and Transport Committee concluded at 6.45 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 21 October 2002 be received, and the recommendations set out below for Items 6.1 and 6.2 be adopted, with Items 6.4 to 6.6, inclusive, being noted, and Item 6.3 being dealt with as shown immediately following that item.

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 21 October 2002, in regard to the progress report for the month of September 2002, it be resolved that the subject report be received and noted.

Carried.

**SECTION 96 MODIFICATION APPLICATION: THE MASONIC CLUB 169-171 CASTLEREAGH STREET SYDNEY (D/1999/01034 A)**

**6.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 21 October 2002, in relation to Section 96(1A) Modification, proposing an amendment to condition (2) of Development Application D/1999/01034 made by Moorcroft Architects for the Masonic Club at 169-171 Castlereagh Street Sydney, it be resolved that consent be granted and condition (2) (as shown struck out below) be deleted and replaced with the following:

*AWARD OF HERITAGE FLOOR SPACE – STAGED AWARD*

*(2) The owner may be awarded a maximum of 2776.5sqm 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)
- (i) *900sqm of heritage floor space may be awarded after the completion of the following Stage 1 conservation works:*
    - a. *repair and refinishing of significant stonework and steel windows in the front façade.*
    - b. *repair, repainting and waterproofing of the north and south facades.*
    - c. *removal of the 1960's partitions, ceilings and finishes to reveal the original Card Room and soffit of the lounge balcony in the second floor lounge.*
    - d. *reconstruction of the original appearance of the 4<sup>th</sup> floor dining room.*
  - (ii) *the balance of heritage floor space (1876.5sqm) may be awarded after the completion of the Stage 2 conservation works being the balance of works as approved in this development consent.*
- (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 that the Stage 2 conservation works are carried out;*
  - (ii) *ensure the continued conservation and maintenance of the building; and*
  - (iii) *limit any future development of the site to the total area of the conserved building, the area of which shall be certified by a Registered Surveyor prior to the execution of the deed.*
- (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 2776.5sqm 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. Such registration may occur in respect of 900sqm upon completion of the Stage 1 conservation works.*

**~~AWARD OF HERITAGE FLOOR SPACE~~**

- ~~(2) The owner may be awarded 2776.5sqm 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 all 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 in Council's Heritage Floor Space Register;~~
  - ~~(b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-~~
    - ~~(i) ensure the continued conservation and maintenance of the building; and~~
    - ~~(ii) limit any future development of the site to the total area of the conserved building, the area of which shall be certified by a Registered Surveyor prior to the execution of the deed.~~
  - ~~(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 2776.5sqm 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.~~

Carried.

**CROWN DEVELOPMENT APPLICATION: SIT CAMPUS, BUILDING E, 19 MARY ANN STREET, ULTIMO (FRONTAGE TO THOMAS STREET) (D2001/00895)**

**6.3**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 21 October 2002, in relation to Development Application D2001/00895 made by the Department of Technical and Further Education for the site at SIT Campus "Building E" 19 Mary Ann Street, Ultimo, to construct a 7 storey educational building being an extension of existing Building F, it be resolved that -

- (A) the inclusion of a condition of consent relating to provision of external ash trays be discussed with the applicant;
- (B) subject to the satisfactory resolution of (A), consent be granted subject to the conditions as detailed in the subject report.

Amendment moved by Councillor Turnbull, seconded by Councillor Greiner -

That the motion be amended by the deletion of the entire motion and the substitution of the following motion.

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 21 October 2002, in relation to Development Application D2001/00895 made by the Department of Technical and Further Education for the site at SIT Campus "Building E" 19 Mary Ann Street, Ultimo, to construct a 7 storey educational building being an extension of existing Building F, it be resolved that consent be granted subject to the following conditions:

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D2001/00894 dated 31 December 2001 and Statement of Environmental Effects prepared by BBC Consulting Planners, dated December 2001, Acoustic Impact Assessment prepared by Vipac Engineers and Scientists Ltd and drawings numbered;

DA02002 A	dated 12 April 2002
DA02003 A	dated 12 April 2002
DA02004 A	dated 12 April 2002
DA02005 A	dated 12 April 2002
DA02006 A	dated 12 April 2002
DA02007 A	dated 12 April 2002
DA02002 A	dated 12 April 2002
DA02002 A	dated 12 April 2002
DA01000	dated 14 December 2001
DA01001	dated 14 December 2001
DA01002	dated 14 December 2001
DA01003	dated 14 December 2001
DA01004	dated 14 December 2001
DA01005	dated 14 December 2001

DA01006          dated 14 December 2001  
DA01007          dated 14 December 2001  
DA01008          dated 14 December 2001  
DA03001          dated 14 December 2001

prepared by Perumal Pedavoli Architects; information submitted dated 5 September prepared by DPWS, and as amended by the following conditions:

#### **APPROVED DESIGN**

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

#### **FLOOR SPACE RATIO**

- (3) The Floor Space Ratio for the Educational Establishment must not exceed 2.66 : 1 calculated in accordance with Sydney Regional Environmental Plan No. 26 - City West. For the purposes of the calculation of FSR, the Gross Floor Area of the Educational Establishment is 6,274 m<sup>2</sup>.

#### **BUILDING HEIGHT**

- (4) The height of the building, as defined in Sydney Regional Environmental Plan No. 26 - City West, must not exceed 26.34m to top of ceiling in Thomas Street and 28.79 metres to the ceiling of Harris Street. The height of the top of the roof including any structures erected or placed thereon (exclusive of flagpoles) must not exceed RL 41.53m (AHD).

#### **ADJOINING HERITAGE**

- (5) The proposed construction is to be carried out in a manner that does not impact on the significant fabric of the adjoining Building C that is listed as a Heritage Item.

#### **SIGNS**

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

## Schedule 1B

### Conditions to be complied with prior to Construction

#### DEMOUNTING AND RELOCATION OF SIGNIFICANT PUBLIC ART BY GARRY AND JUDITH SHEAD

- (7) The Applicant shall protect, demount and remove the significant portions of the Shead Mural on the Harris Street facade of the existing building as identified below:
- (i) Sections 1, 2 - Aboriginal figures in outback mining scene;
  - (ii) Sections 6, 7.5 - Egyptian figure;
  - (iii) Sections 7.5, 8.9 - Sound mixing equipment with Opera House in background;
  - (iv) Sections 8.9, 10.5 - Aboriginal figures.

Note: Removal of the Egyptian figure on section 6 and the Aboriginal figures in section 10 are to be such that the figures are to remain whole.

These sections (i) (ii) (iii) (iv) are to be relocated to a new location in the proposed new building, or to a location in the SIT campus to be agreed between the Applicant and the Government Architect, prior to occupation of the new building.

- (8) The blank eastern facade of Building D shall be upgraded to complement the existing streetscape using materials to unify the facade and provide visual interest. The proposed upgrade shall require the lodgement of a separate Development Application for the approval of Council.

#### PUBLIC DOMAIN PLAN

- (9) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Ultimo Pyrmont Public Domain Officer at City Projects).
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale.
    - (ii) Show the entire layout of flagstone paving where this paving is required.

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

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

Note:

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

#### **ELECTRICITY SUBSTATION**

- (10) The owner shall dedicate to Energy Australia, if required, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established if required.

#### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(11)

- (a) A Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 and a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be must be obtained.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

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

### **ACCESS**

- (12) 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.

### **TELECOMMUNICATIONS PROVISIONS**

- (13) 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/or cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each floor of the building.
- (14) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

### **REFLECTIVITY**

- (15) 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.

### **LOADING DOCK ENTRY FINISH**

- (16) Loading dock roller door shall be designed and constructed for quiet operation.

### **PAVING MATERIALS**

- (17) 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**

- (18) Certification that stormwater will be disposed from the site in accordance with Council's standard requirements shall be submitted to Council under Local Environmental Planning and Assessment Act 1979.

### **UTILITY SERVICES**

- (19) The applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the owner.

### **WASTE AND STORAGE**

- (20) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (21) The following provisions apply to recycling areas:
- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
  - (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
  - (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

## **Schedule 1C**

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

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

- (22) 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 (if not done so) in a public place and such application is to include:-

- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

### **BARRICADE PERMIT**

- (23) 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.

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (24) The following environmental protection measures are required:-
  - (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be completed.
  - (b) Such statement must include:-
    - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
    - (ii) The proposed method of discharge;
    - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
    - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
    - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
  - (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater – Soils and Construction (August 1998).

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

## **Schedule 1D**

### **Conditions to be complied with during work on site**

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

#### **CONSTRUCTION ROUTE**

- (26) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route as identified by the City.

#### **STREET TREES**

- (27) 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.

#### **PUBLIC WAY**

- (28) 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.
- (29) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

## **HOURS OF WORK AND NOISE**

- (30) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days 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 Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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

- (31) 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 (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. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

## **Schedule 1E**

### **Conditions to be complied with prior to Occupation and prior to commencement of use**

#### **FIRE SAFETY STATEMENT**

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

#### **COMMEMORATIVE PLAQUE**

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

#### **NUMBERING**

- (34) Prior to Occupation 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.

#### **STREET NAME PLATE**

- (35) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

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

- (36) 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.

## **Schedule 1F**

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

#### **REMOVAL OF GRAFFITI**

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

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

- (37A) Provision must be made on the site, adjacent to the entrance to the proposed building, for an adequate number of receptacles for the disposal of cigarette butts. 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.

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

- (38) 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**

- (39) The owner/manager of the building shall ensure that all windows on the facade of the building are cleaned regularly and, in any event, not less than annually.

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 6.4 to 6.6, inclusive, were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

### **DEVELOPMENT APPLICATION: 61-65 REGENT STREET CHIPPENDALE**

#### **6.4**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That consideration of this matter be deferred.

Carried.

Note - Mr Brett Brown addressed the meeting of the Planning Development and Transport Committee on Item 6.4.

### **DEVELOPMENT APPLICATION: 1-59 QUAY STREET, HAYMARKET (D2002/00578)**

#### **6.5**

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 21 October 2002, in relation to Development Application D2002/00578 made by University of Technology Sydney for the site at 1-59 Quay Street, Haymarket, for an additional storey to Building 5 and infill space on Level 3 for use as library involving refurbishment of the remaining floors, new fire stair and installation of new air-conditioning to roof, it be resolved that:

- (A) Council waive compliance with Clause 28B(4)(e) requiring the applicant to prepare a Development Plan for the following reasons -

- (i) the provision of the UTS library is a significant public benefit to the students of, workers in, and visitors to the locality;
- (ii) the proposed upgrade provides improved facilities for students including people with a disability;
- (iii) the proposed addition does not substantially impact on adjoining buildings;
- (iv) the addition is for a perceived one additional level, which materials complement the existing building;
- (v) the proposal is consistent with the relevant objectives for development plans in providing design excellence in architectural treatment and providing quality amenity to the streetscape;
- (vi) the library addition and refurbishment is a required element of educational infrastructure in order to meet the future needs of the University of Technology Sydney;
- (vii) the footprint of the proposed addition is substantially less than the 1500m<sup>2</sup> development plan threshold requirement and is well below 55 metres;
- (viii) the proposal represents an increase in FSR of approximately less than 5% and a minor perceived increase in height;

(B) the application be granted consent subject to the following conditions:

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. 2002/00578 dated 27 August 2002 and drawings numbered 06470D, 06471D, 06472D, 06473D, 06455C dated 30 July 2002; 06436B and 06434B dated 16 August 2002; 064814B dated 19 August 2002, prepared by Stephenson & Turner International and as amended by the following conditions:

#### **FLOOR SPACE RATIO**

- (2) The Floor Space Ratio of the proposal must not exceed 3.08 : 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 35,600.72 m<sup>2</sup>.

#### **BUILDING HEIGHT**

- (3) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) shall not exceed RL 28.57m (AHD).

### **BUILDING MATERIALS**

- (4) The proposed addition shall incorporate similar materials found on the existing building.

### **BCA COMPLIANCE**

- (5) Pursuant to Clause 94 of the Environmental Planning and Assessment Act 2000, the building must be upgraded in accordance with the Building Code of Australia Assessment Report CF021136RP01B dated 27 September 2002 prepared by Advance Building Approvals.

