



16 DECEMBER 2002

Meeting No 1375

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.14pm on 16 December 2002 pursuant to Notice 29/1375 dated 12 December 2002.

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PRESENT

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

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

At the commencement of business at 5.14pm those present in the Finance Committee Room were:-

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

The General Manager, General Counsel, Director Corporate Services, Director City Development and Projects, Executive Director Projects (City Architect) and Acting Director Living City Services were also present.

Adjournment

At 5.15pm, it was moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the meeting of Council be adjourned for a period of 20 minutes.

Carried.

Resumption

At the resumption of the meeting of Council at 5.35pm, it was moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the meeting of Council be adjourned until the briefing being presented to Councillors in the Finance Committee room had concluded.

Carried.

Resumption

In view of the number of members of the public present, the Council decided to conduct the Extraordinary Meeting of Council in the Council Chamber.

At the resumption of the meeting of Council at 6.15pm, those present were -

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

ITEM 1. LORD MAYOR'S FUND FOR DISASTER ASSISTANCE (S010417)**MINUTE BY THE LORD MAYOR**To Council:

Some time ago, I requested staff to prepare a fund, to allow the City to collect donations for special appeals to assist in the event of a natural disaster, terrorist act, or other similar occurrence. A draft trust deed has been prepared and a copy is attached (Attachment A). The trust fund is structured to allow the City to raise money in a broad range of situations, and to channel these funds to appropriate relief agencies. The agencies selected will obviously vary, depending upon the situation, but I understand can include any entity that holds tax deductible status.

The advice from the City's solicitors, Blake Dawson Waldron, is that the fund will be able to attract tax deductible status. It will allow the City to respond quickly and responsibly to disasters in the future, with funds being able to be raised immediately, rather than there being any delay while a new entity is created.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to an Extraordinary Meeting of Council on 16 December 2002, on Lord Mayor's Fund for Disaster Assistance, it be resolved that:

- (A) the creation of the Lord Mayor's Fund for Disaster Assistance be approved;
- (B) the Lord Mayor be authorised to approve the terms of the Trust Deed as based on Attachment A to the subject Minute;
- (C) Council proceed to obtain tax deductible status for money contributed to the Lord Mayor's Fund for Disaster Assistance; and
- (D) Council's attorney be authorised to execute all necessary documentation.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a Minute by the Lord Mayor to an Extraordinary Meeting of Council on 16 December 2002, on Lord Mayor's Fund for Disaster Assistance, it be resolved that:

- (A) the creation of the Lord Mayor's Fund for Disaster Assistance be approved;
- (B) the Lord Mayor be authorised to approve the terms of the Trust Deed as based on Attachment A to the subject Minute, subject to the following amendments -
 - (i) Clause 5 becomes Clause 5.1, followed by the addition of Clause 5.2:

"The funds shall be applied in a coordinated manner, after consultation with relevant State and Federal Government agencies, where appropriate."
 - (ii) Clause 7.1 amended to read as follows:

"The number of Trustees (not counting an Alternate Trustee appointed under either clause 7.4 or clause 7.5) must be a minimum of three and not more than nine, one of whom is to be the Auditor General of New South Wales or his nominee; noting that the trustees may not be appointed for an interim period."
 - (iii) Clause 10.1 be amended by the addition of a new sub-clause:

"All Advisory Committees must include at least one representative of a State agency relevant to the particular disaster for which funds are being sought."
 - (iv) clarification of whether or not an appeal can be conducted under this Deed in respect of disasters overseas and/or disasters overseas affecting Australians and, if so, appropriate amendments be made to the Deed.
- (C) Council proceed to obtain tax deductible status for money contributed to the Lord Mayor's Fund for Disaster Assistance; and
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 2. RETAIL STRATEGY (S014823)

Moved by Councillor Marsden, seconded by Councillor Greiner -

That arising from consideration of a report by the Retail Manager to the Extraordinary Meeting of Council on 16 December 2002, on the draft Retail Strategy, it be resolved that:

- (A) Council approve the public exhibition of the draft Retail Strategy, as shown at Attachment A to the subject report, until 10 February 2003 to enable an adequate period for comment after the Christmas period;
- (B) following completion of the public exhibition period and consideration of any comments and/or suggestions, the draft Retail Strategy be revised as appropriate and submitted to Council for consideration and adoption in early 2003.

Carried unanimously.

ITEM 3. LOCAL APPROVALS POLICY FOR THE PLACEMENT OF WASTE IN A PUBLIC PLACE FOR COLLECTION (S003736)

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

That arising from consideration of a report by the Project Coordinator, Contracts and Asset Management, to the Extraordinary Meeting of Council on 16 December 2002, on the Local Approvals Policy for the Placement of Waste in a Public Place for Collection, it be resolved that -

- (A) the amended draft Local Approvals Policy, as shown at Attachment A to the subject report, be adopted subject to the consent of the Director-General of the Department of Local Government;
- (B) the Policy be forwarded to the Director-General of the Department of Local Government for final approval; and
- (C) the Policy be resubmitted to Council before 30 June 2003 for review.

