



28 JULY 2003

Meeting No 1388

MINUTES of a Meeting of the Council of the City of Sydney held in the Reception Room at the Sydney Town Hall, commencing at 5.57pm on 28 July 2003 pursuant to Notice 13/1388 dated 24 July 2003.

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PRESENT

The Right Hon The Lord Mayor Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 5.57pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Greiner, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 30 June 2003, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. COUNCILLOR ROBERT HO - COMMENDATION**MINUTE BY THE LORD MAYOR**

I move:

That Council formally records its commendation of Cr Ho for his brave and timely response to recent events.

Over recent times there has been a spate of kidnappings of wealthy business people and students in the Haymarket area of Sydney. The NSW police force has encountered difficulties in obtaining information leading to the apprehension of the criminals involved in these activities. This reluctance arises in part due to intimidation of the local community, and in part from cultural differences.

On 9 July, Mr Phillip Chau, co-owner of BBQ King in Goulburn Street and a business partner of Cr Ho, was kidnapped while leaving the restaurant. Cr Ho's determination, courage and cooperation following this event led to the arrest of the kidnappers. He risked his own safety by this demonstration of confidence in the NSW police.

Cr Ho's actions have built a greater bridge of trust between the police and the local Chinese communities. Relations between other ethnic communities and the police will also be strengthened as a result of his actions. It is a clear signal that the NSW Police take these matters very seriously indeed and will thoroughly pursue any criminal activity that is reported to them.

Cr Ho's bravery in the face of considerable personal risk has highlighted the benefits when police and ethnic communities work together.

The City of Sydney commends him on his efforts and extends our best wishes to his business partner, Mr Chau, for a speedy and complete recovery and an early return to work.

(SGD) COUNCILLOR LUCY TURNBULL
Lord Mayor

Note - In speaking to her Minute, the Lord Mayor lauded Councillor Ho's actions and extended the City's sympathy, support and encouragement to Councillor Ho's business partner, Mr Philip Chau.

Councillor Greiner spoke in support of the motion.

In response, at the invitation of the Chair (the Lord Mayor), Councillor Ho said that his decision to help Mr Chau, his friend of 18 years, was the right thing to do. Councillor Ho added that he was pleased things had turned out positively and that he had done his duty as a citizen. Councillor Ho also praised the New South Wales Police for their efficiency and the guidance they provided.

Councillors, staff and the public gallery responded to Councillor Ho's remarks by acclamation.

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

That the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 28/7/03

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 28 July 2003 is a Memorandum by the General Manager on Goulburn Street Car Park.

I bring this item forward for the consideration of Council.

(SGD) COUNCILLOR LUCY TURNBULL

Lord Mayor

ITEM 3. GOULBURN STREET CAR PARK**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

Purpose

To respond to some media reporting of last week which implied that the City's Car Park may have some safety problems.

Background

The City has a 99 year lease on the Car Park with the State Rail Authority of which about 57 years remains. The Car Park was built in accordance with SRA requirements and in excess of the relevant building codes. Regular maintenance has been performed by the City since its construction.

The Car Park has operated for the past 42 years safely and successfully.

The City undertook a review of the building's structural integrity in 1992. Works subsequently proceeded to improve the original design by the addition of steel columns throughout the structure and the addition of bracing structures. These significant strengthening works on the building's structure were again undertaken in accordance with SRA's requirements. On 11 April 1994 the City's engineers Taylor Thomson Whitting provided certification as to the building's structural adequacy (see Attachment A).

Most recently, on 14 November 2002, TTW advised the City that "the structure itself appears sound as it has not shown any signs of significant deterioration over the last 8 years since it was strengthened and certified for that works" (see Attachment B).

I am advised that the alleged safety risk associated with a train derailment has been publicly discussed from time to time over the years. However, the SRA has previously advised the City that all appropriate risk mitigation measures have been implemented. Obviously, the operation of the rail network is a matter beyond the City's control.

Recent Events

On 6 June 2003 I received advice from Mr Russell McKinnon, General Manager for Asset Management with the Office of Coordinator General of Rail, that SRA had recently received a draft visual engineering report of the structural condition of the Car Park which raised some potential safety issues. The City was advised that the "assessment is qualified, however the risk requires urgent quantification".

In response, I requested a copy of the draft report referred to by SRA, which I now know to be the report prepared by Meinhardt Engineering. This was provided to the City on 11 June 2003.

The Meinhardt Report basically observed that the Car Park may be susceptible to an "accidental event" eg from a large vehicle being driven into it or by a derailed train striking out a number of the building's columns.

In my response to Mr McKinnon I also requested from the SRA "all known engineering reports, technical and any other relevant reports/advice which may be relevant to the City's safe operation of its business". I have received no response to this request.

It should be noted that the Daily Telegraph of 25 July 2003 reported that the Rail Infrastructure Corporation in September 2002 received a report prepared by Cardno BLH which assessed the risk of a train derailment damaging the City's Car Park and made recommendations as to how the risk could be eliminated. This Report has never been made known to the City by SRA.

According to the Daily Telegraph, the Cardno Report made a number of recommendations for reducing the possibility of a train derailment and to reduce the consequences of a derailment. The estimated cost of implementing these recommendations was \$1 million.