### **MANAGEMENT IN USE PLAN**

- (6) The Management shall prepare and submit a Management in Use Plan to limit the number of occupants of the building to 1010 persons. The Management in Use Plan must be included as an essential fire or other safety measure for the building. Copies of the Management in Use Plan shall be maintained and located in an appropriate location to the approval of Council.

### **SIGNS**

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

## **Schedule 1B**

### **Conditions to be complied with prior to Construction**

#### **TELECOMMUNICATIONS PROVISION**

- (8) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

#### **ACCESS**

- (9) 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.

#### **STORMWATER AND DRAINAGE**

- (10) Certification that stormwater will be disposed from the site in accordance with Council's standard requirements shall be submitted to Council prior to construction.

**ALTERATIONS, ENLARGEMENT OR EXTENSION OF AN EXISTING BUILDING NOT INVOLVING CHANGE OF USE**

- (11) The application must be referred to the New South Wales Fire Brigades pursuant to Clause 144 of the Environmental Planning and Assessment Regulation 2000 for the proposed smoke hazard management system for the building.

**Schedule 1C**

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

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

- (12) 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 A ROAD OPENING PERMIT**

- (13) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
  - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Documents required with the Road Opening Permit application include:-

- (c) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (d) Evidence that public utility drawings have been inspected;

- (e) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
- (f) A Security Deposit for reinstatement of public way.

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

#### **USE OF MOBILE CRANES**

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

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

## **Schedule 1D**

### **Conditions to be complied with during work on site**

#### **DEMOLITION WORKS**

- (15) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
  - (a) The approved Demolition Work Method Statement;
  - (b) Australian Standard AS2601-1991- Demolition of Structures;
  - (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
  - (d) The Construction Safety Act 1912 and Demolitions Regulations;
  - (e) The Occupational Health and Safety Act 1983; and
  - (f) All other relevant Acts and Regulations.

Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

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

- (16) 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**

- (17) 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.

### **STREET TREES**

- (18) 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.
- (19) 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.

### **VENTILATION**

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

## **Schedule 1E**

### **Conditions to be complied with prior to Occupation**

- (21) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

## **Schedule 1F**

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

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

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

#### **REMOVAL OF GRAFFITI**

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

#### **WINDOW CLEANING**

- (24) 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.

Carried.

**INTEGRATED DEVELOPMENT APPLICATION: 1 CHIFLEY SQUARE,  
SYDNEY (FORMER QANTAS HOUSE) (D2002/00092)**

**6.6**

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 21 October 2002, in relation to Development Application D2002/00092 made by Rihs Architects for the site at 1 Chifley Square, Sydney (former Qantas House), for the proposed refurbishment, internal alterations and conservation of the heritage listed building and the staged award of Heritage Floorspace, it be resolved that -

- (A) the Conservation Management Plan be endorsed; and
- (B) consent be granted subject to the following conditions:-

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

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

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D2002/00092 dated 18 February 2002, the additional information dated 8 August 2002 and 28 August 2002 and the Statement of Environmental Effects prepared by Rihs Architects dated February 2002 and the following drawings prepared by Rihs Architects:

<b>Drawing Number:</b>	<b>Date</b>
A3.01 Issue B	16/07/02
A3.02 Issue B	16/07/02
A3.03 Issue B	16/07/02
A3.04 Issue B	16/07/02
A3.05 Issue B	16/07/02
A3.06 Issue B	16/07/02
A3.07 Issue B	16/07/02

A3.08 Issue B	16/07/02
A3.09 Issue B	16/07/02
A3.10 Issue B	16/07/02
A3.11 Issue B	16/07/02
A3.12 Issue B	16/07/02
A3.13 Issue B	16/07/02
A3.14 Issue C	16/07/02
A3.15 Issue C	16/07/02
A3.16 Issue B	16/07/02
A3.17 Issue C	16/07/02
A3.18 Issue B	16/07/02
A3.19 Issue B	16/07/02
A3.20 Issue B	16/07/02
A3.21 Issue B	16/07/02
A3.22 Issue B	16/07/02
A3.23 Issue B	16/07/02
A3.24 Issue B	10/07/02
A5.01 Issue B	25/07/02
A5.02 Issue B	16/07/02
A5.03 Issue B	16/07/02
A5.04 Issue B	16/07/02
A5.05 Issue E	17/07/02
A5.06 Issue E	18/07/02
A5.07 Issue D	19/07/02
A5.08 Issue F	19/07/02
A5.09 Issue C	19/07/02
A5.10 Issue C	19/07/02
A5.11 Issue C	19/07/02
A5.12 Issue C	19/07/02
A5.13 Issue C	22/07/02
A5.14 Issue C	22/07/02
A5.15 Issue C	22/07/02
A5.16 Issue C	23/07/02
A5.17 Issue C	23/07/02
A5.18 Issue B	23/07/02
A5.19 Issue C	23/07/02
A5.20 Issue B	23/07/02
A5.21 Issue B	23/07/02
A5.22 Issue B	23/07/02
A5.23 Issue B	23/07/02
A5.24 Issue B	23/07/02
A5.25 Issue C	23/07/02

and as amended by the following conditions:

#### **SECTION 61 CONTRIBUTION**

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

(a) **Cash Contribution Required**

- (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney.

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997” and including all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

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

- (i) If the Construction Certificate is to be issued by a private Principal Certifying Authority (P.C.A), the P.C.A must obtain Council’s written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.
- (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

(d) **Timing of Payment**

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

**AWARD OF HERITAGE FLOORSPACE – STAGED AWARD**

- (3) The owner may be awarded a maximum of 4,940sqm 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)

- (i) 3,952sqm of heritage floor space may be awarded after completion of the following Stage 1 conservation works (as detailed in Appendix D of the Statement of Heritage Impact prepared by Godden Mackay Logan dated February 2002) relating to the building exterior, the Chifley Square and Hunter Street entrance lobbies and Levels 1 to Roof of the building to the satisfaction of Council:
  - a. Removal of intrusive items – signage, services and accretions;
  - b. Reconstruction of significant elements – windows, doors, awning, shop fronts, façade details, interiors and pavement lights;
  - c. Catch-up Maintenance – roof repairs, façade cleaning, painting, façade repairs, termite protection, water ingress and rising damp;
  - d. Interpretation – display panels, brochures, pavement lights, specific elements and design;
  - e. Preservation of significant elements – machinery, lifts, services, signs and furniture/movable items;
  - f. Adaptation – BCA compliance, installation of new services, and disabled access;
  - g. Restoration – building elements and furniture;
  - h. Long term maintenance plan; and
  - i. Other works required during and immediately after undertaking works including archival records.
- (ii) 988sqm of heritage floor space may be awarded after the completion of the Stage 2 conservation works for the existing retail tenancy located on the ground and mezzanine floors:

- a. lodgement and determination of a further development application pursuant to Section 80(4) of the Environmental Planning and Assessment Act 1979 which provides full documentation of the proposed refurbishment and conservation of the existing retail tenancy located on the ground/mezzanine floors currently occupied by Qantas Airways. The proposed works must be consistent with the relevant conservation policies in the endorsed CMP for the ground/mezzanine floor tenancy. However, should the consent authority determine that the proposed refurbishment and conservation works proposed are not adequate for the award of the heritage floor space, no award, or a partial award, shall be granted.
  - b. Completion of the conservation and refurbishment works for the Stage 2 development application, to the satisfaction of Council.
- (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 Stage 1 conservation works to:-
- (i) ensure that the Stage 2 works are carried out;
  - (ii) ensure the continued conservation and maintenance of the building; and
  - (iii) limit any future development of the site to the total area of the conserved building, which has a FSA of 12,124sqm.
- (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 heritage floor space following the completion of paragraphs (a) - (b) of this condition, to the satisfaction of Council.
- (e) On the satisfactory completion of (a) – (b) above, and on application to Council, the owner will be issued with a letter of registration of HFS. Such registration may occur in respect of 3,952sqm upon completion of the Stage 1 conservation works.

#### **REPORT TO BE COMPLIED WITH**

- (4) The development shall be in accordance with the recommendations of the Conservation Management Plan for Qantas House (dated July 2002) and the Heritage Impact Statement (dated February 2002) and supplementary Heritage Impact Statement dated 1 May 2002 all prepared by Godden Mackay Logan dated July 2002.

## PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (5) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (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.
- (6) The form of recording is to be as follows:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
- a. the project description, method of documentation, and any limitations of the photographic record; and
- b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.

- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

## **HERITAGE**

- (7) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (8) A written statement should be provided by the Heritage Consultant appointed to the project confirming that the work carried out at each stage is consistent with the scope of work in the 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 at each stage.
- (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 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.
- (11) A Register is to be 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.
- (12) 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.

- (13) 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.
- (14) All future signage should be subject to a separate DA and must be consistent with the signage policy in the Conservation Management Plan prepared by Godden Mackay Logan dated July 2002.
- (15) The applicant shall submit the following additional design and materials information for the approval of the Director City Development and Projects prior to the issue of a Construction Certificate:
  - (a) material samples (including dimensions) of the pavers proposed for the roof deck;
  - (b) ceiling detail at clerestory windows, level 11, to provided a deeper setback to allow a better interpretation of the relationship of windows to original ceiling level;
  - (c) details of the canopy above the northern entrance are be provided and should provide a solid fascia which will replicate the appearance of the original canopy; and
  - (d) details of the design of the northern lobby to be consistent with conservation policy 8.3.7.
- (16) Following the completion of work and prior to the award of HFS any evidence of significant fabric uncovered during the works shall be described and analysed and the report included as an addendum to the Conservation Management Plan.
- (17) Prior to the issue of a Construction Certificate, the applicant shall investigate and provide Council with a report of the findings, including testing methodology and scope of work where appropriate, on the following issues:
  - (a) curtain wall façade cleaning (prepare sample);
  - (b) curtain wall repair strategy;
  - (c) stone cleaning and repairs; and
  - (d) original paint scheme.
- (18) Any significant fabric removed during work shall be catalogued and stored on site. Details of storage arrangements shall be furnished to Council for approval prior to issue of a construction certificate.

**BUILDINGS**

- (19) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building must be upgraded to comply with the recommendations of the BCA Building and Fire Safety Audit Report prepared by Trevor Howse & Associates Pty Ltd dated 12 November 2001 subject to the following additional requirements:
- (a) Approval under Clause 144 of the Environmental Planning and Assessment Regulation 2000 must be obtained from the New South Wales Fire Brigades for the fire hydrant system and location of the fire control room in the building;
  - (b) Openings in the external walls of the building must be protected to comply with Performance Requirement CP2 of the Building Code of Australia;
  - (c) Stair 1 must be enclosed in fire resisting construction to comply with Performance Requirement DP5 of the Building Code of Australia;
  - (d) Stairs 1 & 4 shall be separated at ground level to comply with Performance Requirement DP4 of the Building Code of Australia;
  - (e) Smoke hazard management must be provided to comply with Performance Requirement EP2.2 of the Building Code of Australia;
  - (f) Emergency lifts must be provided in the building in accordance with Performance Requirement EP3.2 of the Building Code of Australia;
- (20) Details of the proposed glazed wall enclosing stair 1 must be submitted to Council for approval prior to the issue of a Construction Certificate. The details must be accompanied by an alternate solution to demonstrate compliance with Performance Requirement DP5 of the Building Code of Australia.

**FIRE SAFETY STATEMENT**

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

**FOOD PREMISES**

- (22) Further plans and specifications showing details of the layout and method of installation of fittings, together with wall, floor and ceiling finishes to any proposed food premises are to be submitted to Council for approval prior to issue of the Construction Certificate.

## ENERGY EFFICIENCY OF BUILDINGS

- (23) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating Scheme. This can be demonstrated by:
- (a) Entering into a Commitment Agreement<sup>(i)</sup> with SEDA, to deliver this star rating<sup>(ii)</sup> for the base building<sup>(iii)</sup>, being services traditionally supplied as 'common' to tenants<sup>(iv)</sup>, such as air conditioning, lifts and common area lighting) or for the whole building<sup>(v)</sup> where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and
  - (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls. This report should be based on the same documents as submitted with the construction certificate.