Carried unanimously.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that Items 10 and 11 on the Business Paper be brought forward and dealt with before the confidential items.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 13/12/02

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration at the Extraordinary Meeting of Council on 16 December 2002, is the Report of the Special Meeting of the Planning Development and Transport Committee held on 16 December 2002.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

**ITEM 10: REPORT OF THE SPECIAL MEETING OF THE PLANNING
DEVELOPMENT AND TRANSPORT COMMITTEE - 16 DECEMBER
2002**

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 3.10 pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Apology

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

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

Order of Business

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

2. Section 82(A) Application: 107-121 Quay Street, Haymarket
4. Status Report - Development Application: 135 King Street (Glasshouse), 77-83A Castlereagh Street (Skygarden), 168-174 Pitt Street (Imperial Arcade) and 184-190 Pitt Street (Centrepoint), Sydney (Pitt Street Mall Tunnel)
3. Five Year Review of Central Sydney Local Environmental Plan 1996
5. Development Application: 141-147 King Street, Sydney
1. Progress Report on Development Applications

The Special Meeting of the Planning Development and Transport Committee concluded at 4.43 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Councillor Coulton -

That the Report of the Special Meeting of the Planning Development and Transport Committee of Monday 16 December 2002 be received, and the recommendations set out below for Items 10.1 to 10.3, inclusive, and Item 10.5 be adopted, with Item 10.4 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

DETERMINED BY COUNCIL**PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)****10.1**

That the report by the Manager Development to the Special Meeting of the Planning Development and Transport Committee on 16 December 2002, in regard to the progress report for the month of November 2002, be received and noted.

Carried.

SECTION 82(A) APPLICATION: 107-121 QUAY STREET, HAYMARKET (D2000/01015)**10.2**

That arising from consideration of a report by the Director City Development and Projects to the Special Meeting of the Planning Development and Transport Committee on 16 December 2002, in relation to an application under Section 82(A) of the Environmental Planning and Assessment Act 1979 for the review of Development Application D2000/01015F made by Meriton Apartments Pty Ltd for the review of Condition 44 to permit 75mm thick sandstone for the building architectural 'wedge' element of the building at 107-121 Quay Street Haymarket, it be resolved that consent be granted subject to the following:-

(A) Existing Conditions 44 and 44A be deleted as follows:

~~(44) Specifications regarding the cladding and material detailing of the Quay Street and Bijou Lane elevations are to be submitted to Council for approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. This information is to include details of the Sydney Sandstone cladding proposed for the sandstone corner feature and the material treatment of the entry gallery. In relation to the Sydney Sandstone the following information is to be submitted for approval:~~

- ~~(a) thickness of sandstone cladding, which is to be a minimum 100mm;~~
- ~~(b) dimensions of sandstone cladding, which is to be a minimum of **950mm x 950mm 475mm x 900mm;**~~
- ~~(c) the grade of sandstone to give a minimum durability for 50 years;~~
- ~~(d) details of marine grade stainless steel fixings;~~
- ~~(e) sectional details at a scale of 1:20 for the sandstone cladding and wall clearly indicating the cladding thickness and method of fixing; and~~
- ~~(f) part elevation details at a scale of 1:20 indicating cladding dimension, the dimension and treatment of the joints between cladding and abutting materials~~

~~Having regard to the above, the sandstone on the corner treatment is to be of a superior and durable quality. It should be noted that sandstone sheeting glued to the structural frame of the building will not be acceptable.~~

~~*(Amended 1 August 2002)*~~

~~(44A) The building owner is to submit an Annual Report to the General Manager of the Council, prepared by a Chartered Structural Engineer (whose expertise is in façade engineering) verifying the structural adequacy of the sandstone cladding and fixings of the corner 'wedge' element in Quay Street. The report shall also make recommendations regarding necessary repair and maintenance work, as appropriate, to ensure the integrity and safety of the sandstone cladding.~~

~~(Added 1 August 2002)~~

(B) New Conditions 44 and 44A be inserted as follows:

- (44) Specifications regarding the cladding and material detailing of the Quay Street and Bijou Lane elevations are to be submitted jointly to the Chairman of the Planning Development and Transport Committee and the Director City Development and Projects for approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. This information is to include details of the Sydney Sandstone cladding proposed for the sandstone corner feature and the material treatment of the entry gallery. In relation to the Sydney Sandstone the following information is to be submitted for approval:
- (a) thickness of the sandstone cladding, which is to be a minimum of 75mm;
 - (b) the dimension of the sandstone cladding, which is to be 475mm x 900mm (with 475mm being the vertical dimension);
 - (c) the grade of the sandstone to give a minimum durability for 50 years;
 - (d) details of fixings and metal work, which are to be from stainless steel Grade 316; fixings and brackets should be designed with due considerations for -
 - (i) gravitational loads from self-weight and any imposed dead loads;
 - (ii) lateral loads from wind, earthquake and impact;
 - (iii) allowance for movement due to thermal effects, creep and differential movements
 - (iv) allowance for construction tolerance;
 - (e) provision for construction tolerance ie. details for overcoming alignment deviations of the structure without affecting the integrity of the sandstone cladding and the fixings;
 - (f) provision for thermal and differential movement ie. locations and details of movement joints;

- (g) sectional details at scale of 1:2 for the sandstone cladding and wall clearly indicating the cladding thickness and method of fixing with due regards to the gravitational and lateral loads;
- (h) part elevation details at a scale of 1:20 indicating cladding dimension, the dimension and treatment of the joints between cladding and abutting materials;
- (i) details of proposed joint material and its performance and expected life in the proposed situation; such expected life not to be less than 50 years; and
- (j) details for the method/procedure to remove and replace defective panels.

Having regard to the above, the sandstone on the corner treatment is to be of a superior and durable quality. It should be noted that sandstone sheeting glued to the structural frame of the building will not be acceptable.

The final design of the façade is to be certified by a Structural Engineer with specialist expertise in façade engineering with knowledge of sandstone weathering prior to the release of the Construction Certificate for the substantive building. This Certificate is to verify that the design meets the above criteria.

(44A) The building owner is to comply with the following requirements regarding necessary inspections, repair and maintenance work, as appropriate, to ensure the integrity and safety of the sandstone cladding:

- (a) The façade is to be inspected one year after installation and then at five year intervals.
- (b) All defects, deteriorating panels, fixings and jointing are to be assessed, repaired and certified for structural stability and integrity until the next inspection.

The inspection and certification is to be undertaken by a Chartered Structural Engineer with specialist expertise in façade engineering with knowledge of sandstone weathering. A copy of the Certification is to be provided to Council within 7 days of its completion.

Carried.

Note - Ms Sally Lewis addressed the Special Meeting of the Planning Development and Transport Committee on Item 10.2.

FIVE YEAR REVIEW OF CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (SO16796)**10.3**

That arising from consideration of a report by the Manager Strategic Planning to the Special Meeting of the Planning, Development and Transport Committee on 16 December 2002, on the 5 year Review of the Central Sydney Local Environmental Plan 1996, it be resolved that:-

- (A) Council approve the amendments proposed to the Draft Central Sydney Local Environmental Plan 2002, as shown in the subject report, excluding the clauses relating to the following matters -
 - (i) the calculation of site area;
 - (ii) incentives for historic clubs;
 - (iii) tower development on small sites less than 800 sq.m.; and
 - (iv) the referral of Schedule 1 heritage items (which are not on the State Heritage Register) to the Heritage Council;which will be placed on public exhibition for a period of 28 days;
- (B) the Lord Mayor further review the height in 200 Goulburn Street;
- (C) the draft provisions relating to the calculation of the area be amended to clarify the meaning of the term 'integral' in relation to an adjoining site and to introduce criteria for assessment;
- (D) Council defer the consideration of any de-listing of Schedule 1 Heritage Items with the exception of the Spanish Club. The Spanish Club is to submit a conservation management plan for consideration as a potential future Schedule 2 Heritage Item; and this be the subject of a separate report to Council within the first quarter of 2003
- (E) authority be delegated to the Lord Mayor to make drafting changes to the Draft City of Sydney Local Environmental Plan in order to address the issues raised in paragraphs 14, 21, 42, 43, and 46 of the subject report;
- (F) Council endorse the amendment to the height map relating to 200 Goulburn Street as shown on the coloured map (Attachment D), as circulated to Councillors prior to the meeting;
- (G) further consideration of the new draft LEP be deferred to another meeting of the Planning Development and Transport Committee to be held after the public exhibition.

Carried.

Note - Mr Reg Smith and Mr Phil Vannon addressed the Special Meeting of the Planning Development and Transport Committee on Item 10.3.

STATUS REPORT - DEVELOPMENT APPLICATION: 135 KING STREET (GLASSHOUSE), 77-83A CASTLEREAGH STREET (SKYGARDEN), 168-174 PITT STREET (IMPERIAL ARCADE) AND 184-190 PITT STREET (CENTREPOINT), SYDNEY (PITT STREET MALL TUNNEL) (D2002/00829)

10.4

That consideration of the matter be deferred to the Extraordinary Meeting of Council on 16 December 2002.

Carried.