The City will be requesting that the SRA immediately provide a copy of the Cardno Report.

The Lord Mayor and I met with the Transport Services Minister, Mr Michael Costa, on 11 June 2003 where the Car Park and the Meinhardt Report was discussed. Following this meeting, I forwarded the City's engineering certification for the Car Park to the Minister's office. While disputing the veracity of some comments in the Meinhardt Report, I also advised the Minister's office that "for an abundance of caution I have instructed City staff to immediately install concrete jersey type barriers at appropriate locations on the footpath adjacent to the car park to ensure that the extremely unlikely scenario (referred to in the Report) cannot possibly occur".

The concrete barriers had to be sourced from Queanbeyan and were installed as soon as possible in accordance with my instructions.

On 13 June 2003, I initiated a meeting with Mr Kent Donaldson, the Rail Safety Regulator, where agreement was reached that the City would conduct further inspections of the building if Mr Donaldson considered them necessary. Mr Donaldson has made no subsequent requests of the City.

On 19 June 2003, I met with Ms Fran Macpherson, Deputy CEO of State Rail to discuss the Car Park and the Meinhardt Report. I wrote to Ms Macpherson summarising the outcome of that meeting on 7 July 2003 (see Attachment C). This correspondence contained the City's preliminary analysis of the Meinhardt Report.

It should also be noted that Mr Vince Graham, the CEO of State Rail, publicly stated on 25 July 2003 that "the car park itself is structurally sound". Mr Graham also stated that SRA would work with the City to reach any "sensible judgements" that may be necessary in respect to the building.

Conclusion

All the objective evidence demonstrates that the Car Park itself is structurally sound. Provided the City provides ongoing maintenance, as it has been doing, this situation will remain. The cost of this ongoing maintenance will obviously increase over the remaining 57 years of the lease.

While the building itself is visually unattractive, the City operates a very successful business at Goulburn Street. Net annual revenues are in excess of \$3 million which contributes significantly to the delivery of services and community programs. Any possible redevelopment of the site is constrained by this fact.

The City has done all within its power to address the vehicle impact scenario postulated in the Meinhardt Report and believes the current measures to be satisfactory. We will continue to work with our engineers to address the visual impact of the building in the manner that will add even further structural support to the building.

The other Meinhardt scenario, that of a train derailment, is comprehended by the SRA's Cardno Report. For reasons best known to itself, the SRA has chosen not to reveal the Cardno Report and its recommendations to the City. These recommendations need to be further explored as a matter of priority with SRA to determine their feasibility.

While not liable to do so, the City should also offer to contribute to the costs of implementing the Cardno recommendations if they are considered to be of merit and will render the operation of the Car park even safer. This offer should be made in the interests of public safety and as a means of ensuring the works are completed without delay.

The City has always considered public safety to be the paramount consideration in respect to its operation of the Car Park. This is illustrated, for example, by the rapid installation of the concrete barriers in Elizabeth and Castlereagh Streets immediately after receipt of the draft Meinhardt Report.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 28 July 2003, on Goulburn Street Car Park, it be resolved that:

- (A) the General Manager, in consultation with the Lord Mayor, is to hold urgent discussions with the State Rail Authority (SRA) on the recommendations contained in the report by Cardno BLH to mitigate further against the consequences of a train derailment under the Goulburn Street Car Park;
- (B) Council approve a contribution of up to \$500,000 towards the implementation of the Cardno recommendations if the City believes they have merit;
- (C) the City's contribution is to be offered in the interests of public safety and does not represent any admission of any liability towards these costs which ordinarily should be borne by the SRA.

(SGD) ROBERT DOMM
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 28 July 2003, on Goulburn Street Car Park, it be resolved that:

- (A) the General Manager, in consultation with the Lord Mayor, hold urgent discussions with the State Rail Authority (SRA) on the recommendations contained in the report by Cardno BLH to mitigate further against the consequences of a train derailment under the Goulburn Street Car Park;
- (B) Council approve a contribution of up to \$500,000 towards the implementation of the Cardno recommendations if the City believes they have merit;
- (C) the City's contribution is to be offered in the interests of public safety and does not represent any admission of any liability towards these costs which ordinarily should be borne by the SRA; and
- (D) Councillors be briefed on the legal status of the terms of the lease, on the obligation to maintain the building, on the structural condition of the building and on the Cardno report.

Carried.

ITEM 4. MATTERS FOR TABLING

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

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

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 21 JULY 2003

PRESENT

Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 6.27 pm those present were -

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

Councillor Greiner arrived at the meeting at 6.32 pm during discussion on Item 5.1.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee as he was overseas.

