



24 NOVEMBER 2003

Meeting No 1400

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.32pm on 24 November 2003 pursuant to Notice 25/1400 dated 20 November 2003.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	1009
2. Minutes by the Lord Mayor -	
(A) Proposed Property Purchase.....	1082
(B) Andrew "Boy" Charlton (ABC) Pool Café Lease.....	1082
(C) Local Government Amendment Bill 2003 (on Structural Reform).....	1010

<u>Subject</u>	<u>Page No.</u>
3. Memorandum by the General Manager	1012
4. Matters for Tabling	1012
Reports of Committees -	
5. Special Meeting of the Planning Development and Transport Committee - 3 November 2003.....	1013
6. Planning Development and Transport Committee - 17 November 2003.....	1015
Reports to Council -	
7. Development Application: 41-41B Elizabeth Bay Road, Elizabeth Bay	1069
8. Delegations to Enforce Water Restrictions	1070
9. Questions -	
Questions on Notice	1071
Questions without Notice.....	1073
10. Motions	1077
11. Supply and Storage of Granite Kerbs for Darlinghurst Road Upgrade Project	1084
12. Supply and Storage of Granite Pavers for Darlinghurst Road Upgrade Project	1085
13. Pyrmont Community Centre and Abraham Mott Hall - Floor Replacement Tenders	1085

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 5.32pm those present were:-

The Lord Mayor, Councillors Coulton, Ho and Marsden.

Councillor Greiner arrived at the meeting of Council at 5.36pm during discussion on Item 2C.

Councillor Farr-Jones arrived at the meeting of Council at 5.40pm during discussion on Item 2C.

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**Minutes of Council Meeting of Monday 27 October 2003**

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

That the minutes of the meeting of Council of Monday 27 October 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of Monday 3 November 2003

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

That the minutes of the extraordinary meeting of Council of Monday 3 November 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of Monday 17 November 2003

Note - the minutes of the Extraordinary Meeting of Council held on 17 November 2003 will be submitted for confirmation to the meeting of Council on 15 December 2003.

Order of Business

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, Council resolved that the order of business be altered such that Items 2A and 2B be moved to the end of the meeting and dealt with in closed session.

ITEM 2C: LOCAL GOVERNMENT AMENDMENT BILL 2003

FILE NO:

DATE: 24/11/03

MINUTE BY THE LORD MAYOR

To Council:

The Local Government Amendment Bill 2003 is currently before the NSW Parliament, and the Minister for Local Government, the Hon Tony Kelly MP, delivered his second reading speech on 20 November 2003.

It is understood that the Government are proposing to have the Bill considered by the Legislative Council next week, in order to have it passed immediately.

While structural reform of local government is a desirable objective, there are serious concerns with the proposals contained in the Bill which have serious implications for local government generally. The Bill concentrates excessive power in the hands of the Minister, leaving Councils seriously vulnerable to manipulation for party political purposes. Moreover, it suggests a deviation from the Government's stated policy of no-forced amalgamations.

It is fortunate that the Greens have brought the Bill to our attention, and to the attention of councillors and general managers across local government, given that the State Government has not done so.

Moreover, the Greens have already – and rightly – publicly expressed their concern about the legislation, which has (among other things) provisions that:

- > Remove the right of legal appeal, even where natural justice has been denied.
- > Allow the Minister to propose wards, alternations to ward boundaries, and alterations to councillor numbers.
- > Allow for a local government area to be dissolved with without the need for a public inquiry.
- > Authorise the Director General of the Department of Local Government to make proposals for the constitution of areas, amalgamations and boundary changes to the Minister (at present these can only be made by the Minister, a council or a minimum number of electors).

It is imperative that the legislation be properly reviewed and considered, particularly given the implications it has for local government generally, and the City of Sydney in particular. Moreover, a submission should be made to all parties represented in the Parliament, however this needs to be done expeditiously, given the extremely limited time available due to the Government's agenda.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to the Meeting of Council on 21 November 2003, it be resolved that Council,

- A. Agrees that structural reform of local government is necessary, however this important and far reaching Bill should not be rushed through Parliament in haste.
- B. Calls upon the Government to provide councils and the community at large sufficient time to consider the legislation and its implications.
- C. Notwithstanding this, in view of the Government's desire to rush through these amendments, that authority be delegated to the Lord Mayor to prepare an urgent submission identifying concerns with the legislation, and take measures to oppose actions by the State Government that are not in the best interest of the residents and ratepayers of the City of Sydney.

(SGD) COUNCILLOR LUCY TURNBULL
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 24 November 2003, on Local Government Amendment Bill 2003, it be resolved that -

- (A) Council agree that structural reform of local government is necessary, however, this important and far-reaching Bill should not be rushed through Parliament in haste;
- (B) Council call upon the State Government to provide councils and the community at large sufficient time to consider the legislation and its implications;
- (C) notwithstanding this, in view of the Government's desire to rush through these amendments, authority be delegated to the Lord Mayor to prepare an urgent submission identifying concerns with the legislation and take measures to oppose actions by the State Government that are not in the best interest of the residents and ratepayers of the City of Sydney; such submission to be circulated to Councillors by e-mail prior to it being finalised, noting that the timing of the submission may be very constrained.

Carried unanimously.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

FILE NO:

DATE: 18/11/03

There were no Memoranda by the General Manager for this meeting of Council.

Carried.

ITEM 4. MATTERS FOR TABLING

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

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

Carried.

PETITION

Councillor Coulton tabled a copy of a petition, signed by residents of Millers Point and addressed to NSW police, protesting about the "car hoons" who have been plaguing Hickson Road over the past two years on Friday, Saturday and Sunday nights. Councillor Coulton referred to a letter from the Chairman of the Millers Point-Dawes Point, The Rocks, Residents Action Group to the Premier asking that either Hickson Road be closed late at night for some weeks, with locals using alternate routes, or for the Government to fund off-duty police officers to "blitz" these distressing activities for three nights a week for a month.

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

- (A) that the petition be received;
- (B) it be noted that it may be difficult to close Hickson Road completely because of several cultural venues and hotels which are located there.

