



15 MARCH 2004

Meeting No 5

MINUTES of a Meeting of the Council of the City of Sydney (the Administrators) held in the Council Chamber at the Sydney Town Hall, commencing at 6.05pm on 15 March 2004 pursuant to Notice 5/5 dated 11 March 2004.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Development Application: 59 Bayswater Road, Rushcutters Bay	168
2. Development Application: School of Information Technology, University of Sydney, Chippendale. (Crown D.A.)	201
3. Draft City of Sydney Local Environmental Plan 2002: Report on Submissions	167

<u>Subject</u>	<u>Page No.</u>
4. Draft City of Sydney Regulation of Sex Services Development Control Plan 2003 – Report on Submissions	167
5. City of Sydney Draft Access Development Control Plan	202
6. Surry Hills Park – Exhibition of Draft Plan of Management	202
7. Classification of Land Purchased by Council	202
8. Glebe Foreshore Project – Public Consultation Status Report.....	203
9. Investments held by Council as at 29 February 2004.....	203
10. Purchase of one Large Educting Machine – Approval to Accept Tender	204
11. Purchase of two Footway Sweeping Machines – Approval to Accept Tender	204
12. Customs House - Catering Tender	205
13. Chifley Plaza Cafe - Repairs and Maintenance.....	205
14. Carcoar Pty Ltd, Corner of Elizabeth & Liverpool Streets, Sydney - Lease Renewal	205

PRESENT

Ms Lucy Turnbull (Administrator)
(Chair)

Administrators - Mr Garry Payne and Mr Tony Pooley.

At the commencement of business at 6.05pm those present were:-

Administrators Turnbull, Payne and Pooley.

The Acting General Manager, Executive Director City Development, General Counsel, Director Corporate Services, Director City Works Northern Zone, Director City Works Southern Zone, Director City Planning Northern Zone, Director City Planning Southern Zone and Director Community Living were also present.

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 4 and 3 be brought forward and dealt with before Item 1.

ITEM 4. DRAFT CITY OF SYDNEY REGULATION OF SEX SERVICES DEVELOPMENT CONTROL PLAN 2003 – REPORT ON SUBMISSIONS (S025120)

Moved by Mr Pooley, seconded by Mr Payne -

That arising from consideration of a report by the Acting Manager Building Services and Planning Policy to Council on 15 March 2004, in relation to the re-exhibition of Draft City of Sydney Regulation of Sex Services Development Control Plan 2003, it be resolved that consideration of this matter be deferred until after the Council elections on 27 March 2004.

Carried.

Note - Mr Clive West, Mr Eric Savage, Ms Erica Red, Ms Maria McMahon, Kylie (surname withheld), Mr David Buchanan and Norrie May-Welby addressed the meeting of Council on Item 4.

ITEM 3. DRAFT CITY OF SYDNEY LOCAL ENVIRONMENTAL PLAN 2002: REPORT ON SUBMISSIONS (S016796)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Acting Manager Building Services and Planning Policy to Council on 15 March 2004, in relation to the re-exhibition of Draft City of Sydney Local Environmental Plan 2002, it be resolved that:

- (A) Council adopt the amendments proposed to the Draft City of Sydney Local Environmental Plan 2002, shown at Attachment A to the subject report, and all other information comprising DLEP 2002 (being illustrations to schedules and maps) be adopted in the form as exhibited from 26 January to 23 February 2004, being the third and most recent exhibition period for DLEP 2002;
- (B) Council forward Draft City of Sydney Local Environmental Plan 2002 to the Department of Infrastructure, Planning and Natural Resources under Section 68(4) of the Environmental Planning and Assessment Act 1979;
- (C) Council request that the Director-General of the Department of Infrastructure, Planning and Natural Resources furnish a report to the Minister for Infrastructure, Planning and Natural Resources under Section 69 of the Environmental Planning and Assessment Act 1979 to enable Draft City of Sydney Local Environmental Plan 2002 to be made and to be gazetted;
- (D) Council adopt the Ultimo Pymont Urban Development Plan (as amended) to apply as a deemed Development Control Plan, from the date of gazettal for City of Sydney Local Environmental Plan 2002 and to ensure its continued application in the context of proposed development in Ultimo Pymont;

- (E) authority be delegated to the General Manager to make any minor drafting changes required to Draft City of Sydney Local Environmental Plan 2002 as a result of consideration by the Central Sydney Planning Committee and any further minor amendments by the Parliamentary Counsel; and
- (F) a report be submitted to Council by 30 September 2004 as to the integration of provisions in the City of Sydney Local Environmental Plan 2002 regarding home occupation brothels across the new City of Sydney local government area.