### Note:

- (c) Definitions referred to in clause 1(a) above:-
  - (i) Commitment Agreement means an agreement that is set out in accordance with SEDA's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
  - (ii) Star rating refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the Australian Building Greenhouse Rating Scheme.
  - (iii) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
  - (iv) Base building means central services and common areas of a building (Source: SEDA, September 2001).
  - (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

## INTERNAL PARTITIONS NOT TO ABUT WINDOW

- (24) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

**EXTERNAL LIGHTING**

- (25) 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**

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

**SIGNS**

- (27) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
- (28) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

**AWNING**

- (29) The building entry canopy over the public footway in Chifley Square shall not extend within 800mm of the kerb in that street.

**CAR PARKING RESTRICTION**

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

Note:

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

## **Schedule 1B**

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

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

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

- (31) 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).

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

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

**ACCESS FOR PEOPLE WITH DISABILITIES**

- (33) 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.

**GLAZING**

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

**REFLECTIVITY**

- (35) 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.

**RECEPTACLES FOR CIGARETTE BUTTS**

- (36) 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.

## **CERTIFICATION OF DESIGN FOR STORAGE AND HANDLING OF WASTE**

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

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
  - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
  - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
  - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
  - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

## **SANITARY FACILITIES**

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

**SYDNEY WATER CERTIFICATE**

(39)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
  - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
  - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
  - (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132092.

**STORMWATER AND DRAINAGE**

- (40) 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.

**ALIGNMENT LEVELS**

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

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

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

## **Schedule 1C**

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

#### **DEMOLITION DETAILS**

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

#### **DEMOLITION WORK METHOD STATEMENT**

- (43) 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.
- (44) 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.

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

**WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (46) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (47) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (48) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
  - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
    - (i) Type and quantities of material expected from demolition and excavation;
    - (ii) Name and address of transport company;
    - (iii) Address of proposed site of disposal;
    - (iv) Name/address of company/organisation accepting material;
    - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
    - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
    - (vii) Material for disposal and justification of disposal;
    - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

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

Note:

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

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

- (50) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
  - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
  - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

#### **BARRICADE PERMIT**

- (51) 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.

#### **FOOTPATH DAMAGE BANK GUARANTEE**

- (52) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for a sum of \$100,000 (maximum) as security for any damage rectification.
- (53) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
  - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and

- (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

## **VENTILATION**

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

## **CERTIFICATION OF MECHANICAL VENTILATION**

- (55) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (56) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
  - (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
  - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
    - (i) Supply Air Ducts, Shafts and Fans - Blue
    - (ii) Return Air Ducts, Shafts and Fans - Pink
    - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
    - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
    - (v) Mixing Boxes and Conditions - Yellow
    - (vi) Fire Dampers and Electric Heaters - Red
  - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
  - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
  - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

**STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS**

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

## Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.

- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
  - (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

### **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.

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

(59) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;

- (d) Proposed route of construction vehicles to and from the site.

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

#### **APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE**

- (60) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-
  - (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards 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 works on site.

## **Schedule 1D**

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

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

- (61) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
  - (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
  - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
  - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.

- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
  - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
  - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
  - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

#### **DEMOLITION WORKS**

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

## **HOURS OF WORK AND NOISE**

- (64) 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**

- (65) 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.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

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

- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (d) 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.

#### **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.

## **CONSTRUCTION VEHICLES**

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

Note:

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

## **Schedule 1E**

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

#### **OCCUPATION CERTIFICATE**

- (70) 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.

#### **REMOVAL OF HAZARDOUS MATERIALS**

- (71) Prior to the issue of an Occupation Certificate for the building a report must be submitted to the Principal Certifying Authority to certify that all hazardous materials have been removed from the building in accordance with Hazardous Material Survey Report dated 25 May 2001 prepared by Robson Laboratories Pty Ltd.

#### **ALL MATERIALS TO COMPLY WITH BCA**

- (72) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

## **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (73) 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**

- (74) 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.
- (75) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (76) Notes:
- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
    - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
    - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
    - (iii) Evidence of relevant experience in the form of a CV/Resume;
    - (iv) Appropriate current professional indemnity insurance.
  - (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

## **WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (77) 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.

## **GLAZING MATERIALS**

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

## **HEATING/COOLING SYSTEM**

- (79) 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.
- (80) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

## **NUMBERING**

- (81) 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.

## **STREET NAME PLATE**

- (82) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

## Schedule 1F

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

#### NOISE - USE

- (83) The use of the premises including music and other activities must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
  - (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
  - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

#### NOISE - MECHANICAL PLANT

- (84) Noise associated with mechanical plant must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

#### **REMOVAL OF GRAFFITI**

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

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

- (86) 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**

- (87) 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.

## **Schedule 3**

### **Terms of Approval**

#### **Other Integrated Development Approvals**

The Terms of Approval for Integrated Development as advised by Heritage Council of New South Wales are as follows:

1. EXCEPT AS ALTERED BY THE CONSITIONS OF THIS CONSENT, ALL WORK SHALL BE IN ACCORDNACE WITH THE FOLLOWING DOCUMENTS:

- Revised Heritage Impact Statement dated August 2002, prepared by Godden Mackay Logan.
- Statement of Environmental Effects dated February 2002 prepared by Rihs Architects (as amended on 8 August 2002).
- Conservation Management Plan dated February 2002 prepared by Godden Mackay Logan (as amended).
- Drawings A3.01 Issue B, dated 14/02/02, A3.02 Issue B, dated 14/02/02, A3.03 Issue B, dated 14/02/02, A3.04 Issue B, dated 14/02/02, A3.05 Issue B, dated 14/02/02, A3.06 Issue B, 14/02/02, A3.07 Issue B, dated 12/02/02, A3.08 Issue B, dated 12/02/02, A3.09 Issue B dated 13/11/01, A3.10 Issue B, dated 13/02/02, A3.11 Issue B, dated 13/02/02, A3.12 Issue B dated 13/02/02, A3.13 Issue B, dated 13/02/02, A3.14 Issue C, dated 13/02/02, A3.15 Issue C, dated 13/02/02, A3.16 Issue C, dated 13/02/02, A3.17 Issue C, dated 13/11/01, A3.18 Issue B, dated 14/12/02, A3.19 Issue B, dated 14/02/02, A3.20 Issue B, dated 15/02/02, A3.21 Issue B, dated 15/02/02, A3.22 Issue B, dated 15/02/02, A3.23 Issue B, dated 15/02/02, A3.24 Issue B, dated 15/02/02,

A5.01 Issue B, dated 21/09/01, A5.02 Issue B, dated 11/12/01, A5.03 Issue B, dated 21/09/01, A5.04 Issue C, dated 11/12/01, A5.05 Issue E, dated 30/11/01, A5.06 Issue E, 30/11/01, A5.07 Issue D, dated 15/11/01, A5.08 Issue F, dated 30/11/01, A5.09 Issue C dated 12/12/01, A5.10 Issue C, dated 26/07/01, A5.11 Issue C, dated 12/12/01, A5.12 Issue C dated 12/12/01, A5.13 Issue C, dated 12/12/01, A5.14 Issue C, dated 26/07/01, A5.15 Issue C, dated 23/03/01, A5.16 Issue C, dated 26/07/01, A5.17 Issue C, dated 26/07/01, A5.18 Issue B, dated 26/07/01, A5.19 Issue C, dated 28/05/01, A5.20 Issue B, dated 26/11/01, A5.21 Issue B, dated 26/11/01, A5.22 Issue B, dated 26/11/01, A5.23 Issue B, dated 26/07/01, A5.24 Issue B, dated 13/08/01, A5.25 Issue C, dated 13/08/01, prepared by Rihs Architects.

2. The proposed conservation works identify that the roof paving should be reconstructed in a form similar to that shown in historic photographs. Drawing A5.18 indicates that a liquid membrane will be used with a finish that attempts to replicate a paving finish as shown in historic photographs. To ensure that this approach is a feasible alternative to re-paving in a traditional manner and would achieve an appropriate result, a sample of the approach is to be prepared for approval prior to its implementation.
3. A sample panel/area of the proposed façade repair and cleaning shall be made to test the addition of new sealants and cleaning techniques prior to a decision to proceed generally. The trial should include samples of appropriate replacement glazing and enamel panels to be available if unplanned breakage occurs during construction.
4. A detailed scope of work shall be prepared in relation to sandstone and other decorative stone repairs.

5. The ceiling heights and the provision of air handling on level 11 shall be reconsidered to provide, if possible, a deeper set back of ceilings in the area around the clerestory windows to allow for greater appreciation of the clerestory windows and a reconstruction of a greater amount of the original spatial volumes that existed on this level.
6. The detailed design of the proposed reconstructed canopy over the northern entry shall provide a similar visual appearance with a solid fascia to that shown on historic photographs, but may have glazing behind the fascia to provide for improved light access into the entrance.
7. Interpretive material (display panels and artwork) be considered in the northern foyer to include an explanation of the original planned connection with the Wentworth Hotel.
8. An inventory of movable heritage items shall be prepared prior to any works.
9. An photographic archival recording shall be prepared prior to any works.
10. An investigation into and report on previous colour schemes and other finishes shall be made prior to any works.
11. A conservation work schedule shall be implemented to assist in the building's long-term conservation.
12. The conservation maintenance cycle identified in the CMP shall be implemented as part of the development.
13. An application under Section 60 of the NSW Heritage Act shall be submitted and approved by the NSW Heritage Council prior to work commencing.
14. A heritage consultant shall be nominated to advise on design resolution and on conformity to the conservation management documents. The name and experience of this consultant shall be submitted to the Heritage Council of NSW for approval with the Section 60 application.
15. The nominated heritage consultant shall provide written confirmation to the Heritage Council of NSW that the detailed design is in conformity with the conservation management plan documents and all statutory approvals prior to construction commencing.
16. The nominated heritage consultant shall provide written confirmation to the Heritage Council of NSW that the works are in conformity with the conservation management documents and all statutory approvals prior to occupation.
17. The Section 60 application shall include details of the conservation works proposed on the external shape of the building, the conservation works proposed for the southern lift lobby at ground level, the proposed new canopies and the interior fit-out.

18. No works shall commence on the building until an archival photographic record of the building has been prepared, submitted and approved by Heritage Council of NSW.
19. Changes to heritage fabric especially that of the façade of the building, shall be recorded during the course of construction and refurbishment, including any significant fabric/detail uncovered during the course of the work. The archival record shall be prepared in accordance with Heritage Council guidelines and copies lodged with the Heritage Council of NSW.
20. All works involving heritage fabric shall be superintended by the nominated conservation architect.
21. Work shall be carried out by suitably qualified tradesmen with practical experience in the conservation and restoration of similar heritage buildings.
22. An interpretation strategy shall be prepared for the site, submitted for the approval of the Heritage Council of NSW and implemented prior to occupation of the building;

Carried.

**ITEM 7. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 28 OCTOBER 2002**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner and Fabian Marsden.

At the commencement of business at 4.45pm those present were -

Councillors Coulton, Greiner Marsden and Turnbull.

**Apologies**

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

Councillor Robert Ho extended his apologies for his inability to attend the Special Meeting of the Planning Development and Transport Committee as he was in Broken Hill attending the Annual Conference of the NSW Local Government Association.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

The Special Meeting of the Planning Development and Transport Committee concluded at 5.15pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the Report of the Special Meeting of the Planning Development and Transport Committee held on Monday 28 October 2002 be received, and the recommendation set out below for Item 7.3 be adopted, with Items 7.1 and 7.2 being noted.

The Committee recommended the following:-

**DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Items 7.1 and 7.2 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**PLANNING NSW REFERRAL - WHARF 3 DARLING HARBOUR, SYDNEY (O1999/00060)**

**7.1**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 28 October 2002, in relation to the referral from Planning NSW regarding a Section 96(2) Application from Patrick Stevedore Pty Ltd for Wharf 3 Darling Harbour, it be resolved that -

- (A) Planning NSW be advised that Council objects to the proposal and recommends that the Minister for Planning refuse the application for the following reasons:
- (1) The proposal is inconsistent with the Central Sydney LEP 1996 objectives of the Maritime and Transport Zone.
  - (2) The proposal is inappropriate on this particular site as it is located adjacent to the residential village of Millers Point.
  - (3) It is not possible to make a meaningful assessment of the impacts of the proposal due to the uncertainty of the functions and events. These include, but are not limited to, the unknown impacts of individual functions and events on residential amenity, vehicular and traffic movement, food and waste management and the like.
  - (4) The required pre-requisite contained in the development consent in order to extend the use of the premises have not been met.
  - (5) The proposed trial period has been unsuccessful with adverse impacts on the amenity of the area.
  - (6) Granting consent would not be in the public interest.
- (B) in the event that the Minister for Planning consents to the application in this or some modified form, that consideration be given to this use on the following condition -

- that there be a maximum of 12 corporate or charity events per year, organised by the owner or primary maritime leaseholder, such events to -
  - include details of a Traffic Management Plan;
  - not have any amplified music on site.