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

That the apology from Councillor Ho 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:

1. Development Application: 6-10 Sparkes Street (also known as 16-20 Larkin Street), Camperdown
4. Development Application: 184-190 Pitt Street Sydney (Skywalk at Sydney Tower)
3. Development Application: Kyle House, 27-31 Macquarie Place, Sydney
2. Development Application: 64-106 Mallett Street, Camperdown

The meeting of the Planning Development and Transport Committee concluded at 7.33 pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of Monday 21 July 2003 be received, and the recommendations set out below for Items 5.2 and 5.4 be adopted, with Item 5.3 being noted and Item 5.1 being dealt with as shown immediately following that items.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: 6-10 SPARKES STREET (ALSO KNOWN AS 16-20 LARKIN STREET), CAMPERDOWN (S2002/01423)

5.1

That arising from consideration of a report by the Temporary Specialist Planner to the Planning Development and Transport Committee on 21 July 2003 in relation to Development Application S2002/01423 made by Rudi Valla for the site at 6-10 Sparkes Street, Camperdown, it be resolved that -

- (A) the applicant be advised:
- (i) of the concerns outlined in the subject report, those being -
 - (a) the floor space ratio is to be no greater than 2:1;
 - (b) the building height is to be no greater than 12 metres;
 - (c) all residential apartments must comply with the provisions of Part 6.1 of the Central Sydney Development Control Plan 1996, including the requirement for a minimum 2.7 metre floor to ceiling height for all habitable rooms;
 - (d) the height and bulk is to be reduced so that there is no adverse impact on the heritage significance of the adjoining heritage items at 12 and 14 Sparkes Street and to reflect the predominant and historical two storey context within which the development is located; and
 - (e) the location of garbage areas is to be more accessible for Council's garbage collection service;
 - (ii) to withdraw the development application or submit a significantly amended proposal that satisfactorily addresses the matters identified in the subject report, within twenty eight (28) days;

- (iii) notwithstanding the foregoing, Council may allow more flexibility in assessment of the revised plans where the amended design fits within the existing building envelope and high quality residential amenity is achieved;
- (B) authority be delegated to the General Manager, in consultation with the Lord Mayor, to determine the subject application if the City has not received, within 28 days, a significantly amended proposal to the satisfaction of the Director City Development and Projects.

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

That the motion be amended by the deletion in clause (B) of the words "Lord Mayor" and the substitution of the words "Council, or Councillors be briefed".

The amendment was lost on the following show of hands -

Ayes (2) Councillors Farr-Jones and Greiner

Noes (4) The Chair (the Lord Mayor), Councillors Coulton, Ho and Marsden

The motion was carried on the following show of hands -

Ayes (4) The Chair (the Lord Mayor), Councillors Coulton, Ho and Marsden

Noes (2) Councillors Farr-Jones and Greiner

Motion carried.

Note - Mr Stephen Browne and Mr Rudi Valla addressed the meeting of the Planning Development and Transport Committee on Item 5.1.

**DEVELOPMENT APPLICATION: 64-106 MALLETT STREET, CAMPERDOWN
(DA 2003/00295)**

5.2

That arising from consideration of a report by the Town Planner to the Planning Development and Transport Committee on 21 July 2003, in relation to Development Application 2003/0295 made by University of Sydney for the site at 64-106 Mallett Street Camperdown, for use of buildings 'G' & 'H' for University of Sydney's Brain and Mind Research Institute and refurbishment of the buildings, it be resolved that:-

- (A) a "deferred commencement" consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the creation of an easement for light and air burdening No 108 Mallett Street in favour of the subject site. This easement shall be placed on the title of the affected property and is to be for the full length of the southern elevation of the building, have a minimum width of 3m and shall be unlimited in height.

Documentary evidence of the creation of the above easement shall be submitted to Council's satisfaction within 3 months from the date of this "deferred commencement" consent;

- (B) subject to the satisfactory completion of the above requirement, the development consent shall operate subject to the following conditions and any conditions reasonably arising from consideration of clause (A) above:

Schedule 1A

Approved Development

- (1) Development must be in accordance with Development Application No. 2003/00295 dated 8 April 2003 and information and drawings numbered A001, A101, A102, A103, A104, A111, A112, A114, A121, A201, A202, A203, A301, A302 (all Revision A) dated February-March 2003 and exterior finishes schedule sheet 1 to sheet 4 dated 8 April 2003 by Council stamp, prepared by Jackson Teece Chesterman Wills Pty Ltd and as amended by the following conditions:

GENERAL HERITAGE REQUIREMENTS

- (2) An experienced heritage practitioner is to be engaged to oversee all aspects of the work related Building G including the strip out, demolition phase, refurbishment, additions and refitting of the building.
- (3) The eastern wall of the recessed balcony on level two of Building G, shown to be deleted on Plan A 102 A, is to be retained.
- (4) On level 6 of Building G the existing walls separating the front stair landing area from the rest of the floor are to be retained and should be upgraded, if required, to have a two hour fire rating. The proposed two hour fire rated walls separating the front stair landing area from the rest of the floor on level 6 of Building G shown on the Plan A 114A is to be deleted.

PARKING

- (5) A total of 10 off-street visitor's car parking spaces shall be allocated for clinic visitor use associated with this development.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- (6) 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.

BUILDING CODE OF AUSTRALIA

- (7) The construction of the enclosure of stair 1 must be in accordance with Part D2 of the Building Code of Australia.