Carried unanimously.

Note - Ms Erica Red, Mistress J, Mr Thomas O'Halloran, Ms Maria McMahon, Mr David Buchanan, Norrie May-Welby and Kylie (surname withheld) addressed the meeting of Council on Item 3.

**ITEM 1. DEVELOPMENT APPLICATION: 59 BAYSWATER ROAD,
RUSHCUTTERS BAY (D/03/01415)**

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Specialist Planner to Council on 15 March 2004, in relation to Development Application D/03/01415 made by Mac-interactive/Hungerford Edmunds Pty Ltd for the site at 59 Bayswater Road, Rushcutters Bay for the demolition of the existing building and the erection of an eight (8) storey mixed used building containing seven (7) residential units and a ground floor commercial use, it be resolved that the application be approved subject to the following conditions:-

Conditions of Consent

Schedule 1A

Approved Development, Contributions and Covenants

Note 1: 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.

- (1) Development must be in accordance with Development Application No. D/03/01415 dated 23 December 2003 and information and drawings numbered DA-403-01, DA-403-03, DA-403-04, DA-403-05, DA-403-06, DA-403-07, DA-403-08, DA-403-09, DA-403-10, and DA-403-11 dated December 2003 prepared by Mac.interactive in association with Hungerford-Edmunds Architects Pty Ltd and as amended by the following conditions:

BUILDING HEIGHT

- (2)
 - (a) The height of the building (as defined in the South Sydney Development Control Plan 1997) must not exceed 21.6 metres above the average street level of the site's Bayswater Road frontage to the underside of the ceiling of the topmost floor. This will require the deletion of one level. Some minor variation will be permitted provided the parapet height of the adjoining building to the west is maintained (RL 54.17). This may result in the loss of a unit and a reduction in floor space.
 - (b) The details shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

FLOOR TO CEILING HEIGHT

- (3) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7m

HERITAGE CONDITIONS

- (4) That an archival photographic record of the existing building, including the facade and significant internal features, be prepared in accordance with the NSW Heritage Office guidelines and submitted to Council prior to the commencement of works or issue of construction certificate, whichever is the earliest. The record is to be placed in a suitable folder and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets. It is also to include a summary report of the photographic documentation detailing the project description, method of documentation and any limitations of the photographic record as well as copy of the Supplementary Heritage Impact Statement prepared by John Oultram Heritage and Design dated December 2003.
- (5) That significant building fabric such as windows, timber joinery and the like, where possible, be salvaged during demolition works and made available to appropriate dealers rather than be scrapped.

- (6) That the Bayswater Road elevation of the proposal is to have a colour scheme comprising predominantly earthy tones in keeping with the overall character of the conservation area. A schedule of colours is to be submitted to Council's satisfaction prior to the issue of a construction certificate.

RAILWAY EASEMENT

- (7) The building shall be designed and constructed so as to not impact on the structure of the railway easement located underneath or in close proximity to the site. In this regard, in finalising the final details of the development it is recommended that the applicant liaise directly with Rail Corporation New South Wales (RailCorp).

ANNUAL FIRE SAFETY STATEMENT

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

SECTION 94 CONTRIBUTIONS PLAN - 1997

- (9) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$1,169
Open Space/Townscape/Public Domain	\$5,060
Accessibility And Transport	\$35
Management	\$88
Multi Function Admin Centre	\$4,798
Total	\$11,150

The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the January Quarter 2004.

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the Construction Certificate.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (10) Residents are not eligible to participate in the resident permit parking schemes.

Note:

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

APPLICATION FOR FUTURE USE

- (11) A separate development application must be submitted at the appropriate time for the specific use of the ground floor commercial tenancy.

SIGNS

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

Schedule 1B

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

CONSTRUCTION CERTIFICATE

- (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.

PUBLIC DOMAIN PLAN

- (14) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council (to be lodged with the Manager Public Domain) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (c) Drawn at 1:100 scale;
 - (i) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).

- (ii) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
- (iii) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (iv) Include specifications of the proposed works.

BANK GUARANTEE

- (15) Prior to release of the Construction Certificate, the applicant/owner shall lodge with Council a bank guarantee for the sum of \$70,000 to ensure that the cost of the Public Domain works (as a result of the bonus floor space) are appropriately funded and that any damage to the public way is rectified. The bank guarantee shall be released upon satisfactory completion of the public domain works.

RECEPTACLES FOR CIGARETTE BUTTS

- (16) 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.