Carried.

## **DEVELOPMENT APPLICATION: 61-65 REGENT STREET CHIPPENDALE (D2002/00483)**

### **7.2**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 28 October 2002 in relation to Development Application D2002/00483 made by Truman Group Pty Ltd for the site at 61-65 Regent Street for demolition of the existing building and construction of a new eight storey residential building comprising of 27 residential apartments and one commercial/retail tenancy with 2 vehicle parking spaces with the entry off Kensington Street, it be resolved that consent be granted subject to the following conditions.

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

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

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D2002/00483 dated 19 July 2002 and Noise Impact Assessment prepared by Vipac Engineers, dated 18 July 2002 and drawings numbered SK01, 02, 03, 04, 05, 06 prepared by Denis Leech and Associates dated August 2002 and as amended by the following conditions:

**FLOOR SPACE RATIO**

- (2) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 4.96 : 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 2,257 m<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).

**BUILDING HEIGHT**

- (3)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed 25 m to top of lift motor room RL 42.75m (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).

**DEMOLITION/SITE RECTIFICATION**

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

**SECTION 61 CONTRIBUTION**

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
- (a) Cash Contribution Required
    - (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
    - (ii) Payment shall be by BANK CHEQUE made payable to the City of Sydney.

(b) Amount of Contribution

(i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997” and including all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

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

(i) If the Construction Certificate is to be issued by a private Principal Certifying Authority (P.C.A), the P.C.A must obtain Council’s written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.

(ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs described in the development application excluding only painting, floor coverings beyond wet areas, and movable furniture.

(d) Timing of Payment

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

## **FOOTWAYS AND CROSSOVERS**

(6) A separate application is to be made to Council’s Living City Services – Roads and Footways unit for the construction of the vehicle footway and kerb crossing in Goold Street and the removal of existing crossings and reinstatement of the kerb and footpath formation where any such crossings are no longer required as a consequence of the development.

(7) Any proposed overhanging the public way of Regent Street, are to be in compliance with Council’s requirements and are not to encroach upon the alignment of that street in excess of 450mm. Such spaces shall be limited to balconies, bay windows and architectural features, not habitable floor space.

**CAR PARKING**

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

Note:

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

**TRAFFIC AND PARKING**

- (9) Car parking and service vehicle provision shall satisfy Council's Local Environmental Plan and Development Control Plan 1996.
- (10) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (11) The parking spaces shall be no more than 7.5 metres in length.
- (12) All costs of traffic management measures associated with the development shall be borne by the developer.
- (13) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.
- (14) All loading, unloading and other construction activities shall be accommodated on-site except that:-

- (a) If, during any excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying
- (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

### **PHYSICAL MODELS**

- (15) 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
- (16) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

### **ARCHITECT**

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

### **RETAIL/COMMERCIAL USES**

- (18) A separate development application must be submitted at the appropriate time for the specific use of the retail/commercial tenancy to Regent Street.

### **SIGNS**

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

### **BUILDING FOYER**

- (20) The foyer must be designed and constructed to comply with the requirements of the Building Code of Australia for a fire-isolated passageway and provide disabled access. A Management in Use Plan must be prepared to restrict the combustibility of furnishings, fixtures, floor finishes, and wall and ceiling finishes of the foyer so as to comply with the Building Code of Australia. The Management in Use Plan must be listed as an essential fire or other safety measure for the building and be subject of annual certification.

### **DESIGN MODIFICATIONS**

- (21) The design of the building shall be modified as follows:
- (a) The proposed façade to Regent and Kensington Streets shall be modified to introduce a subtle curve to the corner of the facades to provide a smoother edge;
  - (b) The proposed awning to Regent Street shall incorporate glass panels to the rear building alignment to encourage natural light to reach pedestrians improving the amenity and conserving energy costs for lighting;
  - (c) The acoustic treatment of the Kensington Street façade particularly the upper floors shall be the same as the Regent Street frontage top address noise form the Carlton United Brewery.

The amendments shall be submitted for the approval of the Director of City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **Schedule 1B**

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

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

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

- (22) 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.

#### **AIR CONDITIONING**

- (23) That the proposed residential and commercial/retail units shall be appropriately air conditioned using a central plant and does not rely on individual air conditioning units located on the balcony.

#### **TELECOMMUNICATIONS PROVISIONS**

- (24) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

- (b) Appropriate ducting shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
  - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (25) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

### **COMMEMORATIVE PLAQUE**

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

### **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

- (27) This Development Application has been approved on the basis of a scheme designed to comply with the Deemed to Satisfy provisions of the BCA. The Construction Certificate shall be assessed accordingly.

### **PUBLIC DOMAIN PLAN**

- (28) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

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

- (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters.
  - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
  - (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

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

### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(29)

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

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

#### **STORMWATER AND DRAINAGE**

(30) The following stormwater details shall be submitted:-

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

#### **UTILITY SERVICES**

(31) To ensure that utility authorities are advised of the development:-

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

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

#### **ALIGNMENT LEVELS**

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

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

(33) A Building Waste Management Plan is to be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such plan must address compliance with Council's Code for Waste handling in Buildings and provide details of the following:

- (a) The location, design and construction specifications of the garbage room, recycling area and receptacle washing and collection areas and collection vehicle standing area.
- (b) The natural or mechanical ventilation of the garbage room and service areas, in accordance with the Building Code of Australia and Australian Standard 1668.
- (c) The location, design and construction specifications of garbage chutes and waste compaction units.
- (d) The design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimisation within individual units, on each level of the building and within the garbage storage, recycling and collection areas.

All provisions of the approved Building Waste Management Plan must be implemented during the construction of the development.

- (34) Upon completion of construction and prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) for the development, compliance of all the building's constructed waste facilities with the requirements and provisions of the approved Building Waste Management Plan and the Waste Code, is to be verified by Council's Manager Contracts and Asset Maintenance.

#### **METROWEST INVESTIGATION AREA**

- (35) All foundations and the like shall be located above RL 10.00 to ensure the Metrowest Rail Link may be constructed adjacent to and below the subject site in the future.
- (36) A qualified practising structural engineer is to issue structural certificates to the Certifying Authority and RIC confirming that any Load Transfer Structures and other piles and structures in the Zones of Influence have been constructed above RL10.00. The certificate is to be accompanied by:
- (a) "as built" drawings prepared by a registered surveyor detailing the location and dimensions of the piles and other structures including the RL's of the top and bottom of the piles and other structures including the soffit of the Load Transfers; and
  - (b) all geotechnical reports prepared in relation to excavations for the piles and structures.

#### **NOISE - USE**

- (37) The use of the premises including music and other activities must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
  - (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
  - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

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

(38) Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

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

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

- (a) In order to assist acoustic control of airborne noise between units:
  - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.

- (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
  - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
  - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
  - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

## **Schedule 1C**

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

#### **DEMOLITION DETAILS**

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

#### **DEMOLITION WORK METHOD STATEMENT**

- (41) 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.

- (42) 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.
- (43) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

**OTHER DEMOLITION DETAILS**

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

**EXCAVATION WORK METHOD STATEMENT**

- (45) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
  - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
  - (c) Name and address of the transport contractor, and location of the disposal site;
  - (d) Type and quantity of material to be removed from site;
  - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
  - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;

- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

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

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

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

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
  - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
  - (ii) The proposed method of discharge;
  - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
  - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.

- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

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

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

#### **WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (48) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (49) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.

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

Note:

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

### **BARRICADE PERMIT**

- (52) 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.

### **FOOTPATH DAMAGE BANK GUARANTEE**

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

### **USE OF MOBILE CRANES**

- (55) 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.

### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (56) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
- (a) A Geotechnical Report which shall include the following information as appropriate:-
    - (i) Borehole/test pit logs or inspection records;

- (ii) Field/laboratory test results;
  - (iii) General geotechnical description of site;
  - (iv) Recommended safe bearing values and likely settlements of foundation material;
  - (v) Recommendations for stability and protection of excavations;
  - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
  - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
  - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
  - (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

#### Notes

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

- (57) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

### **CERTIFICATION OF MECHANICAL VENTILATION**

- (58) 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.
- (59) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
  - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
    - (i) Supply Air Ducts, Shafts and Fans - Blue
    - (ii) Return Air Ducts, Shafts and Fans - Pink
    - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
    - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
    - (v) Mixing Boxes and Conditions - Yellow
    - (vi) Fire Dampers and Electric Heaters - Red
  - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
  - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
  - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

**STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS**

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

## Notes:

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

- (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (61) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

## **Schedule 1D**

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

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

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

- (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
- (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

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

(63) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

## **HOURS OF WORK AND NOISE**

- (64) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days 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 Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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

- (65) 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 and construction certificate (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 enquires, 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. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

## **STREET TREES**

- (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.

## **PROTECTION OF THE ENVIRONMENT**

- (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.

## **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.

## **VEHICULAR ACCESS**

- (69) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (70) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

## **Schedule 1E**

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

- (71) 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.

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

- (72) 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 A ROAD OPENING PERMIT AND SHORING**

- (73) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.
- (74) Documents required with the application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
  - (b) Evidence that public utility drawings have been inspected;

- (c) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
  - (d) A Security Deposit for reinstatement of public way.
- (75) The Road Opening Permit will be subject to conditions that must be complied with.
- (76) Application design and installation of Temporary and Permanent Shoring shall be in accordance with the Guidelines for Temporary Protective Structures (April 2001).
- (77) 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.

#### **TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY**

- (78) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of a Occupation Certificate.

#### **NUMBERING**

- (79) 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.

#### **STREET NAME PLATE**

- (80) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

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

- (81) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (82) 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**

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

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

Notes:

- (c) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND

- (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (d) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

### **CERTIFICATION OF GEOTECHNICAL INSPECTION**

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

#### Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
- (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

## **Schedule 1F**

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

#### **REMOVAL OF GRAFFITI**

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

**CARE OF BUILDING SURROUNDS**

- (86) 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**

- (87) The owner/manager of the building shall ensure that all windows on the facade of the building are cleaned regularly and, in any event, not less than annually.

Carried.

Note - Mr Dennis Leech addressed the Special Meeting of the Planning Development and Transport Committee on Item 7.2.

**DETERMINED BY COUNCIL****SECTION 96(2) APPLICATION: 387 GEORGE STREET, SYDNEY (D2000/00264)****7.3**

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 28 October 2002, in relation to the Section 96(2) Application made by Austin Australia for 387 George Street, Sydney, seeking to modify the development consent for D2000/00264, it be resolved that the application be approved and the development consent modified as follows:-

- (A) Addition of the following new Condition 82A:

“In addition to the hours of construction detailed in Condition 82 above, extended hours of construction and work on the development, including loading and unloading of materials, are permissible for a trial period of 8 weeks from the date of commencement of the extended hours, as follows:

- (a) All external construction works and loading and unloading of vehicles may be undertaken between the hours of 7.00am to 12.00 midnight on Mondays to Saturdays inclusive, subject to compliance with the noise criteria in Council's "Code of Practice for Construction Hours/Noise within the Central Business District 1992".

- (b) Upon completion of the external shell of the building and the complete sealing of the building, internal construction works may be undertaken on a "24 hour basis" although specifically commencing at 7.00am Monday and ceasing at 12.00 midnight Saturday, subject to compliance with the noise criteria in Council's "Code of Practice for Construction Hours/Noise within the Central Business District 1992".
- (c) No construction works, loading and unloading of vehicles shall take place on Sundays or public holidays.
- (d) Prior to the commencement of the extended hours, the applicant shall lodge a performance bond with Council in accordance with Part II of the "Code of Practice for Construction Hours/Noise within the Central Business District 1992", for the construction hours as outlined above.