Carried.

ITEM 5. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 3 NOVEMBER 2003

Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 6.09pm those present were -

The Lord Mayor, Councillors Coulton, Greiner and Marsden.

Councillor Farr-Jones arrived at the meeting at 6.17pm during discussion on Item 1.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the Special Meeting of the Planning Development and Transport Committee as he was out of Sydney on business.

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.

The Special Meeting of the Planning Development and Transport Committee concluded at 6.37pm.

Report of the Committee

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

That the Report of the Special Meeting of the Planning Development and Transport Committee of its meeting of Monday 3 October 2003 be received, and the recommendation set out below for Item 5.1 be adopted.

Carried.

The Committee recommended the following:-

DEVELOPMENT APPLICATION: OXFORD STREET DARLINGHURST-GATEWAY PROJECT (D/03/00490)

5.1

That consideration of this matter be deferred to a future meeting of Council.

Carried.

Note - Mr Tony Melhem, Mr Tony Leahmann, Ms Jane Anderson, Mr Adrian Boss and Mr Robert Tait addressed the Special Meeting of the Planning Development and Transport Committee on Item 5.1.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 17 NOVEMBER 2003

FILE NO:

DATE: 21/11/03

PRESENT

Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 6.17 pm those present were -

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

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee due to business commitments.

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

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

Carried.

Order of Business

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

6. Development Application: 75 Macleay Street Potts Point
5. Development Application: 41-41B Elizabeth Bay Road, Elizabeth Bay
1. City of Sydney Draft Contaminated Land Development Control Plan 2003
2. Section 96(2) Application: 32-34 Regent Street Chippendale
3. Development Applications: National Building - 248A-250 Pitt Street Sydney
4. Development Application: Cue Design, 152-156 Clarence Street Sydney

The meeting of the Planning Development and Transport Committee concluded at 7.15 pm.

Report of the Committee

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

That the Report of the Meeting of the Planning Development and Transport Committee of its meeting of Monday 17 November 2003 be received, and the recommendations set out below for Items 6.1, 6.2, 6.5 and 6.6 be adopted, with Items 6.3 and 6.4 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

CITY OF SYDNEY DRAFT CONTAMINATED LAND DEVELOPMENT CONTROL PLAN 2003 (P08-02555)

6.1

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 17 November 2003, in relation to Draft City of Sydney Contaminated Land Development Control Plan 2003, it be resolved that Council:-

- (A) endorse the preparation and public exhibition of Draft City of Contaminated Land Development Control Plan 2003, as at Attachment "A" to the subject report, and as prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979; and
- (B) endorse the operation of the City of Sydney Draft Contaminated Land Development Control Plan 2003 as an Interim Policy, effective from the date that public exhibition commences.

Carried.

SECTION 96(2) APPLICATION: 32-34 REGENT STREET CHIPPENDALE (D1998/05458)

6.2

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 17 November 2003, in relation to the Section 96(2) application made by Timwin Consultants to increase the lift shaft height by 180mm (above the approved building height) at 32-34 Regent Street Chippendale, it be resolved that consent be granted as follows:-

(A) That the existing condition (1) be replaced with the following amended condition (1):

- (1) Development must be in accordance with Development Application No. D98-05458 dated 21 December 1998 and Statement of Environmental Effects prepared by GP Webber dated December 1998 and drawings prepared by Timwin Consultants Pty Ltd referenced and dated as follows:

Ground Floor numbered SEC96-A101-A dated 29-05-02;
Level 01 numbered SEC96-A102-A dated 29-05-02;
Level 02 numbered SEC96-A103-B dated 28-06-02;
Level 03 numbered SEC96-A104-B dated 28-06-02;
Levels 04-07 numbered SEC96-A104.1-B dated 28-06-02;
Level 08 numbered SEC96-A105-A dated 29-05-02;
Level 09 numbered SEC96-A106-A dated 29-05-02;

And amended drawings by Timwin Consultants Pty Ltd, referenced and dated:

Roof Level Plan numbered A108 Rev: C dated 03-03-03
East Elevation numbered A201 Rev: B dated 14-01-03
South Elevation numbered A202 Rev: C dated 14-01-03
West Elevation numbered A203 Rev: B dated 03-03-03

(B) That the existing condition (5)(a) be replaced with the following amended condition (5)(a):

- (5)(a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed ~~**RL 51.4 RL**~~ **51.58**. Any proposal to increase this height must be referred to Council for consideration.

Carried.

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

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

Carried.

DEVELOPMENT APPLICATIONS: NATIONAL BUILDING - 284A-250 PITT STREET SYDNEY (D2003/00724 & D2003/00725)**6.3**

Note - This subject matter comprised two separate development applications. The two DAs were dealt with at the meeting of the Planning Development and Transport Committee as follows -

RESOLUTION ONE:

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 November 2003, in relation to Development Application D 03/00724 made by ECL Group Constructions for the site at 248A-250 Pitt Street (National Building) Sydney, for general conservation works, new awning, shopfronts and internal fitout, 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. 03/00724 dated 25 July 2003;
 - (b) The Conservation Management Plan titled 'the National Building 250 Pitt Street, Sydney, Volume 1 Study Report and Volume 2 Room Data Sheets' prepared by Brian McDonald + Associates Pty Ltd dated October 2003;
 - (c) Development Application Report titled 'Heritage Impact Statement' prepared by Brian McDonald + Associates dated 20 June 2003;

(d) Development Application Report titled 'Heritage Floor Space submission for Ashington Group' prepared by Brian McDonald + Associates Pty Ltd dated 14 July 2003;

(e) Plans numbered:

DAS1-099, DAS1-100, DAS1-102, DAS1-350, DAS1-351, DAS1-352, DAS1-353, DAS1-400, DAS1-401 and DAS1-500, prepared by H B O + E M T B dated 1.7.03, 11.7.03 and 24.7.03, except were modified by SK001 revision A prepared by H B O + E M T B dated October 03.