Note - At the meeting of the Planning Development and Transport Committee, it was moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Manager Development to the Special Meeting of the Planning Development and Transport Committee on 16 December 2002 in relation to Development Application D2002/00829 made by City of Sydney for the construction use of the basement vehicular accessway through 135 King Street (Glasshouse), 77-83A Castlereagh Street (Skygarden), 168-174 Pitt Street (Imperial Arcade) and 184-190 Pitt Street (Centrepoint), it be resolved that:-

- (A) the subject report be received and noted; and
- (B) Councillors be briefed by traffic engineers, appropriate to the development, in conjunction with property owners as to the construction/design/ventilation/ safety and security issues and cost of the tunnel underneath Pitt Street Mall.

Councillor Greiner's motion was lost on the following show of hands -

Ayes (2) - Councillors Greiner and Ho

Noes (3) - Councillors Coulton, Marsden and Turnbull.

Note - Mr David Sharp, Mr Ian Nicholas, Mr Bob Ternes and Mr Peter Jensen addressed the Special Meeting of the Planning Development and Transport Committee on Item 10.4.

At the meeting of Council, it was -

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

That arising from consideration of a report by the Manager Development to the Special Meeting of the Planning Development and Transport Committee on 16 December 2002 in relation to Development Application D2002/00829 made by City of Sydney for the construction use of the basement vehicular accessway through 135 King Street (Glasshouse), 77-83A Castlereagh Street (Skygarden), 168-174 Pitt Street (Imperial Arcade) and 184-190 Pitt Street (Centrepoint), it be resolved that:-

- (A) the subject report be received and noted;
- (B) authority be delegated to the Lord Mayor to determine the application having regard to the issues raised in the subject report, submissions received and any subsequent submissions;
- (C) prior to determining the application, the Lord Mayor and General Manager meet with objecting property owners to attempt to resolve any outstanding issues;
- (D) following such meeting, and prior to any determination of the application, the Lord Mayor will brief Councillors; and
- (E) a further report on the funding of the tunnel be submitted to Council prior to any work proceeding.

Amendment moved by Councillor Greiner, seconded by Councillor Ho -

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

- (A) the subject report be received and noted; and
- (B) Councillors be briefed by traffic engineers, appropriate to the development, in conjunction with property owners as to the construction/design/ventilation/ safety and security issues and cost of the tunnel underneath Pitt Street Mall.

The amendment was lost on the following show of hands -

Ayes (3) Councillors Farr-Jones, Greiner and Ho

Noes (4) The Lord Mayor, Councillors Coulton, Marsden and Turnbull

The motion was carried on the following show of hands -

Ayes (4) The Lord Mayor, Councillors Coulton, Marsden and Turnbull

Noes (3) Councillors Farr-Jones, Greiner and Ho

Motion carried.

DEVELOPMENT APPLICATION: 141 -147 KING STREET, SYDNEY (D2002/00288)**10.5**

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 16 December 2002 in relation to Development Application D2002/00288 made by ECL Group Constructions Pty Ltd for the site at 141 – 147 King Street for conservation works and the award of Heritage Floor Space for 147 King Street, known as “Cornelius Court”, involving the conversion into commercial offices and the refurbishment of the adjoining building at 141-145 King Street, it be resolved that:

- (A) the Conservation Management Plan, entitled “Conservation Management Plan, Cornelius Court, 147 King Street, Sydney, NSW”, prepared by Paul Rappoport Architect Pty Ltd, dated November 2002 be approved by Council; and
- (B) consent be granted subject to the following conditions:

Conditions of Consent

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. D/02/00288 dated 10 May 2002 and:

Statement of Environmental Effects, prepared by Paul Rappoport Architect Pty Ltd, dated May 2002; and

Heritage Impact Statement (Amended), prepared by Paul Rappoport Architect Pty Ltd, dated November 2002; and

Conservation Management Plan (Amended, Volumes 1 and 2), Paul Rappoport Architect Pty Ltd, dated November 2002; and

drawings, prepared and dated as follows:

Drawing Number	Prepared by	Date
DA01/B	Ashington Group	11.12.02
DA02/B	Ashington Group	11.12.02
DA03/B	Ashington Group	11.12.02
DA04/B	Ashington Group	11.12.02
DA05/B	Ashington Group	11.12.02
DA06/B	Ashington Group	11.12.02
DA07/B	Ashington Group	11.12.02
DA08/B	Ashington Group	11.12.02
DA09/B	Ashington Group	11.12.02
DA10/B	Ashington Group	11.12.02
DA11/B	Ashington Group	11.12.02
DA12/B	Ashington Group	11.12.02
DA13/C	Ashington Group	11.12.02
DA14/B	Ashington Group	11.12.02
DA21/B	Ashington Group	11.12.02
DA22/B	Ashington Group	11.12.02
DA23/C	Ashington Group	11.12.02
DA24/D	Ashington Group	11.12.02

and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

- (2) The owner may be awarded 1,115 sq.m of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - a. ensure the continued conservation and maintenance of the building; and
 - b. limit any future development of the site to the total area of the conserved building, which has a FSA of 3,457.3sqm.