The bond required to be lodged is \$20,000 being calculated at approximately 0.5% of the value of the works to be undertaken. The bond shall be lodged prior to the commencement of extended working hours.

- (e) In addition, the applicant shall enter into a deed with Council which requires the applicant to rescind the consent for Category 2, 3 and 4 hours, if so requested by Council. The deed shall be prepared by Council's Solicitor upon receipt of a written request from the applicant. Such deed shall be prepared at full cost to the applicant and is required to be executed prior to the commencement of extended working hours at the site.
- (f) Continuous noise monitoring shall be undertaken by the applicant during the construction period in accordance with the "Code of Practice for Construction Hours/Noise within the Central Business District 1992", and reports provided to Council at monthly intervals. Should the noise criteria specified in the "Code of Practice for Construction Hours/Noise within the Central Business District 1992" be breached, the Council will review the approved hours with a view to restricting the extended hours of construction.
- (g) The applicant shall ensure that the recommendations of the report "Proposed Extension of Construction Hours for Demolishment and Refurbishment of 387 George Street, Sydney – Assessment of Construction Noise Impact for Category 2 and 4 Hours". prepared by Acoustic Logic Consultancy dated 9 September 2002, are complied with, as amended by this condition.
- (h) The applicant shall ensure that any internal or external lighting of the site, whilst any work is undertaken outside of the standard hours of construction, is such that at no time the intensity, hours of illumination or location of the lighting to cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting, shall be altered at the direction of the Council.

- (i) Notify Council in writing two (2) days prior to commencement of the extended hours.
- (B) Upon completion of the eight week trial period, and subject to compliance with the “Code of Practice for Construction Hours/Noise within the Central Business District 1992”, compliance with the report “Proposed Extension of Construction Hours for Demolishment and Refurbishment of 387 George Street, Sydney – Assessment of Construction Noise Impact for Category 2 and 4 Hours”. prepared by Acoustic Logic Consultancy dated 9 September 2002, and consideration of any valid complaints received by Council, authority be delegated to the General Manager to determine the application to maintain the extended working hours detailed in Conditions 82A, on a monthly basis providing the performance standards are met to the satisfaction of the Director City Development and Projects.

Carried.

Note - Ms Pam Suttor, Mr Mukesh Malhotra and Mrs Maureen Fehon addressed the Special Meeting of the Planning Development and Transport Committee on Item 7.3.

**ITEM 8. AMENDMENT TO CENTRAL SYDNEY SECTION 61 CONTRIBUTIONS PLAN - WORKS PROGRAM UPDATE AND PROCEDURAL AMENDMENTS (S021422)**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Manager Building Services and Planning Policy to Council on 28 October 2002, concerning the proposed amendment to the City of Sydney Section 61 Contributions Plan, it be resolved that -

- (A) Council endorse the proposed amendments as set out in Attachment A, circulated at the meeting of Council and further amended at Clause 5, for the purpose of public exhibition;
- (B) authority be delegated to the Lord Mayor to finalise the draft Section 61 Plan, (which may include amendments not inconsistent with the report to Council), before placing the draft plan on exhibition;
- (C) Council reconsider the matter after the close of public exhibition.

Carried unanimously.

**ITEM 9. CENTRAL SYDNEY SECTION 61 CONTRIBUTIONS PLAN - ADOPTION OF ADMINISTRATIVE GUIDELINES (S000246)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Manager Building Services & Planning Policy to Council on 28 October 2002, concerning the City of Sydney Section 61 Contributions Plan, it be resolved that -

- (A) Council adopt and implement the Administrative Guidelines as set out in Attachment A to the subject report;
- (B) the regular reports on Section 61 Contributions contain the following breakdown:
  - (i) the number of development applications valued between \$200,000 and \$500,000 and the total sum levied in this range;
  - (ii) the number of development applications valued between \$500,000 and \$1,000,000 and the total sum levied in this range;
  - (iii) the number of development applications valued between \$1,000,000 and \$5,000,000 and the total sum levied in this range; and
  - (iv) the number of development applications valued greater than \$5,000,000 and the total sum levied in this range.

- (C) a review be conducted of the operation of the administrative procedures after three months, and a report be submitted to Councillors by 28 February 2003.

Carried unanimously.

**ITEM 10. PITT ST MALL EAST/BASEMENT VEHICULAR ACCESSWAY (S021123)**

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the General Manager to Council on 28 October 2002, on Pitt Street Mall East/Basement Vehicular Accessway, and having particular regard to the detrimental impacts of the existing loading docks in the Pitt Street Mall and service vehicles entering the Mall, it be resolved that:

- (A) authority be delegated to the General Manager to lodge a Development Application, on behalf of Council, for the development of a basement vehicular accessway from the Glasshouse building, at the north-eastern end of the Mall, through the sites of Skygarden, and Imperial Arcade to the Centrepoint basement;
- (B) Council request the General Manager to serve copies of the application on the owners of Glasshouse, Skygarden, Imperial Arcade and Centrepoint prior to the lodgement of the application, as required by s94 of the Environmental Planning and Assessment Regulation 2000; and
- (C) congratulations be extended to the General Manager and staff - in particular, Richard Campbell and David Robinson from the City Development and Projects Division, and Damian Furlong from the Office of the Lord Mayor - on the excellent results achieved in Stage 1, being the removal of vehicles off Pitt Street Mall during normal working hours.

Carried unanimously.

**ITEM 11. LOCAL APPROVALS POLICY FOR THE PLACEMENT OF WASTE IN A PUBLIC PLACE FOR COLLECTION (S003736)**

Moved by Councillor Marsden, seconded by Councillor Greiner -

That arising from consideration of a report by the Contract Coordinator, Contracts and Asset Management Unit to Council on 28th October 2002, on Local Approvals Policy for the Placement of Waste in a Public Place for Collection, it be resolved that:-

- (A) the Policy, as shown at Attachment A to the subject report, be endorsed;
- (B) the Policy proceed to the public notice and exhibition stage as required;

- (C) following public exhibition, the Policy be reviewed and comments incorporated as appropriate; and
- (D) the final Policy return to Council for endorsement and appropriate action.

Carried unanimously.

**ITEM 12. STATE OF THE ENVIRONMENT REPORT 2001-2002 (SO20368)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Senior Project Officer, Contracts and Asset Management to Council on 28 October 2002, on State of the Environment Report 2001-2002, it be resolved that Council:

- (A) endorse the Draft State of the Environment Report 2001-2002, as shown at Attachment A to the subject report, as amended at the meeting of Council;
- (B) approve the State of the Environment Report being forwarded to the Department of Local Government; and
- (C) commend staff for the preparation of the subject report - in particular, Gayle Sloan and Nik Midlam from the Contracts and Asset Management Unit, and Len Woodman from the Building Services and Planning Policy Unit.

Carried unanimously.

**ITEM 13. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2003 (A04-01171)**

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Committee Secretary to Council on 28 October 2002, on Proposed Schedule of Meetings and Briefings for 2003, it be resolved that Council adopt the schedule of meetings and briefings for 2003, as shown at Attachment A to the subject report.

Carried.

Note - the schedule of meetings and briefings, as adopted by Council, is as follows -

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**2003 PROGRAM OF MEETINGS**


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**2003 PROGRAM OF MEETINGS**

<b>DATE</b>	<b>MEETING</b>
MONDAY 10 FEBRUARY	BRIEFINGS
MONDAY 17 FEBRUARY	COMMITTEES
MONDAY 24 FEBRUARY	COUNCIL
MONDAY 3 MARCH	BRIEFINGS
MONDAY 10 MARCH	COMMITTEES
MONDAY 17 MARCH	COUNCIL
MONDAY 24 MARCH	BRIEFINGS
MONDAY 31 MARCH	COMMITTEES
MONDAY 7 APRIL	COUNCIL
MONDAY 14 APRIL	RECESS
MONDAY 21 APRIL	RECESS (Easter Monday - Public Holiday)
MONDAY 28 APRIL	BRIEFINGS
MONDAY 5 MAY	COMMITTEES
MONDAY 12 MAY	COUNCIL
MONDAY 19 MAY	BRIEFINGS
MONDAY 26 MAY	COMMITTEES
MONDAY 2 JUNE	COUNCIL
MONDAY 9 JUNE	RECESS (Queen's Birthday Public Holiday)
MONDAY 16 JUNE	BRIEFINGS
MONDAY 23 JUNE	COMMITTEES
MONDAY 30 JUNE	COUNCIL
MONDAY 7 JULY	RECESS
MONDAY 14 JULY	RECESS
MONDAY 21 JULY	COMMITTEES
MONDAY 28 JULY	COUNCIL
MONDAY 4 AUGUST	BRIEFINGS
MONDAY 11 AUGUST	COMMITTEES
MONDAY 18 AUGUST	COUNCIL

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**2003 PROGRAM OF MEETINGS**


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<b>DATE</b>	<b>MEETING</b>
MONDAY 25 AUGUST	EXTRAORDINARY COUNCIL (if required)
MONDAY 1 SEPTEMBER	RECESS
MONDAY 8 SEPTEMBER	RECESS
MONDAY 15 SEPTEMBER	RECESS
MONDAY 22 SEPTEMBER	EXTRAORDINARY COUNCIL
MONDAY 29 SEPTEMBER	RECESS
MONDAY 6 OCTOBER	RECESS (Labour Day Public Holiday)
MONDAY 13 OCTOBER	BRIEFINGS
MONDAY 20 OCTOBER	COMMITTEES
MONDAY 27 OCTOBER	COUNCIL
MONDAY 3 NOVEMBER	BRIEFINGS
MONDAY 10 NOVEMBER	RECESS (Local Government Association Annual Conference 9-12 November 2003)
MONDAY 17 NOVEMBER	COMMITTEES
MONDAY 24 NOVEMBER	COUNCIL
MONDAY 1 DECEMBER	BRIEFINGS
MONDAY 8 DECEMBER	COMMITTEES
MONDAY 15 DECEMBER	COUNCIL
MONDAY 22 DECEMBER	RECESS

*The recess continues until the first Committee meetings of 2004.*

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**ITEM 14. BIENNALE OF SYDNEY**

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

That arising from consideration of a report by the Manager Events, Cultural and Community Affairs to Council on 28 October 2002, on the Biennale of Sydney, it be resolved that:

- (A) Council renew its sponsorship of Biennale of Sydney for a further six years at \$180,000 per annum including up to a maximum of \$30,000 real cash cost value in kind;
- (B) authority be delegated to the Lord Mayor to negotiate and execute an appropriate agreement with Biennale of Sydney;
- (C) funding for this sponsorship be sourced from the Cultural and Communities Affair Unit budget as follows:
  - (i) for 2002/3 the additional \$30,000 in sponsorship from Unallocated Sponsorship;
  - (ii) for those years beyond 2002/3 from the Sponsorship budget generally.

Carried.

**ITEM 15. CITY OF SYDNEY ACTION PLAN FOR PEOPLE WITH DISABILITIES 2002-2005 (S011167)**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Manager Traffic and Access to Council on 28 October 2002, in relation to the final City of Sydney Action Plan for People with Disabilities 2002-2005, it be resolved that:-

- (A) Council adopt the final Action Plan for People with Disabilities 2002-2005, as shown at Attachment A to the subject report, as amended at the meeting of Council;
- (B) the Action Plan for People with Disabilities 2002-2005 be lodged with the Human Rights and Equal Opportunity Commission;
- (C) Council note its commitment to the allocation of \$850,000 in the 2002/2003 capital works budget to fund high priority actions identified in the first year of the Plan; and
- (D) individuals and organisations that responded to the public exhibition of the Action Plan be formally thanked for their comments and provided with a copy of the final Action Plan.

Carried unanimously.

**ITEM 16. AMENDED POLICY ON LEGAL ASSISTANCE (S020547)**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the General Counsel to Council on 28 October 2002, on Amended Policy on Legal Assistance, it be resolved that, in accordance with Section 253(1) of the Local Government Act 1993, Council give 28 days public notice of its intention to amend Council's existing Civic Office, Expenses and Facilities Policy by the inclusion, as clause 22.2, of the Policy on Legal Assistance for Councillors as set out in Attachment D to the subject report, with the heading amended to read "Policy on Legal Assistance for Councillors who are the Subject of Legal Proceedings".