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.
- (7) That a preventative maintenance plan is to be prepared for the building setting out a detailed inspection schedule for preventative maintenance in accordance with maintenance guidelines contained in section 10.6.1 in the Conservation Management Plan prepared by Brian Macdonald and Associates dated 8 October 2003. This Maintenance Plan is to be completed and endorsed by the building owner, and a copy submitted to Council, prior to the registration of the HFS.
- (8) That details and samples of the proposed new materials and finishes are to be provided and approved by the Director City Development prior to the issue of a Construction Certificate.

INTERPRETATIVE SIGNAGE

- (9) 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.

The required interpretation strategy is to be modified to add after the last sentence: "It is also to make specific reference to the original name of the building, the National Building."

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

- (10) 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

- (11) 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

- (12) 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

(13)

- (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

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

RECEPTACLES FOR CIGARETTE BUTTS

- (15) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building;
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
 - (f) emptying of receptacle/s must be carried out on a daily basis.

PAVING MATERIALS

- (16) 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.

SANITARY FACILITIES

- (17) 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

- (18) 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

- (19) 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.
- (20) 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

- (21) 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

- (22) 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

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

HOURS OF WORK AND NOISE

- (25) 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

- (26) 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.
- (27) 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

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (30) 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 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (31) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (32) 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

- (33) 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.
- (34) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

NOISE - USE

- (35) 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

(36) 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.

Carried.

RESOLUTION TWO:

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 November 2003, in relation to Development Application D 03/00725 made by ECL Group Constructions for the site at 248A-250 Pitt Street (National Building) Sydney, for general conservation works, refurbishment, light reflector structure and award of Heritage Floor Space, it be resolved that:

- (A) Council approve the Conservation Management Plan prepared by Brian McDonald + Associates Pty Ltd dated March and April 2003, for the purpose of guiding development of the site and allow an award of Heritage Floor Space.
- (B) the applicant be advised that Council does not support the proposed change in building name from National Building to Ashington Place; and
- (C) 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. 03/00725 dated 25 July 2003;
- (b) The Conservation Management Plan titled 'the National Building 250 Pitt Street, Sydney Volume 1 Study Report and Volume 2 Room Data Sheets' prepared by Brian McDonald + Associates Pty Ltd dated October 2003;
- (c) Development Application Report titled 'Heritage Impact Statement' prepared by Brian McDonald + Associates dated 20 June 2003;
- (d) Development Application Report titled 'Heritage Floor Space submission for Ashington Group' prepared by Brian McDonald + Associates Pty Ltd dated 14 July 2003;
- (e) Plans numbered:

DAS2-099, DAS2-100, DAS2-102, DAS2-102, DAS2-350, DAS2-351, DAS2-352, DAS2-353, DAS2-400, DAS2-401 and DAS2-500, prepared by H B O + E M T B dated 1.7.03, 11.7.03 and 24.7.03; including the following works:

Interior Restoration Works

- repair terrazzo floors
- repair hardwood floors
- repair rendered wall finishes
- return timber directory board to original position
- repair skirtings

Exterior Restoration Works

- treat rust and replace damaged western façade steel windows
- repair delamination or exfoliation of stone façade elements
- repair roof flashings
- repair copper downpipe and rainwater heads
- clean granite facings to columns to ground floor shopfronts

Interior Reconstruction Works

- replace heavily modified doors
- reconstruct ground level entry arches

Exterior Reconstruction Works

- reconstruct new metal window frames with compatible details in lightwell

Interior Intrusive Elements

- remove intrusive toilets
- upgrade toilet facilities
- remove fluorescent light fittings
- repair tenancy doors

Exterior Intrusive Elements

- remove air conditioners and extract fans
- remove and replace waste stacks/waterpipes with more coordinated system to lightwell

Interpretation

- install historic plaque
- install interpretative display

Building Code of Australia Compliance

- provide toilets for disabled persons access
- adapt stairs and handrails
- install fire control centre in unobtrusive location

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.

LIGHTWELL REFLECTOR

- (7) The angles of the reflectors are to be adjusted on installation to ensure environmental glare does not occur on neighbouring buildings. The building manager is responsible for the first 12 months where an adjustment may be needed to cover the change in the sun's location as part of the commissioning.

INTERPRETATIVE SIGNAGE

- (8) 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. It is to illustrate the history, development and significance of the site and be prepared under the supervision of a suitably qualified heritage consultant.

The Interpretation strategy is to be modified to add after the last sentence:
"It is also to make specific reference to the original name of the building, the National Building.

- (9) 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.
- (10) Internal partitions not to abut windows
- (11) That a preventative maintenance plan is to be prepared for the building setting out a detailed inspection schedule for preventative maintenance in accordance with maintenance guidelines contained in section 10.6.1 in the Conservation Management Plan prepared by Brian Macdonald and Associates dated 8 October 2003. This Maintenance Plan is to be completed and endorsed by the building owner, and a copy submitted to Council, prior to the registration of the HFS.

- (12) That details and samples of the proposed new materials and finishes are to be provided and approved by the Director City Development prior to the issue of a Construction Certificate.

AWARD OF HERITAGE FLOOR SPACE

- (13) The owner may be awarded 2,968sqm 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, consent DA 03/00724 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 7609.3sqm.
 - (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 2,968sqm 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

- (14) 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

- (15) 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

- (16) 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

(17)

- (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

- (18) 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

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

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

PAVING MATERIALS

- (20) 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.

SANITARY FACILITIES

- (21) 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

- (22) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding 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

- (23) 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.
- (24) 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

- (25) 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

- (26) 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

- (27) 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.
- (28) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (29) 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

- (30) 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.
- (31) 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

- (32) 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.
- (33) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (34) 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 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (35) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (36) 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

- (37) 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.
- (38) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

NOISE - USE

- (39) 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

- (40) 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.

Carried.