CERTIFICATION OF MECHANICAL VENTILATION

(8)

- (a) 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 prior to commencement of any mechanical services work.
- (b) To enable certification, the mechanical ventilation documentation shall include:-
- (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;
 - (iv) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier and a microfilm set of the certified drawings must be submitted to Council;
 - (v) 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 - MINOR WORKS

(9)

- (a) Prior to commencement of work, the following documentation must be submitted to the Council.
 - (i) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (ii) A Structural Certificate for Design, submitted in the form of Attachment S1, after the structural drawings have been checked and comply with:-
 - a. The relevant clauses of the Building Code of Australia (BCA);
 - b. The relevant conditions of Development Consent;
 - c. The Architectural Plans incorporated with the Construction Certificate; and
 - d. The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (iii) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (b) Notes
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume.
 - (ii) Appropriate current professional indemnity insurance.
 - a. 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.
 - b. Certification of Inspection/s is also required prior to use. See Schedule 1E Conditions.

FIRE SAFETY

- (10) The fire safety measures to be installed in the building and the scope of works to be carried out must be in accordance with the report 'Building Code of Australia Assessment Report, 100 Mallett Street Camperdown, by BCA Logic, Report No.03060/sc, dated 15 April 2003.'

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (11) Prior to Occupation of the premises 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, and a microfilm set of the certified drawings must be submitted to Council.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (12) Prior to use of the premises, a Structural Inspection Certificate in the form of Attachment S1C must be submitted to the Council 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.

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.

PUBLIC WAY

- (13) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (14) 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.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

CONTROL OF RUN-OFF DURING CONSTRUCTION

- (15) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

DEMOLITION WORKS

- (16) 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.

APPROVED DESIGN ROOF-TOP PLANT

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

HOURS OF WORK AND USE OF CRANES

- (18) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from Council for the use of a mobile crane;
 - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings; and

- (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and Council.

NOISE – USE

- (19) 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

- (20) 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.

STORMWATER (GENERAL)

- (21) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (22) 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 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 Occupation of the premises.

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.

CARE OF BUILDING SURROUNDS

- (23) 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.

RECEPTACLES FOR CIGARETTE BUTTS

- (24) 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 occupation of the premises, 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.

REMOVAL OF GRAFFITI

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

NUMBERING

- (26) Prior to occupation of the premises, 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.

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 Item 5.3 was dealt with by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: KYLE HOUSE 27-31 MACQUARIE PLACE, SYDNEY (D2003/00252)**5.3**

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 21 July 2003, in relation to Development Application D03/00252 made by Kyle House Pty Ltd for the site at 27-31 Macquarie Place (Kyle House), Sydney, for general conservation works and award of Heritage Floor Space, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A**Approved Development, Contributions and Covenants**

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
 - (a) Development Application No. 03/00252 dated 8 April 2003;
 - (b) The Conservation Management Plan titled 'Kyle House 27-31 Macquarie Place, Sydney' prepared by Graham Brooks and Associates Pty Ltd dated September 2000;
 - (c) Development Application Report titled 'Conservation Works & Application for the Award of Transferable Heritage Floor Space' prepared by Noel Bell Ridley Smith and Partners dated March 2003;
 - (d) Addendum Report titled 'Conservation Works & Application for the Award of Transferable Heritage Floor Space Addendum Subject to the Approval of Development Application D/03/00252 by Sydney City Council' prepared by Noel Bell Ridley Smith and Partners dated 26 June 2003;

and as amended by the following conditions:

COMMISSION OF CONSERVATION ARCHITECT

- (2) 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.
- (3) 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.
- (4) Repair work to the original building fabric is to match as closely as possible the original details.
- (5) New internal and external finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
- (6) 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.

INTERPRETATIVE SIGNAGE

- (7) Details of interpretative signage, which is to include an interpretative display mounted on the building itself in a publicly accessible location, is to be submitted to for the approval of Director City Development and Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act. The signage is to be in accordance with guidelines of the Interpretative Strategy outlined in the Addendum Report dated 26 June 2003. It is to illustrate the history, development and significance of the site and be prepared under the supervision of a suitably qualified heritage consultant.

AWARD OF HERITAGE FLOOR SPACE

- (8) The owner may be awarded 1,336sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
 - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;

- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 4,530sqm.
- (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 1,336sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

**SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT
– SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION
CERTIFICATE**

- (9) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-
 - (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the 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.
 - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

SIGNS

- (10) 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.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (11) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
 - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

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.

ARCHEOLOGICAL INVESTIGATION

(12)

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Schedule 1B

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

- (13) 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

- (14) 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, unless otherwise determined by the Director City Development and Projects;
 - (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, subject to heritage considerations and to the satisfaction of the Director City Development and Projects;
 - (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 on working days.

PAVING MATERIALS

- (15) The surface of any new material, other than to replace existing terrazzo, 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.

SANITARY FACILITIES

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

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (17) 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.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS

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

Notes

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

- (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (19) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

USE OF MOBILE CRANES

- (20) 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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (21) 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

- (22) 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.

- (23) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (24) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (25) 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.
- (26) 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

- (27) 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.
- (28) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (29) 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.
- (30) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

(31) Notes:

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

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (32) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (33) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.