Note: The above figure represents the gross floor area of the heritage building (147 King Street), ie, the total GFA of the subject building, minus the floor area of 141-145 King prior to the approval of the recent strata subdivision.

- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will **only** be registered as the owner of 1,115sqm of heritage floor space following the completion of paragraphs (i) - (iii) of this condition.
- (e) On the satisfactory completion of (i) - (iii) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

HERITAGE

- (3) 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.
- (4) 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.
- (5) 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.
- (6) The "*Physical Analysis and Policy Inventory Sheet*" in the Conservation Management Plan dated November 2002 fails to acknowledge the surviving section of 1917 balustrade between levels 5 and 6 of 147 King Street.

The piece of balustrade shall be conserved and retained and recorded as part of the photographic archival documentation.

- (7) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

INTERPRETATION STRATEGY

- (8) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development Projects.
 - (a) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.

- (b) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development and Projects prior to the issue of an Occupation Certificate.
- (9) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

COST SUMMARY REPORT

- (10) **Prior to the release** of the Construction Certificate, a **Cost Summary Report from a registered Quantity Surveyor** shall be submitted to Council indicating the total cost of the development, total site area (m²) and the following costs ratios for the development:
 - (a) Professional fees as a % of construction cost and total cost;
 - (b) Demolition and site preparation per m² of site area and total cost;
 - (c) Excavation per m² of site area and total cost;
 - (d) Construction per m² of commercial and residential gross floor area and total cost;
 - (e) Fitout per m² of commercial and residential gross floor area and total cost;
 - (f) Car parking per space and total cost.

SECTION 61 CONTRIBUTIONS

- (11) The Council will consider the documentation submitted under condition No. 10 and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.
- (12) The amount determined and notified by the Council pursuant to condition No. 10 is the amount payable under this condition.
- (13) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (14) 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.

The form of recording is to be as follows:-

- (c) 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.

Schedule 1B

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

CONSTRUCTION CERTIFICATE

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

WASTE MANAGEMENT

- (16)
 - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
 - (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

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

The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

DESIGN MODIFICATIONS

- (17) Due to inappropriate design or the lack of detailed information, the following elements of the building design do not form part of this consent and the design of the building shall be modified/ or information provided as follows:
- (a) **Awnings:** Provide 1:50 set of plans/sections and elevation of glass awning as proposed.
 - (b) **Shopfronts:** The proportions and extensive use of glazing on these elements are unsympathetic to the heritage item. The shopfront of 147 King Street should be clearly distinguishable from the neighbouring shops, given it's heritage context.
 - (c) **First Floor windows (141-145 King Street):** The proportions of these windows would better relate to the adjoining heritage item with a more vertical emphasis and should be left in their original form.
 - (d) **Rooftop plant (mechanical ventilation):** In order to reduce the visual impact of the rooftop plant from surrounding buildings and to consolidate such structures in one location, the proposed plant should be re-located to the south of the lift over run.

The amendments shall be submitted **for the approval of Council** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

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

- (d) be appropriately secured to the building;
- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
- (f) emptying of receptacle/s must be carried out on a daily basis.

ACCESS AND FACILITIES FOR THE DISABLED

- (19) 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.

REFLECTIVITY

- (20) 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.

STORMWATER AND DRAINAGE

- (21) 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

- (22) 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.

SANITARY FACILITIES

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

BUILDING CODE OF AUSTRALIA

- (24) 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).
- (25) 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.

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

- (26) The certifying authority must not issue a construction certificate for the work unless it is satisfied that the fire protection and structural capacity of the existing elements of the building will not be reduced.
- (27) Where egress to a proposed tenancy at the upper level of the building relies upon the non-fire-isolated external stair, travel via the stair shall be provided in accordance with the BCA requirements. Particular attention is drawn to the requirement to provide complying fire doors to the external stair and to satisfy BCA requirements regarding window openings within 3m of the external stair.
- (28) The rising and descending stairs serving as required exits shall be separated in a manner which complies with the BCA.
- (29) In the absence of bounding construction to the internal corridors, the excessive travel distances through the heritage fabric may be retained if an EWIS is provided to improve egress time.

Prior to the issue of a Construction Certificate the applicant shall submit plans for the approval of Council or PCA providing details of the implementation of an EWIS system and how the installation of which will not compromise the Fire Resistance Level of the ceilings.

- (30) The cast iron heritage columns in the basement area shall be protected to achieve an FRL of at least 60 minutes. It is preferred that an intumescent heat resistant coating be applied to these elements to achieve adequate protection.