DEVELOPMENT APPLICATION: CUE DESIGN, 152-156 CLARENCE STREET SYDNEY (D2003/00506)**6.4**

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 November 2003 in relation to Development Application D 03/00506 made by Bowden Design Associates for the site at 152-156 Clarence Street, Sydney, for general conservation works and award of Heritage Floor Space, it be resolved that:

- (A) Council approve the Conservation Management Plan prepared by Graham Brooks & Associates Pty Ltd dated June 2003, for the purpose of guiding development of the site and allowing an award of Heritage Floor Space.
- (B) consent be granted subject to the following conditions:-

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

- (1) Development must be in accordance with the following:
 - (a) Development Application No. 03/00506 dated 17 June 2003;
 - (b) The Conservation Management Plan titled 'Cue Clothing Co. Building 152-156 Clarence Street, Sydney' prepared by Graham Brooks and Associates Pty Ltd dated June 2003;
 - (c) Development Application Report titled 'Proposed refurbishment and alterations to existing building Application for award of Heritage Floor Space' prepared by Bowden Design Associates Architects & Planners dated June 2003;
 - (d) Plans numbered DA 01 D, DA 02, DA03, DA04, DA05, DA06 B, DA07 D and DA 08 dated June 2003 prepared by Bowden-Design Associates Pty Ltd which includes the following works:

Basement Level

- New stairs and fire upgrade of the basement level

Ground Level

- New lowered entry floors and access lifts to 3 entry foyers
- Toilets for people with disabilities
- Fire upgrade of level
- Clean repair/repaint ripple iron ceilings

Levels 1-6

- Upgrade of toilet facilities
- Fire upgrade to all levels

Front Façade

- Clean repair stone façade
- Sandback/feather edges of flaking stonework
- Clean & repair stone sills
- Replace defective stone pointing
- Patch holes using coloured mortar to match existing
- Reconstruct stone entrance
- Reconstruct basement windows and pavement lights
- Reconstruct timber shopfront windows
- Clean and repair iron grills
- Reconstruct timber office windows
- Strip/repaint flaking paint
- Clean repair and seal parapet and concrete cornice
- Remove roller shutter and replace with swing gates

Rear Façade

- Clean brickwork and repaint where required
- Reconstruct timber windows
- Clean, strip & seal retained windows
- Repair/conserve steel lintels and timber thresholds
- Consolidate existing services and plumbing lines
- Remove air-conditioning units and make good windows
- Install new fire door – make good existing fire door and remove associated stair
- Conserve, stabilise rust and repaint external steel fire stair

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. 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 2,554sqm 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 4,319sqm.
 - (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 2,554sqm 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;
 - (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.

PAVING MATERIALS

- (15) 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.

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, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) 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 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.

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

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

- (32) 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

- (33) 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.
- (34) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

NOISE - USE

- (35) 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

- (36) 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.

NUMBERING

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

Schedule 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.

Carried.

**DEVELOPMENT APPLICATION: 41-41B ELIZABETH BAY ROAD,
ELIZABETH BAY (U03/00229)**

6.5

That consideration of this matter be deferred to the meeting of Council on 24 November 2003.

Carried.

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

Note - Mr Andrew Woodhouse and Mr Graham Humphrey addressed the meeting of the Planning Development and Transport Committee on Item 6.5.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

**DEVELOPMENT APPLICATION: 75 MACLEAY STREET POTTS POINT
(S/SP/03/00256)**

6.6

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 17 November 2003, in relation to Development Application No. D02/00256 made by CM Hairis Architects for the site at 75 Macleay Street Potts Point, for the demolition of the existing buildings and erection of a part four/part five storey mixed use building containing ground floor retail uses, 11 residential apartments and associated basement carparking, it be resolved that:

- (A) the development's non-compliance with the numerical 12m height limit as prescribed in South Sydney Development Control Plan 1997 is considered acceptable for this proposal, noting the proposal, by condition, will comply with the "36 degree height plane" definition in the DCP and can be considered as "special" under the circumstances for the following reasons:
 - (i) the proposed building is appropriate in scale, compatible and complementary with the urban context of the area;
 - (ii) the height of the proposal is generally consistent with the height of the adjoining buildings;

- (iii) the height will not give rise to significant detrimental impacts on the amenity of the area;
- (iv) the height of the proposed development is comparable to the existing four storey building being demolished;
- (v) the proposed development is located on a prominent street corner and the height of the building is used to reinforce the streetscape;
- (vi) the proposed development achieves compliance with the FSR controls allowed for in the DCP; and
- (vii) the objectives and performance criteria of the South Sydney DCP 1997 are met.

The element of the roof design falling outside the 36 degree plane including terrace treatments and an architectural feature over the entry to the building from Rockwall Crescent can be conditioned to ensure full compliance with the 36 degree plane from all three street frontages (Macleay Street, Rockwall Crescent and Rockwall Lane);

- (B) authority be delegated to the General Manager to determine the application, in consultation with the Lord Mayor, having regard to the draft conditions of consent as detailed in the subject report, to be amended as discussed at the meeting of the Planning Development and Transport Committee in relation to -
- (i) Condition (2) - Roof Design (relating to dormer windows);
 - (ii) Condition (3) - Carparking (to provide for parking over two basement levels);
 - (iii) Condition (22) (to include provision for water efficient shower heads and taps).

Carried.

(Note - The Planning Development and Transport Committee, at its meeting on 17 November 2003, resolved to make this recommendation to Council on the following show of hands -

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

Noes (1) - Councillor Coulton).

Note - Mr Andrew Woodhouse, Ms Virginia Wilson and Mr Anthony Rowan addressed the meeting of the Planning Development and Transport Committee on Item 6.6.