CARE OF BUILDING SURROUNDS

- (34) 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.
- (35) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

NOISE - USE

- (36) 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 subclause 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

- (37) 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.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Schedule 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the NSW Heritage Office are as follows:

- (38) The development of the site is to be carried out in accordance with the Report "Development Application Conservation Works & Application for the Award of Transferable Heritage Floor Space" prepared by Noel Bell Ridley Smith & Partners Pty Ltd March 2003 as amended by the following conditions.
- (39) An application under section 60 of the Heritage Act must be submitted to and approved by the Heritage Council prior to the commencement of the development.
- (40) The condition of the existing flagpole is to be documented and submitted to the Heritage Office for consideration of the Director. If the Director agrees that the flagpole requires replacement the existing flagpole is to be recorded, a copy of which is to be submitted to the Heritage Office prior to its replacement.

- (41) The original steel window frames on the western elevation are to be conserved in situ with approval for any replacement elements to be sought under section 60 of the Heritage Act.
- (42) Details of the following specific elements of the development are to be submitted to the Heritage Office to the satisfaction of the Director prior to the commencement of their construction:
- (a) proposed signage and street numbers and method of fixing which minimises damage to original fabric;
 - (b) proposed entry doors and windows to the ground level shops;
 - (c) finials for the balustrade of the mezzanine landing;
 - (d) interpretative display and its location and method of fixing which minimises damage to original fabric;
 - (e) colour schemes for elements proposed to be painted;
 - (f) proposed flagpole and method of fixing; and
 - (g) birdproofing scheme and method of fixing which minimise damage to original fabric

Carried unanimously.

Note - Mr Laurence Rodney addressed the meeting of the Planning Development and Transport Committee on Item 5.3.

**DEVELOPMENT APPLICATION: SYDNEY TOWER (CENTREPOINT)
184-190 PITT STREET SYDNEY (D2003/00145)**

5.4

That consideration of this matter be deferred to the meeting of Council on 28 July 2003.

Carried.

Note - This matter was dealt with by Council as Item 6 on the Business Paper.

Note - The Hon. Gary Punch and Mr Paul Sexton addressed the meeting of the Planning Development and Transport Committee on Item 5.4.

**ITEM 6. DEVELOPMENT APPLICATION: SYDNEY TOWER
(CENTREPOINT) 184-190 PITT STREET, SYDNEY**

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

That arising from consideration of the report by the Director City Development and Projects, to the Planning Development and Transport Committee on 21 July 2003, and to Council on 28 July 2003, in relation to Development Application D/03/00145 made by Sydney Tower Observatory Pty Ltd for the site at 184 – 190 Pitt Street, Sydney for the alterations and additions to the Sydney Tower to enable its use as a tourist viewing facility called Skywalk, it be resolved that:-

(A) Clause 30 (Sun Access Plane) of the Central Sydney LEP 1996 does not apply in this instance as the proposal is a refurbishment of the existing tourist facilities which exist in the building having regard to the following.

- (i) The proposal does not involve any increase in FSR of the building nor any additional enclosed areas;
- (ii) The proposal will refresh and renew the existing building and its use to the benefit of the general public;
- (iii) The materials to be used are similar to and the design of the structures consistent with that of the existing turret and the proposed structures are relatively minor; and
- (iv) The proposal will result in no additional overshadowing to Hyde Park on 21 June between 12:00 noon and 2:00 p.m. and therefore, will preserve the fundamental objective underlying the sun access plane provisions of Clause 30.

(B) Development 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. D/03/00145 dated 04 March 2003 and Statement of Environmental Effects – Addendum to DA2003/00145 prepared by Architectus Sydney Pty Ltd, dated July 2003 and drawings numbered:
- 182-003-017 Rev: A stamped received by the Council on 04/07/03 and titled “Sky Walk” Platform Proposal General Arrangement Sydney Tower, prepared by R.M. Baird & Associates P/L,
 - 182-003-018 Rev: A stamped received by the Council on 04/07/03 and titled “Sky Walk” Platform Proposal Access Arrangement Level 5 Sydney Tower, prepared by R.M. Baird & Associates P/L,
 - 0311 stamped received by the Council on 04/07/03 and titled “Shadow Diagram” prepared by JM Computer Modelling,
 - 0303-DA-01 Issue B dated 24-03-03 titled “Internal theatrette fitout plan”, prepared by Melocco & Moore Architects Pty Ltd, and
 - 0303-DA-02 Issue B dated 24-03-03 titled “Theatrette fitout internal elevations”, prepared by Melocco & Moore Architects Pty Ltd.

and as amended by the following conditions:

- (2) The projecting viewing platforms to the north and south shall be reduced in size so that they project no more than 500mm from the extended angle of the building's turret. The effect of this is that both platforms shall be reduced in width (measured from the building's centre) by 494mm. Details shall be to the Council's satisfaction prior to the release of the Construction Certificate.

COMMUNITY LIAISON COMMITTEE

- (2A) A committee shall be established to discuss and resolve matters arising in relation to the operation and management of the Skywalk facility. The Committee shall be attended by the applicant and community representatives invited from parties affected by the proposal, including from David Jones Pty Ltd, Tower Apartments, and the Stockland Trust Group. The Committee shall meet on a regular basis (not less than 6 meetings in the first year; thereafter periods agreed to by the Committee, but not less than twice a year). Minutes of the meetings shall be provided to the Council for record. Should issues arise from the operation and management of the facility which cannot be reasonably resolved by the Committee, then the Director of City Development and Projects may intervene to resolve such issues to the satisfaction of Council. Such intervention may include further restricting the operation of the Skywalk facility where unreasonable impact on the amenity of neighbouring area can be demonstrated.