- (31) Prior to the release of a Construction Certificate the applicant must demonstrate that the construction of the masonry stair riser is sufficient to provide a safe working area for Fire Brigade personnel to the satisfaction of the PCA.
- (32) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (33) Prior to the release of a Construction Certificate the applicant shall provide all necessary details, to the satisfaction of Council, to verify the basis as to how fuel load densities referenced in Fire Safety Assessment Report prepared by ARUP, dated November 2002 have been reported.

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

- (34) 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.**
 - (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
 - (i) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (ii) 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).
 - a. Supply Air Ducts, Shafts and Fans - Blue
 - b. Return Air Ducts, Shafts and Fans - Pink
 - c. Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - d. Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - e. Mixing Boxes and Conditions - Yellow
 - f. Fire Dampers and Electric Heaters - Red

- (iii) 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;
- (b) 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;
- (c) 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

- (35) **Prior to the commencement of work**, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
- (a) **Structural Drawings** 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.

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.

- (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (37) 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.

DEMOLITION DETAILS

- (38) 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).

USE OF MOBILE CRANES

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

Schedule 1D

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

HOURS OF WORK AND NOISE

- (40) 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

- (41) 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

(42) 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.
- (43) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

Schedule 1E

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (44) 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.

OCCUPATION CERTIFICATE

- (45) 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.

- (46) Prior to the issue of an Occupation Certificate, the applicant shall demonstrate to the satisfaction of the PCA, that the existing building structure achieves in its entirety the fire resistance levels assumed in the alternate solution.
- (47) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (48) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (49) 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.
- (50) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (51) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.

HISTORIC MARKER

- (52) 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.
- (53) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

NUMBERING

- (54) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

SPRUIKERS

- (56) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

CARE OF BUILDING SURROUNDS

- (57) 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.

NO PORTABLE SIGNS

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

NOISE - USE

- (59) 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

- (60) 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.

Schedule 2

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

1.

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia* (as in force on the date the application for the relevant construction certificate is made).
- (b) This condition does not apply to:
 - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the *Environmental Planning and Assessment Regulation 2000*; or
 - (ii) the erection of a temporary building.

Carried.

ITEM 11: REVIEW OF CONTRACT ADMINISTRATION (S022802)

FILE NO:

DATE: 17/12/02

MINUTE BY THE LORD MAYOR

To Council:

As part of the organisational reviews that have taken place over the last year and the organisational changes including the appointment of Mr Brad Harris, Director of City Developments and Projects, Council has been addressing issues of project management, particularly having regard to all aspects of budget control and variations.

A number of initiatives are being pursued by the new Director and these include:

- a) Measures to strengthen the expertise and capability of the projects unit, including a review of current positions, skills of the new Manager Projects to be appointed, and the manner in which external resources are used to supplement the projects staff;
- b) Review of strategies for project delivery for each of the current projects, including opportunities for introducing Design and Construct and other contract delivery approaches;
- c) Improving control over projects by directly engaging and managing the design team on larger projects, rather than engaging them through the architect;
- d) Review of the form of contract used for engaging design consultants.

The Director has also been requested to tighten tender specifications to create much greater onus on architects in terms of quality of documentation, to ensure that documentation is complete for construction purposes and that construction in accordance with documentation will be fit for purpose.

There are many claims in the industry for variations including substantial ambit claims and much staff time is wasted dealing with these claims from builders who seek to make some cream on top of their normal contract amount in relation to variations. One particular aspect of variations that is of concern is the contingency sums that are put within projects, which are often allocated during the course of the project by project staff and sometimes too generously.

Therefore I propose that there be amended delegations for approving of contract variations (notwithstanding contingency sums exist within a project budget) to ensure that there is proper accountability and control.

Recommendations:

- A. That the Director of City Developments and Projects and Director of Corporate Services be requested to submit detailed proposals for the General Manager's approval to improve contract administration, financial control and reporting for capital works projects;
- B. The General Manager be directed to ensure that all future tender specifications achieve amongst other things, a tightening of clauses relating to variations including but not limited to the following
- a) Ensuring that architects have an obligation to produce accurate and complete documentation which is suitable for constructing a building which is 'fit for purpose' and retaining rights to claim additional costs from architects where those costs arise from inadequate documentation;
 - b) Ensure that builders have a positive obligation to advise of any variations that may arise from inadequate documentation within three months of the letting of the tender to them.
 - c) Considering other provisions to ensure that variations are more limited and Council's exposure is reduced.
- C. That existing delegations in relation to expenditure of moneys within approved project budgets be rescinded, in so far as they relate to project contingencies, and be replaced by the following;
- a) That the Director of City Developments and Projects must approve all contract variation items within the budgeted contingency for any project to a maximum of \$30,000 each (and that this not be sub-delegated), provided that the cumulative total of these variations do not exceed fifty percent (50%) of the contingency allocated to the project.
 - b) That the General Manager must approve all variations for individual items of expenditure between \$30,000 and \$100,000 and all variation amounts which exceed 50% of the contingency allocated to the project.
 - c) That any individual variation items for projects exceeding \$100,000 will require the joint approval of the Lord Mayor and the General Manager.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 16 December 2002, on Review of Contract Administration, it be resolved that -