The motion was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull.  
Noes (1) Councillor Greiner.

Motion carried.

**ITEM 17. POLICIES ON OBTAINING LEGAL SERVICES AND ACCESS TO LEGAL ADVICE**

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

That arising from consideration of a report by the General Counsel to Council on 28 October 2002, on Policies on Obtaining Legal Services and Access to Legal Advice, it be resolved that:

- (A) in respect of the Policy on Obtaining Legal Services:
  - (i) the Policy be adopted;
  - (ii) the delegations of authority to the General Manager and to the Lord Mayor be amended in accordance with, and to give effect to, this Policy;
  - (iii) it be noted that consequential amendments will be made to the delegations made by the General Manager to the Executive and to staff.
- (B) in respect of the Policy on Obtaining Access to Legal Advice:
  - (i) the Policy be adopted;
  - (ii) Council's Code of Conduct be amended so as to incorporate relevant provisions of this Policy as set out in Attachment C to the subject report

The motion was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull.  
Noes (1) Councillor Greiner.

Motion carried.

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## POLICY ON OBTAINING LEGAL SERVICES

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Note - the Policy on Obtaining Legal Services, the Policy on Obtaining Access to Legal Advice and the amended Code of Conduct, as adopted by Council, are as follows:

### **Purpose**

The purpose of this policy is to confirm who may give instructions for the purpose of obtaining legal advice.

Legal services obtained by Council generally relate to:

- (a) Litigation – both planning matters (Land and Environment Court) and other matters;
- (b) Advice in relation to the preparation of legal instruments (for example, the Local Environment Plan); and
- (c) Preparation of contracts and advice on other matters.

In this policy, the above are collectively referred to as ‘legal advice’.

Legal advice is generally provided by law firms which have been appointed to Council’s legal panel.

### **Authority to obtain Legal Services**

Currently the power to issue instructions to Council’s solicitors to provide legal advice is with the General Manager. This has been implicitly, rather than explicitly, given to the General Manager, when Council delegated all of its powers of the General Manager, except (a) those Council cannot delegate under the Act, (b) those that Council kept to itself, and (c) those delegated to the Lord Mayor. In turn the General Manager has delegated powers to the General Counsel.

It is reasonable that the authority to approve legal action of any sort rests mainly with the General Manager. A brief review of the type of legal initiatives that may be taken illustrates the point. Such may include:

- (a) defending an action against Council by another party, eg by an dissatisfied applicant in the L&E Court or in relation to a contractual matter;
- (b) initiating prosecutions for day to day matters. Examples may include against licensed premises, for failure to comply with a notice, or failure to pay a fine, or over a contractual breach;
- (c) initiating legal action to protect an important interest of Council eg a rating matter. If a point of principle is involved it may automatically involve lodging an appeal if unsuccessful in the first instance. Alternatively, it may involve defending an appeal to a higher Court in the event of an adverse early decision.
- (d) seeking legal advice on matters relating to litigation as per (a) (b), and (c) above;
- (e) seeking legal advice on the prospects of potential litigation to further Council’s interest;

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## POLICY ON OBTAINING LEGAL SERVICES

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- (f) seeking legal advice on the interpretations of laws, regulations, planning instruments, policies, and provisions contained in contracts and leases;
- (g) drafting contracts, leases, agreements (including sponsorship agreements), deeds, licenses, MOU's and other instruments;
- (h) ad-hoc advice or guidance on whether contemporary issues may have legal implications; eg reviewing draft documents prepared by Council, FOI and ICAC matters, Plans of Management etc.

The role of the General Counsel is to protect Council's legal interests. This role is implemented directly and through the Legal Unit, who in turn retain external lawyers (both law firms and barristers) to act for Council. Instructions for the provision of legal advice relating to all areas of Council, with limited exceptions, are issued primarily by General Counsel and the Legal Unit. It is proposed that this continue on the basis described in this policy.

The recently established position of City Prosecutor includes a responsibility for enforcement action, including through the commencement of legal action for matters within the City Prosecutor's responsibility. In these instances, it is proposed that the City Prosecutor have authority to obtain legal advice, including the commencement of legal action.

In all of the above situations, legal proceedings are not commenced without the concurrence of the General Manager, except in minor enforcement matters.

In some commercial matters, it is appropriate for General Counsel and the Legal Unit to instruct external lawyers, and to refer them to M2 and M3 staff for the purpose of instructions and liaison on day to day matters (but not matters relating to legal strategy). In these matters, General Counsel and/or the Legal Unit retain a role in overseeing the matter.

### **Authority to obtain legal services**

- (a) Council may instruct its legal representatives, through the Lord Mayor, or the General Manager, or the General Counsel (as appropriate) at any time on any matter provided it is by formal resolution;
- (b) The Lord Mayor may instruct Council's legal representatives directly or through the General Manager or General Counsel, as appropriate;
  - (i) provided the instruction is not inconsistent with Council policies or decisions; or
  - (ii) where there is an inconsistency (such as to settle court proceedings where Council's prospects are poor) if it is in Council's interest to do so and the Lord Mayor has been so advised (by General Counsel or the General Manager, or external Counsel).

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## POLICY ON OBTAINING LEGAL SERVICES

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If the Lord Mayor proposes to give instructions (either directly or indirectly) to commence legal proceedings (including an appeal), he/she shall consult the General Manager and the General Counsel, unless it is inappropriate to do so, in which case he/she shall consult at least 2 Councillors, (in confidence if necessary), before doing so. On the day such proceedings are commenced, the General Manager and the General Counsel shall be advised of the nature of the proceedings, unless they have a conflict of interest.

The Lord Mayor's standing delegated authority to seek independent legal advice at any time is not altered by this policy.

- (c) The General Manager may instruct Council's legal representatives on all matters, consistent with Council decisions and policies. If the General Manager proposes to give instructions to commence legal proceedings (including an appeal), but excluding minor enforcement or prosecution matters, he/she shall consult the Lord Mayor before doing so, unless the Lord Mayor has a conflict of interest;
- (d) The General Counsel may instruct Council's legal representatives, on all matters consistent with Council decisions and policies except initiating legal proceedings which require the concurrence of the General Manager. This authority may be sub-delegated to Legal staff in accordance with the requirements of the General Manager.
- (e) The City Prosecutor may instruct Council's legal representatives for day to day matters required by his/her position description, or where explicitly delegated by the General Manager consistent with his/her delegations, including the commencement of legal proceedings in minor enforcement or prosecution matters. This authority may be sub-delegated to Legal staff in accordance with the requirements of the General Manager.

### **Implementation of Policy**

It is proposed that the Delegations of Authority to the General Manager, by the General Manager and to the Lord Mayor be amended in accordance with, and to give effect to, this Policy.

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## POLICY ON OBTAINING ACCESS TO LEGAL ADVICE

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### Purpose

The purpose of this policy is to set out arrangements for access to legal advice which has been provided to Council.

### Background

1. From time to time, issues arise about access to legal advice. Usually this relates to requests by Councillors, but is nevertheless equally relevant to requests by Council staff, including senior staff.
2. Legal advice attracts legal privilege, the effect of which is that the recipient of the advice is not required to disclose the advice to third parties. Legal privilege may be waived (or lost) by disclosure of the advice to a third party, including by referring to the contents of the advice. Legal advice on the extent of legal privilege will be circulated separately from this policy.
3. Legal privilege is recognised in many circumstances, including:
  - (a) as a basis for withholding documents under the Freedom of Information Act;
  - (b) as a basis for closing a Council meeting to exclude members of the public;
  - (c) as a basis for withholding documents from production under a subpoena or notice to produce, whether or not Council is a party to the legal proceedings.
4. Inappropriate release of information contained in legal advice (whether wilful or inadvertent) can be harmful to Council's interests and, indeed, often the public interest. For example, an adversary knowing the strength of Council's case can severely undermine any negotiations that may occur with another party.
5. It is vital that all Councillors and staff in possession, or aware, of legal advice handle it with the utmost discretion.
6. Clearly it is vital in protecting Council's interests that:
  - (a) all legal advice is treated as confidential;
  - (b) legal advice not be referred to in any published documents, unless there is a sound purpose for doing so;
  - (c) Council establishes policies and procedures governing access to such information and creates:
    - A hierarchy of persons with access rights, with access being on a "need to know" basis; and
    - A grading of confidentiality depending on the nature of the advice;

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**POLICY ON OBTAINING ACCESS TO LEGAL ADVICE**

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- (d) publication to any third party of legal advice or the substance of that advice, be formally authorised by either the Council (formally) or the Lord Mayor (in writing) where it is in Council's interests to do so, or the General Manager or General Counsel (in writing), where it is both in the Council's interest to do so, and the action being taken is consistent with Council policies or decisions on the subject issue.
7. Councillors, privy to such information have a special duty to avoid any disclosure to any party, including any constituent who may have made representation to them. Where a Councillor has chosen to take an advocacy role for any party (other than Council), that Councillor should declare this and disqualify himself or herself from receiving any legal advice (in any form) obtained by Council on the matter. Councillors should also declare any conflict of interest arising in such circumstances including, for example, where representations are made to them by a Council adversary in litigation.
  8. Potential recipients of copies must have regard to actual or potential conflicts of interest and must not obtain access to legal advice in respect of which they have a conflict of interest.
  9. In determining access rights a distinction must be made between the right to read relevant legal advice and the right to have a copy.
  10. Access to legal advice
    - (a) Councillors and staff will only be given access to legal advice on a 'need to know' basis;
    - (b) Staff may read legal advice which (in the opinion of the General Manager or General Counsel) is directly relevant to their work but are not entitled to have copies (unless provided by the General Manager or General Counsel);
    - (c) Councillors, (other than the Lord Mayor), will have access to legal advice on the following basis. Councillors:
      - (i) Must have access to all legal advice relevant to a matter before Council upon which a decision is to be made, but may not have written copies of such material. All copies circulated during a briefing or meeting must be returned at the end of that briefing;
      - (ii) May only have access to advice (to read only) on matters involving potential or current litigation, or where Council has a potential or actual legal liability, at formal briefings or meetings called for that purpose, or unless the Council formally, or the Lord Mayor (with the General Manager's concurrence), approves the provision of copies in writing.

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## POLICY ON OBTAINING ACCESS TO LEGAL ADVICE

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- (iii) May, on request to the General Manager, have access (to read only) to any legal advice on any other matter not involving matters referred to in paragraph (c)(ii). In making that request, the Councillor shall state the advice requested and the purpose of that request. If such advice exists, the General Manager may provide access to that advice, if he/she considers it appropriate to do so. If such advice does not exist, the General Manager may determine whether to seek such advice, after consultation with the Lord Mayor.

Copies of advice will not be provided unless the Lord Mayor, with the General Manager's concurrence, releases copies of the advice to that Councillor;

- (iv) Should not obtain access to legal advice (in any form) on a matter where he/she (in his/her opinion) has taken an advocacy role for a person in respect of an issue involving the Council;
  - (v) must declare any representations they have received in respect of a matter, before otherwise obtaining access to legal advice (in any form) in respect of that matter;
- (d) The Lord Mayor, General Manager and General Counsel will have access to all legal advice, consistent with existing delegations;
  - (e) Notwithstanding any other provision of this policy, all potential recipients of legal advice, written or oral, must have regard to actual or potential conflicts of interest and must not obtain access to legal advice (in any form):
    - (i) in respect of which they have a conflict of interest;
    - (ii) if it is contrary to Council's interests for that person to receive the advice (in any form);
  - (f) No recipient of legal advice shall publish that advice, or the substance of it, to any third party, unless formally authorised by either:
    - (i) the Council (formally); or
    - (ii) the Lord Mayor (in writing) where it is in Council's interests to do so, or
    - (iii) the General Manager or General Counsel (in writing), where it is both in the Council's interest to do so, and the action being taken is consistent with Council policies or decisions on the subject issue.
  - (g) the following regular reports shall be provided:
    - (i) monthly reports listing planning appeals in Land and Environment Court, to the Planning Development and Transport Committee; and
    - (ii) quarterly reports listing all legal proceedings, on a confidential basis to Councillors.

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**POLICY ON OBTAINING ACCESS TO LEGAL ADVICE**

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**Implementation of Policy**

It is proposed that Council's Code of Conduct be amended so as to incorporate relevant provisions of this Policy.