ITEM 7. DEVELOPMENT APPLICATION: 41-41B ELIZABETH BAY ROAD, ELIZABETH BAY (U03/00229)

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 November 2003, and to Council on 24 November 2003, in relation to Development Application U/03/00229 made by Bill-Mark Pty Ltd and Maropa Pty Ltd for the site at 41-41B Elizabeth Bay Road, Elizabeth Bay for a six storey mixed use building, it be resolved that consent be refused for the following reasons:-

- (1) The proposal represents an overdevelopment of the site resulting in adverse streetscape and amenity impacts. In this regard the proposed development fails to satisfy the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- (2) The proposal represents an over development of the site resulting in adverse streetscape and amenity impacts and as such fails to satisfy zoning objectives within the South Sydney Local Environmental Plan 1998.
- (3) The proposal fails to satisfy heritage conservation aims and provisions within the South Sydney Local Environmental Plan 1998 as the proposed building envelope detracts from the qualities of a heritage listed building to the immediate north of the subject site and a strong contributory building to the immediate south and detracts from the existing heritage conservation area.
- (4) The proposed development fails to satisfy the considerations contained in Clause 28 of the South Sydney Local Environmental Plan 1998 – built environment design principles and masterplans.
- (5) The proposed development fails to satisfy the height and scale performance criteria contained in the South Sydney Development Control Plan 1997.
- (6) The proposed development fails to satisfy the floor space ratio and scale performance criteria and controls contained in the South Sydney Development Control Plan 1997. In this regard the application has proposed floor space ratio of 5.11:1 which is significantly in excess of the numerical maximum permissible floor space ratio of 2:1.
- (7) The proposal fails to comply with the South Sydney DCP 1997 as it adopts inadequate setbacks particularly from the rear boundary and results in an inappropriate relationship with adjoining buildings. This includes adverse overshadowing and privacy impacts upon adjoining buildings – in particular those located to the south and south east of the subject property.

- (8) The proposal makes no provision for on site parking or loading facilities to service the proposed commercial/retail uses and allow for furniture removal/delivery. This combined with the proposed scale and intensity of development is likely to exacerbate impacts on traffic and parking in the surrounding area. As such the proposal fails to comply with South Sydney DCP 11 – Transport Guidelines for Development.
- (9) The proposal fails to comply with the South Sydney DCP 1997 as it makes inadequate provision for private or communal open space.
- (10) The proposal fails to comply with the South Sydney DCP 1997 and Council’s Residential Amenity Policy (Part 6 of Central Sydney Development Control Plan 1996) as it fails to provide adequate site facilities such a clothes drying areas and storage space for occupants.
- (11) The proposal fails to provide an adequate unit mix and as such fails to comply with the South Sydney DCP 1997 and Council’s Residential Amenity Policy (Part 6 of Central Sydney Development Control Plan 1996).
- (12) The proposed development does not comply with the South Sydney DCP 1997 and Council’s Residential Amenity Policy (Part 6 of Central Sydney Development Control Plan 1996) in relation to cross ventilation and natural light provision.
- (13) The proposal fails to comply with the Building Code of Australia in relation to fire egress, rear wall openings and the placement of the proposed garbage lift and basement garbage room.
- (14) The proposed development, which results in adverse amenity and streetscape impacts and is contrary to provisions within both local and state planning instruments, is contrary to the objects of the Environmental Planning and Assessment Act 1979 and would not be in the public interest.

Carried unanimously.

ITEM 8. DELEGATIONS TO ENFORCE WATER RESTRICTIONS

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

That arising from consideration of a report by the Coordinator, City Rangers to Council on 24 November 2003, on Delegations to Enforce Water Restrictions, it be resolved that Council delegate the function of serving penalty notices pursuant to section 50 of the Sydney Water Act 1994, to enforce water restrictions imposed under clause 17 of the Sydney Water Regulation 2000, to the General Manager in accordance with section 377 of the Local Government Act 1993.

Carried unanimously.

ITEM 9. QUESTIONS ON NOTICE**ILLUMINATION OF SYDNEY OPERA HOUSE (S018718)**

1. By Councillor Greiner -

Question

I read in the media clippings of a City of Sydney contribution to the cost of illuminating the Opera House to enable French television networks broadcasting from the MCA to present a clearer transmission. How much money has Council contributed towards the costs and by what authority when this is surely a State Government responsibility?

Answer by the Lord Mayor

The City is making a significant contribution to the lighting of the Opera House because this week it is a great opportunity to show Sydney at its best. So we are giving some special treatment to our landmark buildings, such as the Opera House and Town Hall.

The eyes of the sporting community and the entire world are once again focused on Sydney during the Rugby World Cup final.

COUNCIL'S BOUNDARIES (S018718)

2. By Councillor Greiner -

Question

It's apparent that the ALP Government is prepared to destroy the City of Sydney in a potential amalgamation with those suburbs currently under the South Sydney LGA.

Would you please:

1. Assure this Council that you will correspond with both the Premier and the Minister for Local Government, The Hon Tony Kelly MP, that if such an amalgamation would occur the City of Sydney will be the dominant Council;
2. Request the General Manager provide to Councillors as soon as possible the financial ramifications to the City of such an amalgamation; and
3. Circularise to key industry organisation, eg. the Property Council, NSW State Chamber of Commerce, Pyrmont Ultimo Chamber of Commerce, Kings Cross Chamber of Commerce, and alert them to the potential amalgamation and the possibility that the City of Sydney could well be subsumed by a residential council once again.

Answer by the Lord Mayor

As Lord Mayor, I have called for the sacking of South Sydney Council over its financial mismanagement and the appointment of an independent administrator.

South Sydney's demand for amalgamation with the City just sweeps under the carpet their years of mismanagement and their refusal to face up to the reality of their poor management practices.

The State Government's own inquiry into South Sydney was given no evidence to support the claim that losing eight properties in the City would make it financially unviable. In fact South Sydney resolved to sell the properties, and many more last year, to fund its appalling deficits.

This is a smokescreen to hide the real agenda which is Labor Party forces grabbing control of Sydney Town Hall.

COUNCIL'S SWIMMING POOLS (S018718)

3. By Councillor Greiner -

Question

Could you please circularise to Councillors the following information concerning the swimming pools in the City of Sydney LGA:

1. Comparative attendance figures for the last three months in the calendar year for 2002-2003; and
2. To help with the broader picture, could we approach Leichhardt Council for access to the same information for their pool?

I am concerned that there is a general downturn in attendance at all pools which may make the Ultimo pool unviable.