TRAFFIC MANAGEMENT

- (2B) (a) The use of the facility shall not generate additional coach movements in Market Street which would result in the queuing/standing of coaches in Market Street beyond that currently permitted by the coach parking restrictions.

(b) Group bookings to Skywalk shall ensure that the requirements of Part (a) above are met.

Note: The use of the existing bay is currently restricted to 15 minutes only for coaches between the hours of 10:00am to 6:00pm daily. Any future change in the traffic/parking restrictions will need to be approved by the Sydney Traffic Committee.

SECURITY MANAGEMENT

(2C) The security management measures outlined in the Statement of Environmental Effects and subsequent correspondence shall be implemented, particularly including:

- (a) breath testing of all patrons and provision of lockers for storage of personal effects;
- (b) provision of security gates upon leaving the theatrettes;
- (c) metal detectors as patrons leave the "On air theatres" prior to entering lifts;
- (d) security gate at lift;
- (e) provision of a security gate as patrons pass up the stairs from the observation deck;
- (f) provision of fully trained guides;
- (g) security checks prior to stepping out on to the walkway;
- (h) evacuation procedures for the tower in an emergency and explanation of such procedures to patrons.

The security measures shall be further documented into a Security Plan of Management and submitted prior to the issue of a Construction Certificate, to the satisfaction of the Council. Further, the Security Plan of Management shall be reviewed regularly and re-submitted for endorsement by the Council every three years from the date of commencement of the use. The revisions to the security measures and the Security Plan of Management shall be sufficient to ensure current best practice security measures are employed for the premises.

(3) The applicant shall liaise with Workcover for endorsement and licensing of all public safety aspects of the proposal prior to the commencement of use. Evidence of such approvals shall be provided to the Council, prior to the issue of the Occupation Certificate.

SIGNS

- (4) 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.

EXTERNAL LIGHTING

- (5) 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.
- (6) The following Fire Safety Schedule is required for the proposed change of use under clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

FIRE SAFETY SCHEDULE

Item No.	Required New Measures	Typical Standard of Performance
1.	Fire Hydrants Systems	BCA Clause E1.3
2.	Hose reel system	BCA Clause E1.4
3.	Path of travel for stairways, passageways and ramps	BCA Part D
4.	Portable fire extinguishers	BCA Clause E1.6

PHYSICAL MODELS

- (7) 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
- (8) 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:

- (i) 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.
- (ii) The models are to comply with all of the conditions of the Development Consent.

- (iii) 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.

Schedule 1B

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

- (9) 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.

MATERIALS SAMPLE BOARD

- (10) A materials sample board of all external building materials shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (11) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-
 - (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the 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.
 - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
 - (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
 - (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.
- (12) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

PAVING MATERIALS

- (13) 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.

ACCESS FOR PERSONS WITH A DISABILITY

- (14) 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.

Schedule 1C

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (15) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (16) 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.

HOURS OF WORK AND NOISE

- (17) 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.
 - (d) Note: Pitt Street Mall is not available for vehicular access between the hours of 9:00 a.m. and 9:00 p.m. daily.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (18) 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.

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

- (19) 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.
- (20) 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

- (21) 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.

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (23) 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.

HOURS OF OPERATION

- (24) The hours of operation must be restricted to between 9:00 a.m. and 10:30 p.m. 7 days per week. The last walk of the day will occur at 8:45 p.m. in order to return to the podium level below by 9:00 p.m.
- (25) 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.
- (26) 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).
- (27) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).

- (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
 - (i) Average Corrosion Rate of Hot Dipped Galvanised Coating to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of mild steel in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of mild steel taken to be 10 times the Average Corrosion Rate; and
- (28) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate doubles.
- (29) 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

- (30) 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.
- (31) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (32) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (in accordance with Clause 138 of the Environmental Planning and Assessment Regulation 2000) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.

- (33) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (34) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (35) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (36) 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.

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.

2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

The motion was carried on the following show of hands -

Ayes (5) The Chair (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho and Marsden

Noes (1) Councillor Greiner

Motion carried.

ITEM 7. INVESTMENTS HELD BY COUNCIL AS AT 30 JUNE 2003 (S02-0960)

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

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to Council on 28 July 2003, on Investments Held by Council as at 30 June 2003, it be resolved that the report be received and noted.

Carried.

ITEM 8. QUESTIONS ON NOTICE

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

QUESTIONS WITHOUT NOTICE**COMMUNITY ISSUES - GLEBE (S018724)**

1. By Councillor Greiner -

Question

Lord Mayor, I have a question relating to issues concerning Glebe. Recently I held a meeting with stakeholders of Glebe from the commercial, social welfare and Government agencies, details of which I have furnished to your office.

In the review of the issues that have been raised by the stakeholders of Glebe in terms of security, in terms of safety, and in terms of working with building owners to preserve their shopfronts, would you consider a briefing of Councillors by one of the co-convenors of this meeting to address the issues that have been raised in this forum?

Answer by the Lord Mayor

Councillor Greiner, I will certainly ask the General Manager to take your request into consideration. It seems like a perfectly sensible idea to me.