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## CODE OF CONDUCT

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### 1. INTRODUCTION

- 1.1 The Local Government Act 1993 (Schedule 7, s.52) requires that a Council prepare or adopt a code of conduct. The formal adoption of this Code of Conduct is important in demonstrating to the community that this organisation will carry out its mission and its statutory role with efficiency, impartiality and integrity.
- 1.2 Commitment to the Code of Conduct is essential to make the formal adoption meaningful. Councillors, members of staff and delegates of the City of Sydney must read the Code, understand it and observe it both in letter and in spirit, at all times. The Code is an expression of the high values held by people working for and comprising the City of Sydney.
- 1.3 Councillors and the General Manager have a responsibility to Council for compliance with this Code. Similarly, members of staff are accountable to the General Manager for compliance.
- 1.4 The Code must be read in conjunction with relevant legislation, the Guidelines to the Code of Conduct, and Council's policies. The Code is not a substitute for the Act and does not override it.
- 1.5 The code of conduct also now serves to inform councillors and staff that there is an internal reporting system which facilitates protected disclosures of corruption, maladministration, and serious and substantial waste, as enabled by the Protected Disclosures Act 1994.

### 2. PURPOSE OF THIS CODE

- 2.1 To state the corporate ethic of the City of Sydney, and to inform the public of the values espoused by the Council.
- 2.2 To assist councillors, members of staff and delegates to fulfil their statutory duty in accordance with s.439 of the Local Government Act which provides;
  - (1) Every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under the Act.
  - (2) Although this section places certain duties on councillors, members of staff of a council and delegates of a council, nothing in this section gives rise to, or can be taken into account in, any civil cause of action.
- 2.3 To assist councillors, members of staff and delegates identify and resolve situations which may involve a conflict of interest or improper use of appointed positions.
- 2.4 To assist councillors, members of staff and delegates to act in a way which enhances public confidence in the system of local government.

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## CODE OF CONDUCT

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### 3. ETHICAL CONDUCT

Councillors, members of staff or delegates of the City of Sydney have a primary duty to consider and protect the public interest. In the performance of that duty there is a commitment to:

- act according to law, both in content and spirit;
- act reasonably, justly and not oppressively or in an unlawfully discriminatory manner;
- take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained;
- avoid situations where one's actions could be perceived to infer the seeking or acceptance of a bribe, or special benefit, or other forms of encouragement to act in an improper way;
- not take advantage of one's official position to improperly influence other councillors, members of staff, or delegates in the performance of their public or professional duties for the purpose of securing a private benefit;
- treat members of the public fairly, equitably and with integrity, courtesy, compassion and sensitivity; and
- not behave in any way, in the performance of public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper or corrupt conduct.

#### 3.1 Particular commitments of staff

- while on duty give the whole of one's time and attention to the business of the Council and ensure work is carried out efficiently, economically and effectively;
- carry out lawful directions given by any person having authority to give such directions;
- give effect to the lawful policies, decisions and practices of Council whether or not one agrees with or approves of them;
- accept responsibility and be accountable for one's own actions in accordance with the law and this Code;
- as supervisors and managers, provide a safe workplace in managing a functional area.
- Supervisors and managers have a responsibility to act when it is known that a person for whom they are responsible is acting in a way that is contrary to the law or this Code;  
manage staff fairly and equitably, avoiding harassment and unlawful discrimination.

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## CODE OF CONDUCT

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- The City is committed to the safety, welfare and well-being of children. Employees are required to report suspected incidences of child abuse by employees, or knowledge of convictions for child abuse by employees, in line with Internal Reporting Procedures. To ensure confidentiality and fair dealing, you should only report the matter to the Director Legal and Secretariat and the General Manager.

Employees must act responsibly in reporting suspected incidences of child abuse, and must be aware that vexatious, malicious or unsubstantiated allegations may themselves be a breach of this Code of Conduct.

NB: Employees are defined as follows:

- (a) contractors or consultants;
- (b) foster carers;
- (c) student placements;
- (d) sub-contractors;
- (e) volunteers, and
- (f) work experience participants, and
- (g) salaried and wage employees.

## 4. CONFLICTS OF INTEREST

### 4.1 Responsibility to deal with conflicts of interest

Councillors, members of staff or delegates will avoid (to the fullest extent possible), and appropriately resolve, any conflict or incompatibility between a private or personal interest and the impartial performance of public or professional duties.

A conflict of interest arises if it is likely that a person with a private or personal interest could be prejudicially and improperly influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

The responsibility rests on each councillor and member of staff to identify conflicts of interest in the outcome and the process of dealing with the matter.

### 4.2 Dealing with conflicts of interest

Where the interest is a pecuniary one, the person with the interest must disclose the interest and act in accordance with the Local Government Act 1993 (sections 444 and 445). Council's Code of Meeting Practice provides further information relating to the resolving of pecuniary interests.

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## CODE OF CONDUCT

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Where the interest is a non-pecuniary one, the person with the interest must not do anything which he or she could not justify to the public and must avoid any occasion for reasonable suspicion, or the appearance of improper conduct or the partial performance of his or her public or professional duties.

Where a councillor, member of staff or delegate has any doubt as to whether he or she has a conflict of interest in a particular matter, the person should seek appropriate advice and act accordingly.

- 4.3 Other provisions relating to conflict of interest are contained in Clause 8.4.

### 5. PUBLIC RESOURCES

- 5.1 The use of Council resources by councillors, staff and delegates on a reasonable basis for minor or occasional items is not precluded. Significant and substantial use of Council resources for private purposes is not permitted, except when supplied as part of a contract of employment or when the use is lawfully authorised and any required payment is made by the user.
- 5.2 Councillors, staff and delegates must use Council resources effectively and economically in the course of their public or professional duties.

### 6. PRIVATE WORK BY STAFF

All full-time staff shall ensure that they obtain the approval of, or comply with guidelines established by, the General Manager prior to undertaking any secondary employment. In dealing with such requests the General Manager shall not unreasonably withhold his approval except where in his opinion such employment is inappropriate. Members of staff must seek approval for and disclose engagement in private consultancies and all other business undertakings.

### 7. GIFTS, GRATUITIES AND HOSPITALITY

- 7.1 Councillors, members of staff or delegates must not, by virtue of their official position, accept or acquire for a personal profit or advantage gifts, gratuities and hospitality other than of a token kind or moderate form of hospitality, other than as permitted by the Local Government Act 1993.
- 7.2 Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.
- 7.3 Offers of gifts, benefits, travel or hospitality, for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

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**CODE OF CONDUCT**

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- 7.4 A member of staff should inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality.

In relation to councillors, the receipt of gifts, benefits, travel or hospitality should be declared in accordance with the manner prescribed by Division 2 of Part 2 of Schedule 3 to the Local Government Act 1993.

- 7.5 A register of official gifts is to be maintained by the General Manager.

**8. CONFIDENTIALITY**

- 8.1 To facilitate public access to information about Council's activities, councillors, members of staff or delegates shall not classify information as confidential unless there is a genuine reason to do so. S. 10(2) of the Local Government applies.

- 8.2 A councillor, member of staff or delegate must not use confidential information gained by virtue of his or her official position for the purpose of securing a private benefit for himself or herself or for any other person.

- 8.3 A councillor, member of staff or delegate must not, without lawful authority, disclose otherwise than to the council, a councillor, or a member of staff entitled to know, information concerning any matter referred to in section 10(2)(a)-(h) of the Local Government Act 1993.

- 8.4 Councillors and staff must observe the City's Policy on Obtaining Access to Legal Advice. This Policy, among other things:

- (a) provides that access to legal advice is restricted in accordance with the Policy;
- (b) prohibits the disclosure of the substance of legal advice except as contemplated by that Policy;
- (c) provides that a Councillor should not obtain access to legal advice (in any form) on a matter where he/she (in his/her opinion) has taken an advocacy role for a person in respect of an issue involving the Council;
- (d) provides that a Councillor must declare any representations they have received in respect of a matter, before otherwise obtaining access to legal advice (in any form) in respect of that matter.
- (e) provides that all potential recipients of legal advice, written or oral, must have regard to actual or potential conflicts of interest and must not obtain access to legal advice (in any form):
  - (i) in respect of which they have a conflict of interest;

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- (ii) if it is contrary to Council's interests for that person to receive the advice (in any form).

### 9. EXPECTATIONS OF COUNCILLORS, MEMBERS OF STAFF AND DELEGATES

- 9.1 A prime responsibility of council staff is to help councillors make the best decisions. Staff are to ensure that information provided to councillors is factually correct, complete and relevant to enable effective decision making. In making recommendations or providing advice to council, staff are not required to follow any directions given by councillors or council as to the nature of the advice or recommendations. The General Manager is ultimately responsible for the actions of staff.

Staff should seek the advice and approval of the General Manager prior to responding to a direct request from a councillor, except where the request is minor or of a day-to-day operational nature.

- 9.2 As a general guide, day to day constituency matters should be referred to relevant staff. Requests involving significant staff time must be referred to the General Manager or Lord Mayor.

Individual briefing for Committee Chairpersons on matters relating to their respective committee agendas is appropriate. However, briefings of individual Councillors, outside of the program of briefings for all Councillors, is undesirable because it may be unfair to other Councillors and can lead to duplication of work and to conflicting directions to staff. Accordingly, such briefings will not be arranged.

Councillors must bear in mind the spirit and letter of the Local Government Act in respect of their roles, as well as established protocols.

- 9.3 In drafting reports for the consideration of Council, the General Manager, and all staff, have a responsibility to consider the implications of the contents of their reports. Reports submitted to Council, unlike Cabinet submissions, normally are public documents. Consequently, reports may cause undue alarm to stakeholders and public debate before the elected Councillors have had any opportunity to be briefed on the subject matter, or even read the report.

Reports to Council usually contain factual information, analysis, argument and recommendations. Sometimes the recommendation intends for Council to make a statement of values, given Council's role as a jury representing the collective values of its constituents.

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In such cases, staff reports should not presume the values of Councillors, or Council as a whole. Accordingly, where a subject matter clearly requires a statement of values by Council, or is likely to alarm stakeholders, the report should provide options for Council to consider and arguments for and against without a firm recommendation (eg, a report on homeless persons should not, in the form of a proposed resolution, presume the position that Council might take. Such presumption can cause unfair criticism of Council or alarm the stakeholders.)

Similarly, a report might prejudice Council's prospects when taking an alternative position on a matter, eg, when it could be the subject of an appeal.

The General Manager, or relevant Secretariat staff, should draw to the attention of the Lord Mayor any such reports, or parts thereof, when agenda papers are cleared for publication.

- 9.4 The General Manager is ultimately responsible for the actions of staff. Accordingly, the General Manager will ensure that in all recommendations and reports going to Council, appropriate consideration is given to -
- avoiding exaggerated language;
  - avoiding value judgements;
  - adherence to existing Council policies, where the purpose of the report is not to seek the making or the amendment of policy;
  - assessment of all options open to Council;
  - providing alternative draft resolution rather than one recommendation where this is appropriate;
  - possible impact on Council position in other jurisdictions.
- 9.5 A councillor, member of staff or delegate who honestly and faithfully observes the requirements of this Code and any relevant law is entitled to expect the publicly expressed support of his or her council and colleagues against unfair allegations of dishonesty or partial performance of his or her public or professional duties.
- 9.6 A councillor, member of staff or delegate who has made a disclosure of genuine suspicion of corrupt conduct, maladministration, or serious or substantial waste, either in line with recommended procedures under Council's internal reporting system, or direct to an investigating authority, ie the NSW Police, Independent Commission Against Corruption, or the NSW Ombudsman, is offered protection against victimisation and recrimination by the Protected Disclosures Act 1994.
- 9.7 There is an obligation on all members of Council, staff and delegates to report genuine suspicion of corrupt conduct, maladministration, or serious and substantial waste.

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### 9.8 Criticism of Staff

Under no circumstances shall councillors make public statements attacking or reflecting negatively on City of Sydney staff or invoke staff matters for political purposes.

Any issues regarding the performance, behaviour or appointment of City of Sydney staff must be referred to the General Manager for resolution.

Where Councillors remain dissatisfied the matter may be referred to the Lord Mayor. Further, and where appropriate for serious matters, the Lord Mayor may consult Councillors as a whole.