Answer by the Lord Mayor

The General Manager has collated these figures for the period 1 October 2002 to 31 December 2002, as follows -

Cook + Phillip Park	102,987
Andrew (Boy) Charlton	54,053
Prince Alfred Park	22,653
Victoria Park	74,000
Total	253,693

Please note that this is an increase in 43,675 (21%) attendances over the 2001 figures.

In relation to part 2 of the question, I have also asked the General Manager to attempt to obtain this information from Leichhardt and South Sydney Councils and to include these details in the Councillors' Information Service.

QUESTIONS WITHOUT NOTICE

CARLTON AND UNITED BREWERIES (CUB) SITE (S018730)

1. By Councillor Coulton -

Question

Lord Mayor, last Thursday night there was a meeting at Chippendale regarding the CUB site. That was the first time that I had been briefed about the site, along with the public, but I understand, Lord Mayor, that you only had a briefing yourself the week before at a Central Sydney Planning Committee meeting.

After last Thursday's meeting, various residents have asked if they could have a longer period of time to make submissions as to what should be in the design competition. At that meeting you indicated that the residents would have approximately 10 days to make submissions relating to that site. What they want is at least 28 days. Would you agree to that?

Answer by the Lord Mayor

Councillor Coulton, this is not a development application. What the Chippendale community was presented with on Thursday is a design assessment by Philip Thalís, an architectural planning consultant retained by the City to undertake an assessment of the whole site area and its context, in order to form the brief for the design competition.

This is a preliminary step which initiates the design competition process which then will be reviewed, assessed and judged. Then, depending on the outcome of that process, there will be an amendment or otherwise to the present Local Environmental Plan. It is not actually a development application.

What Council has done since the meeting on Thursday, I understand, is to place on its website all the PDF files that were presented at that meeting and those images are now available for further assessment and investigation by members of the community. It is not a development application. This whole CUB site is a very long way from a development application.

Within the circumstances of this very preliminary stage in the whole management of the development process I think that 10 working days to consider the design parameters for the CUB site is appropriate, because Philip Thalís has worked for several months on this project. I think it is important that you understand that this process has about four different steps to any process in any other local government area because of the design competition process that we manage, so there has to be a balance between keeping things moving and informing the community.

I think the community is very, very well informed now with the design assessment of Philip Thalís and I encourage them to make comments on that preliminary design analysis of the site.

WEB CASTING OF COUNCIL MEETINGS (S018727)

2. By Councillor Greiner -

Question

Lord Mayor, I have received a copy of a quarterly magazine for Australian councillors, "Councillor", which I commend to this Council and future Councillors. I note two items of interest which I believe the City of Sydney could pick up on, the themes of which I have spoken about in this Chamber before.

Would you therefore, through the General Manager, present a report to Council on:

1. Web casting the Council Meeting, its costs and its efficiency; and
2. Report to Council on an electronic system for Councillors and senior staff to do business at general and committee meetings by logging onto the network, accessing agendas, minutes and reports.

Answer by the Lord Mayor

Councillor Greiner, this matter will be given some consideration. General Manager, can I ask you to make enquiries on the feasibility of web casting Council meetings.

CARLTON AND UNITED BREWERIES (CUB) SITE (S018729)

3. By Councillor Farr-Jones -

Question

Lord Mayor, I would like to ask a question in respect of your response to Councillor Coulton's question on the CUB site. In answering Councillor Coulton's question you said that it is a long process and there are four steps. If it is a long process and four steps I don't see why we cannot open it up to another two, three, or four weeks of community consultation.

My question, Lord Mayor, is would you reconsider opening the process up to enable one month for community consultation?

Answer by the Lord Mayor

I ask the Manager Building Services and Planning Policy if he could indicate the timeline for this whole consent process, which is extremely drawn out and very, very consultative.

Manager Building Services and Planning Policy

Lord Mayor, the process from this point forward is we have given 10 days until 1 December 2003 for public comments to be received. It was posted on the website the day immediately following the public meeting.

We have a fairly tight timeframe now so that the brief can be issued in early December, so that we can go to a full public exhibition for the two week period of the entries prior to the judging taking place in late January. There will be full consultation in late January once entries are responded to.

We don't want to create an expectation that this is, I suppose, a negotiation war over floorspace ratio or height. In fact, these are simply design principles in accordance with the Local Environmental Plan.

Answer by the Lord Mayor (continued)

Can I point out, Councillor Farr-Jones, that there is actually an issue with that site which is that the present controls, if applied to the letter, would lead to an extremely adverse urban outcome. We do have an issue there. The consent authority is actually the Central Sydney Planning Committee.

MAINTENANCE OF ART DECO BUILDINGS (S018727)

4. By Councillor Greiner -

Question

Lord Mayor, I have received a request from a constituent. It relates to an art deco company title building. My constituent requests advice as to whether Council would be able to assist with the cost of repainting the outside of the building in an appropriate art deco colour.

Whilst I acknowledge this is not the traditional role of Council, perhaps a report could be furnished to Council within the next three months which would suggest a way of encouraging the maintenance by management committees in maintaining art deco buildings so prevalent in the Kings Cross/Darlinghurst communities.

Answer by the Lord Mayor

Councillor Greiner, my understanding is if one of those buildings is on the Heritage Local Environmental Plan or on the South Sydney Heritage Schedule and there were any proposed works to it, then we would request, as a condition of any further work to the building, that it be brought up to a better standard. As far as I am aware, they are the only powers that we have.

ILLUMINATION OF SYDNEY OPERA HOUSE (S018729)

5. By Councillor Farr-Jones -

Question

Lord Mayor, following on from Councillor Greiner's Question on Notice in relation to the illumination of the Sydney Opera House - and I applaud our need to promote our City - what was the cost for the illumination of the Opera House?

Answer by the Lord Mayor

The cost to the Council was \$15,000. We made a contribution along with many other organisations.

ITEM 10. NOTICES OF MOTION**ULTIMO AQUATIC CENTRE – 460-492 HARRIS STREET, ULTIMO (S018731)**

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

That the current amended development application relating to the Ultimo Aquatic Centre at 460-492 Harris Street, Ultimo be stayed and that the City of Sydney forthwith convene a public meeting to address important community concerns about the amended development application, including, the deletion of the leisure pool and gym and the change of the hydrotherapy pool to a program pool.