TELECOMMUNICATIONS PROVISIONS

- (17) The following requirements apply to telecommunication facilities in the building:-

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

NOISE REDUCTION

- (19) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

- (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
- | | | |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours) | 46dB |
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
- (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
- (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(20)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) For Quick Check agent details please refer to “your business” section of Sydney Water’s website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.

- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

ACCESS FOR PEOPLE WITH DISABILITIES

- (21) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council’s Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

ACOUSTIC PRIVACY BETWEEN UNITS

- (22) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
 - (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
 - (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

STORMWATER AND DRAINAGE

(23)

- (a) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council's standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

UTILITY SERVICES

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

- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

INSTALLATION OF WATER EFFICIENT TOILETS, SHOWERHEADS AND TAPS

(25) All toilets installed within the development shall be of water efficient, dual-flush capacity with a minimum "AAA" rating. All showerheads and taps installed in the development shall be water efficient with a minimum "AAA" rating. The "AAA" rating refers to the Standards Australia Water Conservation Labelling scheme. The details shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

PLANTATION OR RECYCLED TIMBERS

(26) To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings. The Construction Certificate is to specify the timbers used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

GREY WATER

- (27) The applicant is to install appropriate technologies within the development to enable the collection and re-use of the rainwater. Details are to be submitted to and approved by the Director, City Planning North, prior to the issue of the Construction Certificate for the development under the Environmental Planning and Assessment Act, 1979.

SOLAR PANELS

- (28) The applicant is to install solar panels in an appropriate area on the roof of the development for the purposes of collecting solar energy. Details are to be submitted to and approved by the Director, City Planning North, prior to the issue of the Construction Certificate for the development under the Environmental Planning and Assessment Act, 1979.

ENERGY EFFICIENCY OF BUILDING

- (29) The building must achieve a minimum compliance of 3.5 stars with the relevant NatHERS energy rating scheme. The details shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

METAL FIXINGS FOR FAÇADE PANELS AND CURTAIN WALLS

- (30) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
- (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
 - (i) Average Corrosion Rate of Hot Dipped Galvanised Coating to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of mild steel in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of mild steel taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate doubles.

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

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

GEOTECHNICAL REPORT AND CERTIFICATION

- (32) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
- (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
 - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.

- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes

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

VENTILATION

- (34) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).
- (35) That the design, construction, installation and commissioning of the mechanical ventilation system(s) serving the subject premises shall be in accordance with Australian Standard 1668 Parts 1 and 2.
- (36) That a system of mechanical exhaust ventilation shall be provided to the residential bathrooms exhausting at least 25 l/s from each sanitary fixture.
- (37) That a system of mechanical exhaust ventilation shall be provided to the residential laundries exhausting at least 20 l/s per laundry.

EXHAUST FOR FOOD

- (38) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out.

WASTE

- (39) The construction, containerisation and handling of waste arising from the residential/commercial development shall be in accordance with Council's Code for Waste Handling in Buildings.
- (40) That a separate waste/recycling storage facility for commercial use shall be located within the site in a position that can be accessed by a commercial contractor.

WASTE MANAGEMENT PLAN

- (41) A Building Waste Management Plan is to be submitted to Council and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such Plan must address compliance with the Code for Waste Handling in Buildings 1994 and include details of the following:
 - (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing and collection areas and vehicle standing areas.
 - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes.
 - (c) The natural and mechanical ventilation of garbage rooms and service areas, in accordance with the Waste Code and Australian Standard 1668.
 - (d) The location and design of garbage chutes and compaction systems required by the Waste Code.
 - (e) The proximity of waste handling facilities to any commercial food areas or loading docks, with a view to avoiding cross contamination.
 - (f) The design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

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

WASTE MANAGEMENT UPON COMPLETION

- (42) Upon completion of construction of the development and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) or part thereof, compliance of all the building's waste management facilities with the requirements set out in the approved Building Waste Management Plan and in accordance with Council's Code for Waste Handling in Buildings is to be verified and approved by Council's Manager Contracts and Asset Maintenance.

Schedule 1C

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

DEMOLITION DETAILS

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

DEMOLITION WORK METHOD STATEMENT

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

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

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

- (g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

- (h) Waterproofing of any exposed surfaces of adjoining buildings;

- (i) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.

- (j) Working hours, in accordance with this Development Consent;

- (k) Confinement of demolished materials in transit;

- (l) Proposed truck routes, in accordance with this Development Consent;

- (m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.

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

OTHER DEMOLITION DETAILS

- (47) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
- (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

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

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

(49) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;

- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

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

- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

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

Note:

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (53) 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.

BARRICADE PERMIT

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

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

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

USE OF MOBILE CRANES

- (56) 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.