I have mentioned this briefly to the General Manager but, as Councillors are aware, there has been a community services survey undertaken in what you might call City East - the new eastern parts of the City's area, such as Kings Cross and Darlinghurst.

I have asked the General Manager to consider the wisdom of actually engaging in a similar survey in what you might call City West, and the balance of the City of Sydney area, because I think Councillors would agree that, on the basis of the verbal briefing we received the other day, the community services survey undertaken was a very worthwhile exercise. If we could undertake a similar survey for the Glebe, Forest Lodge, Camperdown and Chippendale areas, that would be very helpful.

So, I will report back to you as to whether the General Manager agrees with that proposition and, if a community services survey is undertaken, that Councillors be briefed as it develops and, possibly, if there was such a briefing, that the consultant used to undertake the community services survey be asked to attend.

WASTE COLLECTION (S018724)

2. By Councillor Greiner -

Question

Lord Mayor, the following issue has been raised with me during the week. May I ask, through you Lord Mayor, if the General Manager could furnish Council with a report on the collection of bottles and trade waste, particularly in the Kings Cross area. I ask that question because of the numerous complaints that I have been receiving from residents about the noise of the bottles being smashed in the back of trucks during collection.

I ask if the General Manager would investigate, through our contractor, if there is some way that we could make the collection of waste a quieter event and whether or not, given traffic constraints, those collections could take place later than 6.00 am, in particular, the bottle recycling. It is the smashing of the bottles that is concerning people because their collection is occurring very early.

Answer by the Lord Mayor

Councillor Greiner, I will ask the General Manager to make enquiries about the collection of the trade waste, including the recycling waste and, particularly, the bottles, and whether there can be steps taken to mitigate the noise. I invite the General Manager to respond.

General Manager

Lord Mayor, I have taken the comments on board and, in fact, to mitigate against the noise issues, with domestic waste we have changed the starting time from 5.30 am to 6.00 am to try and address the noise complaints we had.

I wasn't aware of the issues raised by Councillor Greiner until tonight, but we can certainly talk to our contractors about them. I will raise this matter with the Director of Living City Services to see what can be done.

NOTIFICATION OF DEVELOPMENT APPLICATIONS (S018724)

3. By Councillor Greiner -

Question

Lord Mayor, my next question relates to the issue of notification of development applications. Community groups from both the City East, City West and City South have been used to an alternative form of development application notification, often through a local newspaper. Clearly that delays the process because most of the local newspapers are weekly publications.

I would like Council to investigate ways of notifying the community of development applications through community notice boards which could be positioned in newsagencies, community halls, if we happen to have them in the area, or at some point where the local community could see them, and also review the way we advertise so that we can actually let people know of major developments that might be occurring, not the small domestic residential issues that don't really bother people.

I actually would like to see if we could perhaps use the local newsagency, the local delicatessen or café, or somewhere where people actually would see the notifications.

Answer by the Lord Mayor

Councillor Greiner, in relation to the advertising and notification of development applications, can I say that Council's Draft Advertising and Notification Development Control Plan (DCP) has been on public exhibition. It has yet to come back to the Planning Development and Transport Committee, but will probably be submitted to the next meeting of the Committee for consideration.

As a general comment, I hear what Councillor Greiner says about the attractiveness of advertising in weekly local newspapers. I think it is a very good suggestion and my understanding is that the City will be doing that.

However, there is not complete co-extensiveness between the areas where the local newspapers are delivered and the City of Sydney area. For example, I understand that the Wentworth Courier isn't delivered in, say, East Sydney, Darlinghurst and parts of Woollahooloo, so if you are a resident of Woollahooloo and you have to depend upon getting a copy of the Wentworth Courier, which you don't get delivered to you, that actually could be an onerous condition. Therefore, we have decided that advertising in the Sydney Morning Herald be used as the legal trigger for notification but, as an additional step, development applications will be advertised in the relevant local newspaper. Also, as Councillors would know, the notifications are placed outside the affected development site.

My understanding is that the City undertakes a great effort and goes to great pains to ensure that affected people are notified wherever possible. The local newspapers are a very, very useful tool, as everybody would be aware, but because they are not completely co-extensive with the City of Sydney area we can't rely solely on that so we have to use the Sydney Morning Herald, which is published right across Sydney, as the trigger for notification.

I also ask the General Manager to investigate the possibility of using the community notice boards in the community halls and recreation centres as an additional, supplementary, form of notification and also the possibility of placing notifications in newsagencies and the like.

SISTER CITY RELATIONSHIPS (S018725)

4. By Councillor Ho -

Question

Lord Mayor, the City of Sydney used to have Sister City relations with many cities in the world, but I think towards the end of the former Lord Mayor's term of office they were not so well supported.

I was a member of the Sydney-San Francisco Sister City Committee and the Sydney-Guangzhou Sister City Committee. With my vast experience I think the Committees do promote good cultural, educational, social and economic relations. Also, I think there are other councils, suburban Councils such as Mosman, Manly and Ashfield, which still maintain good Sister City relations.

Therefore, I ask, for the promotion of the City of Sydney, if you would consider restoring the Sister City relationships.