- (A) the Director of City Development and Projects and the Director of Corporate Services be requested to submit detailed proposals for the General Manager's approval to improve contract administration, financial control and reporting for capital works projects; when approved, copies to be circulated to Councillors and members of the Audit Committee;

- (B) the General Manager be directed to ensure that all future tender specifications achieve, amongst other things, a tightening of clauses relating to variations including but not limited to the following:
- (i) ensuring that architects have an obligation to produce accurate and complete documentation which is suitable for constructing a building which is 'fit for purpose' and retaining rights to claim additional costs from architects where those costs arise from inadequate documentation;
 - (ii) ensuring that builders have a positive obligation to advise of any variations that may arise from inadequate documentation within three months of the letting of the tender to them;
 - (iii) considering other provisions to ensure that variations are more limited and Council's exposure is reduced;
 - (iv) the issue of defects.
- (C) existing delegations in relation to expenditure of moneys within approved project budgets be rescinded, in so far as they relate to project contingencies, and be replaced by the following:
- (i) That the Director of City Developments and Projects must approve all contract variation items within the budgeted contingency for any project to a maximum of \$30,000 each (and that this not be sub-delegated), provided that the cumulative total of these variations do not exceed fifty percent (50%) of the contingency allocated to the project;
 - (ii) That the General Manager must approve all variations for individual items of expenditure between \$30,000 and \$100,000 and all variation amounts which exceed 50% of the contingency allocated to the project;
 - (iii) That any individual variation items for projects exceeding \$100,000 will require the joint approval of the Lord Mayor and the General Manager.

Carried unanimously.

Closed meeting

At 7.06pm the Extraordinary Meeting of 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 10A2(d)(i) of the Local Government Act 1993 to discuss Items 4, 6 and 7 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

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 5, 8 and 9 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Items 4 to 9 inclusive were then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public.

ITEM 4. EXTENSION OF THE HOMELESS STREET OUTREACH SERVICE (S008854)

Moved by Councillor Marsden, seconded by Councillor Coulton -

That arising from consideration of a report by the Senior Project Co-ordinator - Homelessness Strategy to the Extraordinary Meeting of Council on 16 December 2002, on Extension of the Homeless Street Outreach Service, it be resolved that:

- (A) Council extend the contract with the Independent Community Living Association (ICLA) to conduct the City of Sydney Homeless Street Outreach Service until 31 December 2003;
- (B) authority be delegated to the General Manager to enter into a contract on similar terms as that shown at Attachment A to the subject report;
- (C) Council adopt the proposed budget for the City Outreach Service in 2003 as shown at Attachment B to the subject report;
- (D) Council approve the additional funds required for this project be allocated from the special increase approved by the Minister for Local Government in 2002 for 'Quality of Life Services'; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Amendment moved by Councillor Greiner, seconded by Councillor Farr-Jones -

The deletion of the date 31 December 2003 in clause (A) and the substitution of the new date of 30 June 2003.

The amendment was lost on the following show of hands -

Ayes (2) Councillors Farr-Jones and Greiner

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

The motion was carried on the following show of hands -

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

Noes (2) Councillors Farr-Jones and Greiner

Motion carried.

Declaration of Interest

Prior to discussion on Item 5, the Chairman (the Lord Mayor) declared an interest in that part of the subject item relating to the Hephzibah Tintner Foundation, in that he is Chairman of the Board of Trustees of that Foundation.

ITEM 5. CULTURAL FUNDING - TRIENNIAL AGREEMENTS (S022803)

Moved by Councillor Coulton, seconded by Councillor Marsden -

That arising from consideration of a report by the Manager Events, Cultural and Community Affairs to the Extraordinary Meeting of Council on 16 December 2002, on Cultural Funding - Triennial Agreements, it be resolved that:

- (A) the City sponsor Ausdance's Dance Awards and Metro Moves, to a combined value of \$38,000 for three years, 2003/4 to 2005/6;
- (B) the City sponsor Sydney Dance Company for three years at \$75,000 per annum for 2003/4 to 2005/6;
- (C) the City commit to the Sydney Food and Wine Fair for three years to a value of \$30,000 per annum including real cash VIK, for 2003/4 to 2005/6;
- (D) the City commit to Australia Day Council of NSW for three years to a value of \$60,000 in cash and up to \$40,000 real cost VIK for 2003/4 to 2005/6;
- (E) the City commit to the Sydney Asia Pacific Film Festival for three years to a value of \$10,000 cash, for 2003/4 to 2005/6;
- (F) the City sponsor an Australian Business Arts Foundation Award when the Awards are held in Sydney in 2003 and 2005, to the value of \$25,000 per annum;
- (G) authority be delegated to the General Manager (in consultation with the Lord Mayor) to explore options with Pegasus Venue Management Pty Ltd to facilitate the increased use of the City Recital Hall;
- (H) the Council commit to the Sydney Writers Festival for three years to a value of \$180,000 per annum in cash and \$20,000 per annum in kind, making a total of \$200,000 per annum for the years 2003/4-2005/6;

- (I) Council endorse the Hephzibah Tintner Foundation and agree to provide value in kind, including administrative assistance, meeting rooms and, subject to the Lord Mayor's approval (or the General Manager's approval during the term of the current Lord Mayor), the hosting of functions for the Foundation.