ENVIRONMENTAL MANAGEMENT PLAN

- (57) That prior to the commencement of construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Health Unit for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Soil and sediment control measures;
 - (d) Community consultation.

CERTIFICATION OF MECHANICAL VENTILATION

- (58) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (59) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;

- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

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

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-

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

SOIL AND SEDIMENT CONTROL

- (61) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include.
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

SOIL AND SEDIMENT PROSECUTION

- (62) The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

COMPLIANCE WITH STANDARDS

- (63) Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a Certifying Authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems (Building Code of Australia and Australian Standard 1668 Parts 1 and 2)
 - (b) the commercial garbage and recycling storage rooms (Council's Code for Waste Handling in Buildings).

Schedule 1D

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

DEMOLITION WORKS

- (64) 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.

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

HOURS OF WORK AND NOISE

- (66) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation 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 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 - (b) 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 a 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 Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

LOADING AND UNLOADING DURING CONSTRUCTION

- (67) 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.

PROTECTION OF STREET TREES

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

CONTROL OF RUN-OFF

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

NO OBSTRUCTION OF THE PUBLIC WAY

- (70) 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.

COMPLIANCE WITH STANDARDS

- (71) All work involving demolition, excavation and construction activities shall comply with "The City of Sydney Code of Practice 1992 – for Construction Hours/Noise within the Central Business District" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Schedule 1E

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (72) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).

- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

OCCUPATION CERTIFICATE

- (73) 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.

CERTIFICATION OF COMPLIANCE

- (74) Certificates of design compliance and system performance for the mechanical ventilation systems shall be provided to Council certifying the design and upon commissioning of the mechanical ventilation systems certifying performance. The certificate of performance shall be in a form acceptable to Council and be accompanied by details of the test carried out in respect of:
 - (a) ventilation
 - (b) acoustics.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (75) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (76) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:

- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

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

Notes:

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

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

Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;

- (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

NOISE - USE

- (78) 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

- (79) 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

SYDNEY WATER CERTIFICATE

(81)

- (a) Prior to release of the final Strata Plan endorsed by Council under Section 37 of the Strata Schemes (Freehold Development) Act 1973, written confirmation that you have obtained a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 for the development must be submitted to Council; OR
- (b) Evidence must be submitted to Council that the requirements of Sydney Water with regards to the strata subdivision proposal have been satisfied.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges. Contact Sydney Water, Ph. 132092.

NUMBERING

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

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

CARE OF BUILDING SURROUNDS

- (84) 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.

USE OF ROOF TERRACE

- (85) In order to preserve the amenity of surrounding residents, the roof terrace of the development is not to be used after 9:00pm daily.

Schedule 2

Prescribed Conditions

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

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 unanimously

Note - Mr Warwick Wakefield, Mr Andrew Woodhouse, Mr Simon Van Den Beld, Mr Edward Whitcombe, Mr Scott Hayles and Mr Andy MacDonald addressed the meeting of Council on Item 1.

ITEM 2. DEVELOPMENT APPLICATION: SCHOOL OF INFORMATION TECHNOLOGY, UNIVERSITY OF SYDNEY, CHIPPENDALE. (CROWN D.A) (D/03/00888)

Moved by Mr Pooley, seconded by Mr Payne -

That arising from consideration of a report by the Specialist Planner to Council on 15 March 2004, in relation to Development Application D/03/00888 made by the University of Sydney for the site comprising vacant land with a frontage to Cleveland Street for the erection of a five storey School of Information Technology and associated parking for 169 vehicles, it be resolved that:

- (A) the applicant be informed the Council does not support, at this stage, the requests to delete the proposed draft conditions, (as contained in Attachment A to the subject report), with the exception of Condition No. 3. Some consideration will be given to amending or deleting draft Condition No. 2 only if there is a statutory binding way to ensure staffing and student numbers will not increase as a result of the proposed development; and
- (B) authority be delegated to the General Manager to determine the application, pending receipt of the applicant's response to (A) above and, if agreement cannot be reached on proposed conditions, the matter be referred for arbitration in accordance with Section 116E of the Environmental Planning and Assessment Act 1979. Carried.

Carried unanimously.

Note - Mr Chris Read, Professor Michael Fry and Mr Richard Francis Jones addressed the meeting of Council on Item 2.