Amendment moved by Councillor Marsden, seconded by Councillor Greiner -

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

That Council note that:

- (a) the original concept for the Ultimo Aquatic Centre has undergone a major redesign to address and avoid a blow out in the budget of up to \$5 million and to ensure the project can be delivered within the approved \$24 million budget;
- (b) the revised design was developed by Harry Seidler, one of Australia's foremost architects, and provides for a program pool, which will alternate between hydrotherapy and leisure uses, and a splash pool for toddlers;
- (c) there has been extensive public consultation in regard to the revised design, including two public meetings in Ultimo and Pyrmont to which the community and councillors were invited;
- (d) councillors have been specifically briefed on the revised scheme; and
- (e) the decision to lodge a development application for the revised scheme was approved by Council on 8 September 2003, and this decision was supported by all councillors present, including the Deputy Lord Mayor, Councillor Dixie Coulton.

A show of hands on the amendment moved by Councillor Marsden resulted in an equality of voting as follows -

Ayes (3) The Chair (the Lord Mayor), Councillors Greiner and Marsden.

Noes (3) Councillors Coulton, Farr-Jones and Ho.

The Chair (the Lord Mayor) exercised her casting vote in favour of the amendment.

The amendment was declared carried.

A show of hands on the new motion resulted in an equality of voting as follows -

Ayes (3) The Chair (the Lord Mayor), Councillors Greiner and Marsden.

Noes (3) Councillors Coulton, Farr-Jones and Ho.

The Chair (the Lord Mayor) exercised her casting vote in favour of the new motion.

The new motion was declared carried.

Extension of Time

During discussion on Notice of Motion No. 1, pursuant to the provisions of Clause 23(3) of the Local Government (Meetings) Regulation 1993, it was -

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

That Councillor Coulton be granted an extension of time of two minutes to speak on this matter.

Carried.

INSTALLATION OF A SPEED HUMP OR OTHER SAFETY TRAFFIC CALMING DEVICE – GLEBE POINT ROAD, GLEBE (S018731)

2. Moved by Councillor Coulton, seconded by Councillor Ho -

That a speed hump or other such safety traffic calming device be immediately installed at or near the pedestrian crossing at the corner of Wigram Road and Glebe Point Road, Glebe.

Amendment. At the request of Councillor Marsden, and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion -

That Council note that:

- (a) the Manager Traffic and Access is currently investigating the possible installation of traffic-calming measures and other traffic facilities such as line-marking and sign posting in Glebe Point Road, at the intersection near Wigram Road;
- (b) traffic-calming devices and other devices need to be carefully considered to ensure they are the most appropriate for their location, including the review of pedestrian access and safety, the impact on residential amenity, particularly in relation to noise and that they meet the requirements of the Roads and Traffic Authority;
- (c) it is imperative that an investigation is undertaken prior to the installation of traffic-calming devices, line-marking or signage;

- (d) the City does not currently have any information to quantify the extent of speeding problems on Glebe Point Road and therefore it is necessary to collect traffic speed information in order to make an informed decision on the extent of speeding in this location;
- (e) the collection of traffic speed information in Glebe Point Road has been arranged as part of the investigation of this issue;
- (f) the Manager Traffic and Access, through the General Manager, will report back to Council as soon as possible on the outcome of the investigation.

Motion, as amended by consent, carried unanimously.

WATER POLICE SITE, PYRMONT POINT, PYRMONT (S018731)

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

That the City of Sydney:

1. support the interim green ban placed on the proposed State Government's development of units at Pyrmont Point, Pyrmont (known as the Water Police Site) by the Construction, Forestry, Mining and Energy Union (CFMEU) on 11 November 2003;
2. erect a banner across Harris Street towards Elizabeth Macarthur Bay, or alternatively, erect a banner in Pirrama Road (close to the site) supporting the park;
3. erect a billboard on Council land near the site which will be approximately 1.5 m deep x 3 m wide saying the following:

“This public land is protected by an interim green ban supported by the CFMEU and the City of Sydney”.

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

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

That Council:

- (a) note that the Lord Mayor welcomed and supported the interim green ban imposed by the Construction, Forestry, Mining and Energy Union (CFMEU) on 11 November 2003 in respect to the Water Police site, also known as Elizabeth Macarthur Bay;
- (b) note that a November fact sheet was distributed by the Sydney Harbour Foreshore Authority (SHFA) to local residents which is insufficiently informative as to what is being proposed in relation to both the Water Police site and so-called 'site M' in Point Street, Pyrmont;

- (c) request that the Lord Mayor, on behalf of Council, prepare and issue a fact sheet to residents informing them as to what is actually proposed or under consideration in relation to these, and other key State government sites in the area;
- (d) place a temporary banner near the Water Police site indicating the City's opposition to the development proposal for this site.

Following discussion, at the request of Councillor Greiner, and with the consent of the mover and seconder of the motion, the amendment was split to allow for it to be dealt with in two parts, namely:

First Part

That Council:

- (a) note that a November fact sheet was distributed by the Sydney Harbour Foreshore Authority (SHFA) to local residents which is insufficiently informative as to what is being proposed in relation to both the Water Police site and so-called 'site M' in Point Street, Pyrmont;
- (b) request that the Lord Mayor, on behalf of Council, prepare and issue a fact sheet to residents informing them as to what is actually proposed or under consideration in relation to these, and other key State government sites in the area.

Second Part

That Council:

- (a) note that the Lord Mayor welcomed and supported the interim green ban imposed by the Construction, Forestry, Mining and Energy Union (CFMEU) on 11 November 2003 in respect to the Water Police site, also known as Elizabeth Macarthur Bay;
- (b) place a temporary banner near the Water Police site indicating the City's opposition to the development proposal for this site.

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

Carried unanimously.