Answer by the Lord Mayor

Councillor Ho, the City has quite a few Sister City relationships and I understand that they do provide great cultural benefits to the City.

I will make enquiries of the Manager Cultural and Community Affairs to ascertain how healthy those relationships are and what we may be able to do to strengthen them.

WASTE COLLECTION (S018725)

5. By Councillor Ho -

Question

Lord Mayor, one Sunday afternoon I was at the corner of Goulburn and Sussex Streets and I noticed a big aluminium garbage bin with three separate containers. I saw a garbage truck pull up and empty one third of the bin and leave the other two-thirds full.

I find it strange because, if you bother to empty one third of the bin, what about the other two-thirds? None of the containers held recyclable waste, it was all mixed.

Lord Mayor, could you let me know why this happened?

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

Lord Mayor, I can't really answer Councillor Ho's question, other than to say it shouldn't have happened. I will take that question on notice and look into the matter.

ITEM 9. NOTICES OF MOTION

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

Closed Meeting

At 6.38pm Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 10 and 14 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 11, 12 and 13 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 10 to 14 inclusive were then dealt with by Council while the meeting was closed to the public.

ITEM 10. SUPPLY OF INTERNATIONAL NEWSPAPERS TENDER 0311 (S20679)

Moved by Councillor Coulton, seconded by Councillor Greiner -

That arising from consideration of a report by the Library Manager to Council on 28 July 2003, on Supply of International Newspapers Tender 0311, it be resolved that:

- (A) Swets Blackwell Pty. Ltd. be appointed as the supplier of international newspapers for three years with an option to extend for a further two years on satisfactory performance;
- (B) authority be delegated to the General Manager to enter into a contract for the services;
- (C) Council's Attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 11. TENDER NO. 0202 - WATER FEATURES MAINTENANCE SERVICE: COMPETITIVE TENDERING ROUND TWO (S019313)

Moved by Councillor Coulton, seconded by Councillor Ho -

That arising from consideration of a report by the Project Manager, Contracts & Asset Management, to Council on 28 July 2003, on Tender No. 0202 - Water Features Maintenance Service: Competitive Tendering Round Two, it be resolved that:

- (A) tender No. 0202 be cancelled;
- (B) a restructured Water Features Maintenance Service, consistent with the subject report, be adopted and put to tender.

Carried unanimously.

ITEM 12. PALINGS LANE/ASH STREET - PROPOSED REDEVELOPMENT AT 338-346 GEORGE ST SYDNEY (DA 97-00697) (S024652)

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

That arising from consideration of a report by the Manager - Property and Assets to Council on 28 July 2003, on Palings Lane/Ash Street - Proposed Redevelopment at 338-346 George Street, Sydney (DA 97-00697), it be resolved that:

- (A) Council consent to the lodgement of development application DA 97-00697, without fettering Council's discretion as consent authority;
- (B) Council enter into a Deed of Settlement, addressing the objectives set out in paragraph 10 of the subject report, and delegate authority to the General Manager to finalise the terms of that Deed;
- (C) Council grant a lease of a substratum of Ash Street, which is reasonably necessary to give effect to the development application DA 97-00697 for a 40 year term at nominal rent, on such terms as are required by the General Manager to protect Council's interests;
- (D) authority be delegated to the General Manager to finalise the terms of the Deed of Settlement, an Agreement to Lease and Lease in accordance with the subject report; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 13. PROPOSED SUBDIVISION - MANNING BUILDING LOT 21/1014952 (S021836)

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

That arising from consideration of a report by the Manager - Property Strategy to Council on 28 July 2003, on Proposed Subdivision - Manning Building Lot 21/1014952, it be resolved that:

- (A) Council, as owner of the land comprised in lot 21/1014952, consent to the formation of a strata scheme pursuant to the Strata Schemes (Leasehold Development) Act, generally in accordance with development application no. 459/03, for the remainder of the term under the lease registered no.7140678;
- (B) authority be delegated to the General Manager, in consultation with the Lord Mayor, to settle the terms of the lease of the common property and the lot leases for the scheme, having regard to the matters set out in paragraph 9 of the subject report;
- (C) the lease for the Common property and the lot leases be executed by Council's attorney;
- (D) authority be delegated to the General Manager, in consultation with the Lord Mayor, to execute, as owner the plan of subdivision, associated 88B instrument, and all other instruments required to allow registration of the strata leasehold scheme.

Carried unanimously.

ITEM 14. SYDNEY TOWN HALL UPGRADE STAGES 3 AND 4: APPOINTMENT OF DESIGN CONSULTANTS (SO24244)

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the Senior Urban Designer, Architecture and Urban Design, to Council on 28 July 2003, on Town Hall Upgrade Stages 3 and 4 - Appointment of Design Consultants, and a review of fee submissions for the project, it be resolved that:

- (A) Council reject all tenders;
- (B) Council not invite fresh tenders, as it proposes to enter into negotiations with the tenderers identified in paragraph 19 of the subject report;
- (C) authority be delegated to the General Manager to negotiate and implement the proposal in paragraph 19 of the subject report, and to enter into a contract for the design consultancy services for the project for an upper fee limit as outlined in paragraph 20 of the subject report; and
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

At 6.55pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 18 August 2003 at which
meeting the signature herein was subscribed.