ITEM 5. CITY OF SYDNEY DRAFT ACCESS DEVELOPMENT CONTROL PLAN (S010063)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Specialist Planner to Council on 15 March 2004, in relation to the City of Sydney Draft Access Development Control Plan 2004, it be resolved that:-

- (A) Council endorse the public exhibition of the City of Sydney Draft Access Development Control Plan 2004 (to effectively allow exhibition in the former South Sydney City Council area), as shown at Attachment A to the subject report, for a period of 28 days in accordance with the requirements of clause 18(2) of the Environmental Planning and Assessment Regulation, 2000; and
- (B) Council endorse the operation of the City of Sydney Draft Access Development Control Plan 2004 as an Interim Policy (for the former City of Sydney area), effective from the date that public exhibition of the Draft Development Control Plan commences.

Carried unanimously.

ITEM 6. SURRY HILLS PARK – EXHIBITION OF DRAFT PLAN OF MANAGEMENT (S007807)

Moved by Mr Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Manager, Architecture and Design to Council on 15 March 2004, on Surry Hills Park - Exhibition of Draft Plan of Management, it be resolved that Council approve the public exhibition of the Draft Plan of Management, containing the Landscape Concept Plan (as shown at Attachment A to the subject report), for eight weeks starting in mid-March 2004.

Carried unanimously.

ITEM 7. CLASSIFICATION OF LAND PURCHASED BY COUNCIL (S027769, S015020 AND PP04217)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Senior Property Manager to Council on 15 March 2004, on Classification of Land Purchased by Council, it be resolved that the land described in the subject report, namely, 39 Burton Street, Darlinghurst (the Tabernacle) be classified as operational land.

Carried.

ITEM 8. GLEBE FORESHORE PROJECT – PUBLIC CONSULTATION STATUS REPORT (SO27111)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Senior Architect, Architecture and Urban Design to Council on 15 March 2004, on Glebe Foreshore Project - Public Consultation Status Report, it be resolved that the report be received and noted.

Carried.

ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 29 FEBRUARY 2004 (S02-0960)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to Council on 15 March 2004, on Investments held by Council as at 29 February 2004, it be resolved that the report be received and noted.

Carried.

Mr Pooley left the meeting at 8.39pm at the conclusion of discussion on Item 9 and returned at 8.45pm prior to commencement of discussion on Item 12.

Closed Meeting

At 8.40pm Council resolved -

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

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 10, 11 and 13 on the agenda as these matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 14 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business;

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

Items 10, 11, 13 and 14 were then dealt with by Council while the meeting was closed to the public.

At this stage of the meeting, all staff with the exception of the Acting General Manager, Executive Director City Development and General Counsel left the meeting of Council.

ITEM 10. PURCHASE OF ONE LARGE EDUCTING MACHINE – APPROVAL TO ACCEPT TENDER (S025164)

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Manager, Heavy Fleet to Council on 15 March 2004, on Purchase of one Large Educting Machine - Approval to Accept Tender, it be resolved that:

- (A) Council accept the tender submitted by MacDonald Johnston Engineering Company Pty Ltd for the supply and delivery of one large educting machine for the value stipulated in paragraph 8 of the subject report;
- (B) authority be delegated to the General Manager to negotiate and enter into a contract for the supply of one large educting machine; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 11. PURCHASE OF TWO FOOTWAY SWEEPING MACHINES – APPROVAL TO ACCEPT TENDER (S025165)

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Manager, Heavy Fleet to Council on 15 March 2004, on Purchase of two Footway Sweeping Machines - Approval to Accept Tender, it be resolved that:

- (A) Council accept the tender submitted by MacDonald Johnston Engineering Company Pty Ltd for the supply and delivery of two Compact 40 footway sweepers for the value stipulated in paragraph 8 of the subject report;
- (B) authority be delegated to the General Manager to negotiate and enter into a contract for the supply of two Compact 40 footway sweepers; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 12. CUSTOMS HOUSE - CATERING TENDER

Note - no report was circulated and this matter was not discussed at the meeting of Council.

**ITEM 13. CHIFLEY PLAZA CAFE - REPAIRS AND MAINTENANCE
(L02/00906/02)**

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.

**ITEM 14. CARCOAR PTY LTD, CORNER OF ELIZABETH & LIVERPOOL
STREETS, SYDNEY - LEASE RENEWAL (CONFIDENTIAL)
(S0006200)**

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Senior Property Manager to Council on 15 March 2004, on Carcoar Pty Ltd, Corner of Elizabeth and Liverpool Streets, Sydney - Lease Renewal, it be resolved that approval be given to:

- (A) the granting of a lease, pursuant to the Crowns Lands Act and Retail Leases Act, to Carcoar Pty Limited on the terms and conditions as detailed in the subject report and as amended at the meeting of Council; and
- (B) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

At 8.50pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on April 2004 at which
meeting the signature herein was subscribed.