Amendment. At the request of Councillor Greiner and by consent the motion was amended by the deletion of clause (I) and the substitution of the following new clause (I) -

- (I) Council endorse the Hephzibah Tintner Foundation and commit \$10,000 per annum as well as agree to provide value in kind, including administrative assistance (for three years), meeting rooms and, subject to the Lord Mayor's approval (or the General Manager's approval during the term of the current Lord Mayor), the hosting of functions for the Foundation.

The motion, as amended by consent, was carried unanimously.

ITEM 6. GATEWAYS PROJECT - AGREEMENT WITH RTA (S019312)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 16 December 2002, on the Gateways Project - Agreement with the Roads and Traffic Authority (RTA), it be resolved that:

- (A) Council commit to the completion of the Gateways Projects by 31 December 2007 (subject in part to boundary changes), noting that William Street is to be completed by the RTA (also by 31 December 2007);
- (B) Council approve entering into the Gateways Agreement referred to in the subject Memorandum by the General Manager, subject to negotiations being finalised;
- (C) authority be delegated to the General Manager, with the concurrence of the Lord Mayor, to finalise negotiations on behalf of Council;
- (D) Council's attorney be authorised to execute the finalised Gateways Agreement.

Carried unanimously.

ITEM 7. CUSTOMS HOUSE RECONSTRUCTION - PROJECT MANAGEMENT SERVICES - RESULT OF TENDER (S019745)

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

That arising from consideration of a report by the Manager - Design, Architecture and Urban Design to the Extraordinary Meeting of Council on 16 December 2002, on Customs House Reconstruction - Project Management Services, Result of Tender, it be resolved that:

- (A) Council reject all tenders;
- (B) Council not invite fresh tenders for project management services as it proposes to enter into negotiations with the tenderer identified in paragraph 20 of the subject report. If negotiations are unsuccessful, then Council negotiate with other project management firms;
- (C) authority be delegated to the General Manager to enter into contracts for project management services to upper limit fees as outlined in paragraph 20 of the subject report; and
- (D) Council's attorney be authorised to execute all necessary documentation.

The motion was carried on the following show of hands -

Ayes (6) The Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull

Noes (1) Councillor Greiner

Motion carried.

ITEM 8. ULTIMO AQUATIC CENTRE (UAC) – EXPRESSIONS OF INTEREST SHORTLIST AND APPROVAL TO TENDER (S020942)

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

That arising from consideration of a report by the Senior Project Manager to the Extraordinary Meeting of Council on 16 December 2002, on the Ultimo Aquatic Centre (UAC) - Expressions of Interest Shortlist and Approval to Tender, it be resolved that Council:

- (A) endorse the shortlist of building contractors;
- (B) approve that the shortlisted building contractors be invited to tender.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 13/12/02

MINUTE BY THE LORD MAYORTo Council:

Attached for consideration by Council at its Meeting on 16 December 2002 is a confidential report on Appointment of Leasing Agent - Town Hall House.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

**ITEM 9. APPOINTMENT OF LEASING AGENT - TOWN HALL HOUSE
(S02-1736)**

Moved by Councillor Coulton, seconded by Councillor Ho -

That arising from consideration of a report by the Manager Property to the Extraordinary Meeting of Council on 16 December 2002, on Appointment of Leasing Agent - Town Hall House, it be resolved that:

- (A) Council not invite tenders to select a real estate agency to conduct the leasing of Levels 19, 20, 21, 22 and 23 Town Hall House given the following extenuating circumstances:
 - (i) Fee proposals were invited from four of the major real estate agencies in the city by way of Expression of Interest;
 - (ii) The fee proposals from FPD Savills represents the best value given the experience level of the leasing team and the fee;
 - (iii) A formal tender process will delay intensifying the leasing process, which could result in prospective tenants being lost and revenue foregone;
- (B) Council endorse the engagement of FPD Savills to undertake the leasing campaign for the above vacant space and authority be delegated to the General Manager to finalise the terms of an agreement for that purpose;
- (C) Council's attorney be authorised to execute the agreement.

Carried unanimously.

At 7.28pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 24 February 2003 at which
meeting the signature herein was subscribed.