At all times the legal obligations, and statutory powers, of the General Manager in relation to staff matters should be recognised, as should the Council's powers in respect of the organisation structure and policy matters generally.

## 10. BREACHES OF THIS CODE

10.1 Sanctions may be applied if this Code or any relevant law is breached by any councillor, member of staff or delegate. Depending on the nature of the breach, sanctions may include counselling, disciplinary action (including termination of employment), the laying of criminal charges and the taking of civil action. Corrupt conduct will be dealt with in accordance with the Independent Commission Against Corruption Act 1988.

10.2 Sanctions may be applied for both non-financial conflicts of interest and pecuniary interests.

In the case of staff, sanctions can include counselling, disciplinary proceedings or dismissal, depending on the severity, scale and importance of the matter. The more severe sanctions may only apply when there is repeated and deliberate concealment or failure to disclose.

In the case of councillors who breach any Council policy in relation to non-pecuniary interests, sanctions should only be imposed after consideration has been given to all issues and points of view. The decision to sanction a councillor should reflect the concern of the majority of councillors about the conduct of a councillor and the impact on Council's reputation or operations. Any sanctions imposed must not interfere with the councillor's common law right to conduct their civic duties but should send a clear message that the breach is unacceptable.

Practical sanctions include:

- (a) passing a censure motion at a council meeting;
- (b) public disclosures of inappropriate conduct (such as making the community aware of the breach through the media or annual report);
- (c) requesting a formal apology (which may be required in writing);

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- (d) issuing a reprimand;
- (e) counselling the councillor; and
- (f) prosecuting any breaches of the law.

**11. REVIEW OF THIS CODE**

This Code will be reviewed within twelve months of each ordinary Council election, in accordance with s.440 (3) of the Local Government Act, 1993.

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**ITEM 18. QUESTIONS ON NOTICE**

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

**QUESTIONS WITHOUT NOTICE****PRINCE ALFRED PARK POOL (S018724)**

1. By Councillor Greiner -

**Question**

Lord Mayor, I have received complaints that the NSW Seniors' Card/Commonwealth Seniors Health Card are not recognised by the City of Sydney Council for concession entry at the Prince Alfred Swimming Pool.

Could you please advise Council's policy in regard to the holders of these cards receiving a concession when using the various City of Sydney's swimming centres?

Only people over 60 who earn less than a predetermined income are permitted to use these cards which then entitles them to discounted health care, travel and various other facilities. Therefore could not Council also recognise these cards at its swimming centres?

**Answer by the Lord Mayor**

Councillor Greiner, I wasn't aware that they weren't recognised. I invite the General Manager to respond.

**General Manager**

Lord Mayor, the Manager Contracts and Asset Management is able to report on this matter.

**Manager Contracts and Asset Management**

Lord Mayor, Seniors Cards, as recognised by the NSW Premier's Department, are issued on the basis of age.

What the swimming centres do is recognise the Pensioner Concession Card, which is means tested. We give a discount to pensioners who have a Pensioner Concession Card but we don't recognise the Seniors' Cards.

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

I think means testing is actually a good idea. We give a concession to all pensioners who have a Pensioner Concession Card and are on the pension, so therefore it is means tested.

I don't actually think that the prices at these centres are that exorbitant. There is no evidence to me that a whole group of people who are not pensioners, but who could really do with some help, are being disadvantaged. There is no evidence at all. Our centres are heavily subsidised by us in the sense that we build the facilities.

Our policy with rates concessions is that they apply to pensioners. If we start recognising the Seniors' Cards and applying concessions for swimming pools, we would have to start doing it for rates and everything else. I think this is not a policy that you make on the run. I think your suggestion, Councillor Greiner, would need more thought and, quite frankly, I would like to see more evidence that this is a real problem.

I am happy for you to refer to me the person(s) who have expressed concerns about this matter and I will respond to them.

**SECURITY ISSUES (S018724)**

2. By Councillor Greiner -

**Question**

Lord Mayor, in view of security issues confronting all nations of the world, I'm sure my colleagues join me in recognising the importance of the City of Sydney Council taking a lead role in encouraging every business to undertake a security audit.

To that end would you, through the General Manager, convene a seminar with the major stakeholders of the City, such as the Property Council of Australia, the NSW Chamber of Commerce, the Retail Traders' Association of Australia, the major investment organisations such as the listed property trusts, the banks and land holders, as well as government instrumentalities, to enable these bodies to identify the requirements of security audits and risk management of their city buildings?

**Answer by the Lord Mayor**

Councillor Greiner, security generally has been an issue that I have discussed with the General Manager and the Deputy Lord Mayor recently and it is an issue that you generally don't discuss much in public.

The official position from the NSW Police and Government agencies is still that the security risk assessment of the City is low, even lower than it was for the Olympic Games.

However, having said that, I think we need to do more. Whether we can organise a seminar before Christmas I just don't know. It is just a question of how much we can fit in.

In principle, I think there is merit in looking at getting together some of the top retailers and property industry people to talk about this issue and I also will be having separate discussions with the General Manager and others about a range of other issues as well, but the official security assessment is that the City's security risk is low and lower than it was during the Games.

### **MEDIA MONITORING (S018724)**

3. By Councillor Greiner

#### **Question**

Lord Mayor, through you to the General Manager, I have appreciated the Media Monitor daily distribution of newspaper clippings to do with issues of the City.

This has recently changed from a paper based format to an electronic format which is slow, cumbersome, sometimes not available until late in the afternoon, and requires the recipient to access the internet for each individual item as required. This must surely be more costly to Council.

Consequently could we please return to a paper-based format for the distribution of Media Monitors?

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

Councillor Greiner, I invite the General Manager to respond.

#### **General Manager**

Lord Mayor, the feedback I have received since we have moved to an electronic format has been very positive. Most people find that it has led to an expansion of the media monitor facility to all staff.

You can call up the actual article you want to read or print it off just by clicking on the actual article itself, by clicking on the link. It is very simple and I am not aware of any difficulties people have had. It enables people to only print off or read those articles which they consider relevant rather than providing in hard copy, as used to be the case, a whole range of articles most of which were not considered relevant.

The old system was that the Public Affairs Unit would photocopy the material received from Media Monitors and physically walk it around the building. Now each individual staff member can call up the article instantly or quickly and, where people still want hard copies, they can use their administrative staff or personal assistants to copy them.

I am aware that the material was not available until late today. I am unsure of the reason for the delay but, as far as I can recall, this is the first occasion that this has happened.

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

I have a laptop computer and it is very slow. I think part of the problem, Councillor Greiner, is the sluggishness of the computers. I find if people send me a photograph or a visual or anything three-dimensional, it clogs up my computer and I then can't receive emails.

The point I am getting at is that if we can get better computers, it might become a simple problem to fix. The other point is why can't all relevant articles be copied off the internet onto the file server, so you can just call up a local file? Why is it that we have to go to the internet and get the information through Telstra?

I direct the General Manager to ensure that Councillors' services are improved forthwith in terms of quality of computer operating systems, including access to information and email capacity.

**SECURITY ISSUES (S018730)**

4. By Councillor Coulton -

**Question**

Lord Mayor, is it possible to be able to have some sort of confidential briefing about what security issues, if any, the City can be involved in because I am being constantly asked what the City is doing?

**Answer by the Lord Mayor**

Councillor Coulton, at the moment, these are just discussions I am having internally about Council's own ideas, not any other information. Obviously if I get intelligence from elsewhere I may or may not be able to talk about it, but I don't have any other intelligence.

The thing about security is that you just don't talk about it. However, in terms of Council's ideas, I am happy to talk about them. I just don't know what is happening outside Council but we are going to find out.

**NATIONAL DROUGHT RELIEF CAMPAIGN (S018726)**

5. By Councillor Marsden -

**Question**

Lord Mayor, arising from the minutes of the Extraordinary Council meeting held on 21 October 2002, in relation to Council's contribution to the National Drought Relief Campaign, could you tell me if there have been donations or promises of donations received from other local government areas?

**Answer by the Lord Mayor**

Councillor Marsden, I am advised that, as of approximately 4.00 pm today, there has been zero given to the National Drought Relief Campaign by all the other 37 metropolitan councils, with no phone calls to Farmhand and no phone calls to the Red Cross.

**ITEM 19. NOTICES OF MOTION**

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

### **Closed Meeting**

At 7.35pm Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 20, 21 and 22 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;

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

Items 20, 21 and 22 were then dealt with by Council while the meeting was closed to the public.

### **ITEM 20. LOUVRE REPLACEMENT REMEDIAL WORKS - COOK AND PHILLIP PARK**

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

That arising from consideration of a report by the Senior Project Officer, City Projects to the Council on 28 October 2002, Louvre Replacement Remedial Works - Cook and Phillip Park, it be resolved that -

- (A) due to the urgent nature of the works, Council not go to tender for the Louvre Replacement works;
- (B) Council accept the first ranked quotation submitted by CVS Equipment Pty Ltd, and commit funds for the delivery of the Louvre Replacement works;
- (C) authority be delegated to the General Manager to enter into a contract for the works;
- (D) all relevant documents be executed by Council's attorney; and
- (E) the Director City Development and Projects provide a report on the final cost of each of the items under the Asset Enhancement Program.

Carried.

**ITEM 21. TENDER NO 0206 - SUPPLY, INSTALLATION AND MAINTENANCE OF ELECTRONIC PARKING METERS: COMPETITIVE TENDERING ROUND TWO**

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

That arising from consideration of a report by the Senior Contract Manager, Contracts and Asset Management Unit, to Council on 28 October 2002, on Tender No 0206 - Supply, Installation and Maintenance of Electronic Parking Meters: Competitive Tendering Round Two, it be resolved that -

- (A) Council reject all tenders;
- (B) Council decline to invite fresh tenders as it is unlikely a more satisfactory result would be achieved by inviting fresh tenders as it is doubtful that a new Tender with the same service level specification would attract additional Tenderers and achieve greater cost savings for Council;
- (C) the number of Parking Meters to be purchased be increased from sixty (60) to one hundred (100) Units;
- (D) Council not invite tenders in respect of the additional 40 parking meters in the following extenuating circumstances:
  - (i) that Tender no. 0206 and the trial under that tender in respect of 60 parking meters was recently completed;
  - (ii) that Tender no. 0206 resulted in tenders by all known potential suppliers;
  - (iii) the 40 additional parking meters are required to meet the same specification as the parking meters sought under Tender no. 0206;
  - (iv) the desirability of the additional 40 parking meters having the same communication system, and being subject to the same maintenance service agreement as the 60 parking meters sought under Tender no. 0206, from the perspective of operational efficiency and in all other respects;and accordingly a satisfactory result would not be achieved by inviting tenders;
- (E) authority be delegated to the General Manager, with the concurrence of the Lord Mayor:
  - (i) to negotiate with the Tenderers, detailed in paragraph 43 of the subject report, appropriate price and service levels for the purchase of 100 electronic parking meters; and
  - (ii) to enter into an appropriate Agreement with the successful Tenderer for the supply, installation and maintenance of electronic parking meters (including a communication and management system);
- (F) Council's attorney be authorised to execute all necessary documentation; and

- (G) a revised timetable be submitted, for the approval of the General Manager and the Lord Mayor, for the installation of the 100 parking meter units, as well as for full implementation.

Carried unanimously.

**ITEM 22. TENDER NO. 0201 - GRAFFITI REMOVAL SERVICE:  
COMPETITIVE TENDERING ROUND TWO (S017376)**

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

That arising from consideration of a report by the Manager, Contracts and Asset Management Unit Council on 28 October 2002, on Tender No 0201 - Graffiti Removal Service: Competitive Tendering Round Two, it be resolved that:

- (A) Council award the contract for the Local Government Area East component of the service area to the Provider referred to in paragraph 38 of the subject report;
- (B) Council award the contract for the Local Government Area West component of the service area to the Provider referred to in paragraph 39 of the subject report;
- (C) Council's attorney be authorised to execute all necessary documentation; and
- (D) congratulations be extended to Gayle Sloan, Rick Henson and Janet McLean from the Contracts and Asset Management Unit for their excellent work in negotiating this agreement.

Carried unanimously.

At 7.56pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 18 November 2002 at which  
meeting the signature herein was subscribed.