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

A show of hands on the second part of the amendment moved by the Chair (the Lord Mayor) resulted in an equality of voting as follows -

Ayes (3) the Chair (the Lord Mayor), Councillors Coulton and Marsden.

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

The Chair (the Lord Mayor) exercised her casting vote in favour of the second part of the amendment.

The second part of the amendment was declared carried.

The amendment, in full, having been carried, was then put to the vote as the new motion.

A show of hands on the new motion resulted in an equality of voting as follows -

Ayes (3) the Chair (the Lord Mayor), Councillors Coulton and Marsden.

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

The Chair (the Lord Mayor) exercised her casting vote in favour of the new motion.

The new motion was declared carried.

The resolution of Council, as finally adopted, is as follows -

That Council:

- (a) note that the Lord Mayor welcomed and supported the interim green ban imposed by the Construction, Forestry, Mining and Energy Union (CFMEU) on 11 November 2003 in respect to the Water Police site, also known as Elizabeth Macarthur Bay;
- (b) note that a November fact sheet was distributed by the Sydney Harbour Foreshore Authority (SHFA) to local residents which is insufficiently informative as to what is being proposed in relation to both the Water Police site and so-called 'site M' in Point Street, Pyrmont;
- (c) request that the Lord Mayor, on behalf of Council, prepare and issue a fact sheet to residents informing them as to what is actually proposed or under consideration in relation to these, and other key State government sites in the area;
- (d) place a temporary banner near the Water Police site indicating the City's opposition to the development proposal for this site.

Carried.

Closed Meeting

At 6.48pm the Council resolved -

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

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 2A and 2B 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 proposed to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 11, 12 and 13 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

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

Items 2A, 2B, 11, 12 and 13 were then dealt with by Council while the meeting was closed to the public.

ITEM 2A. PROPOSED PROPERTY PURCHASE

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the General Manager determines.

Note - The confidential Minute by the Lord Mayor on Proposed Property Purchase was circulated to all Councillors.

ITEM 2B: ANDREW "BOY" CHARLTON (ABC) POOL CAFÉ LEASE

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

That arising from consideration of a Minute by the Lord Mayor to Council on 24 November 2003, in relation to the Andrew 'Boy' Charlton Pool Café Lease, it be resolved that:

- (A) Council note that no agreement has been reached with the proposed lessee, Landmark Food Company Pty Ltd, as to the terms of a proposed lease of the café;
- (B) the General Manager be authorised to make a final written offer to Landmark to enter into a lease on the terms of Landmark's conforming tender, within 14 days of the date of that offer;

- (C) authority be delegated to the General Manager to vary the terms of a lease based on Landmark's conforming tender in the following respects:
- (i) by including the former reflection pool area in the lease area, at such (if any) additional rent as the General Manager considers appropriate;
 - (ii) by allowing Landmark to erect a shade structure over the former reflection pool area, on the basis that:
 - (a) all works are carried out at Landmark's cost;
 - (b) ownership of the structure will vest in the City upon termination of the lease;
 - (c) Landmark must obtain the City's consent as lessor to the design of the proposed structure, as well as obtaining all statutory approvals;
 - (d) the shade structure shall not include any structure to the sides (such as blinds or side walls);
- (D) authority be delegated to the General Manager to consent to the installation of a service cart at pool level, to be operated by the lessee of the café, on the basis that:
- (i) the consent of the pool operator, Belgravia Leisure Pty Ltd, is obtained; and
 - (ii) turnover at the service cart shall be included as turnover of the café for the purpose of calculating rent under the terms of a lease of the café;
- (E) if Landmark does not enter a lease within 14 days of the date of the General Manager's written offer as referred to in clause (B) above, negotiations will be deemed to have failed to achieve a satisfactory conclusion; then authority be delegated to the General Manager to:
- (i) identify a suitable café operator;
 - (ii) enter into a lease for a term of up to 5 years, on such terms as the General Manager, after consultation with the Lord Mayor, considers appropriate;
- (F) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Note - The confidential Minute by the Lord Mayor on Andrew "Boy" Charlton (ABC) Pool Café Lease was circulated to all Councillors.

ITEM 11. SUPPLY AND STORAGE OF GRANITE KERBS FOR DARLINGHURST ROAD UPGRADE PROJECT (5-485-PBP)

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

That arising from consideration of a report by the Senior Project Manager, City Development & Projects to Council on 24 November 2003, on Supply and Storage of Granite Kerbs for Darlinghurst Road Upgrade Project, it be resolved that:

- (A) Council award the contract for the Supply and Storage of Granite Kerbing Tender No. 0334, to Melocco Pty Ltd for the for the rate of \$142/m² for bluestone kerbing;
- (B) authority be delegated to the General Manager to enter into a contract;
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 12. SUPPLY AND STORAGE OF GRANITE PAVERS FOR DARLINGHURST ROAD UPGRADE PROJECT (5-485-PBP)

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

That arising from consideration of a report by the Senior Project Manager, City Development & Projects to Council on 24 November 2003, on Supply and Storage of Granite Pavers for Darlinghurst Road Upgrade Project, it be resolved that:

- (A) Council award the contract for the Supply and Storage of Granite Pavers Tender No. 0332 and Tender No. 0323, to Melocco Pty Ltd for the rates of:
 - \$212/m² for 50mm thick green (Austral Verde) granite
 - \$242/m² for 60mm thick green (Austral Verde) granite
 - \$138/m² for 50mm thick black (Austral Black) granite
- (B) authority be delegated to the General Manager to enter into the two contracts;
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 13. PYRMONT COMMUNITY CENTRE AND ABRAHAM MOTT HALL - FLOOR REPLACEMENT TENDERS (S027739)

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

That arising from consideration of a report by the Facilities Manager to Council on 24 November 2003, on the Pyrmont Community Centre and Abraham Mott Hall - Floor Replacement Tenders, it be resolved that -

- (A) the tender by Monarch Flooring Company be accepted in the terms described in the subject report;
- (B) Council's attorney be authorised to execute all relevant documentation.

Carried unanimously.

At 7.00pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on 15 December 2003 at which meeting the signature herein was subscribed.