



16 FEBRUARY 2004

Meeting No 1

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 4.26pm on 16 February 2004 pursuant to Notice 1/1 dated 12 February 2004.

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PRESENT

Ms Lucy Turnbull (Administrator)
(Chair)

Administrators - Mr Garry Payne and Mr Tony Pooley.

At the commencement of business at 4.26pm those present were:-

Administrators Turnbull, Payne and Pooley.

Also present were -

The Acting General Manager and Acting Deputy General Manager.

Former City of Sydney

General Counsel, Director Corporate Services, Director City Projects, Director Living City Services, Director Asset Management and Compliance, Director City Development and Acting Director Libraries and Community Services.

Former South Sydney City

Director Community Living, Director Corporate Services, Director City Environment and Director City Works.

ITEM 1. DECEMBER 2003 - QUARTER 2 BUDGET REVIEW (S019994)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Acting Team Leader Management Accountant to Council on 16 February 2004, on December 2003 - Quarter 2 Budget Review (former City of Sydney), it be resolved that Council: -

- (A) note YTD performance versus budget;
- (B) note the Quarter 2 year end forecast showing a Net Surplus of \$54.8M;
- (C) note the Quarter 2 year end forecast for total Capital Works Expenditure remains on budget at \$127.4M;
- (D) note the Quarter 2 year end forecast for plant and assets remains on budget at \$12.7M; and
- (E) note the performance indicators and year to date achievements as detailed at Attachment B to the subject report.

Carried unanimously.

Note - Mr Chris Harris addressed the meeting of Council on Item 1.

ITEM 2. INVESTMENTS HELD BY COUNCIL AS AT 31 JANUARY 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 16 February 2004, on Investments Held by Council as at 31 January 2004, it be resolved that the report be received and noted.

Carried unanimously.

ITEM 3. VICTORIA PARK POOL PLANT ROOM UPGRADE (U02/01282)

Moved by Mr Payne, seconded by Mr Pooley -

That arising from consideration of a report by the Senior Project Manager, Contracts and Asset Management to Council on 16 February 2003, on Victoria Park Pool Plant Room Upgrade, it be resolved that:

- (A) the proposed scope of works be noted; and
- (B) authority be delegated to the General Manager to give Council's consent as owner to lodgement of the Development Application.

Carried.

ITEM 4. SYDNEY FESTIVAL (S017629)

Moved by Ms Turnbull, seconded by Mr Pooley -

That this matter be deferred for consideration at a meeting of the new Council after the election on 27 March 2004.

Carried.

ITEM 5. CULTURAL FUNDING

Moved by Ms Turnbull, seconded by Mr Pooley -

That this matter be deferred for consideration at a meeting of the new Council after the election on 27 March 2004.

Carried.

ITEM 6. SPANISH QUARTER STREET FESTIVAL (S029958)

Moved by Ms Turnbull, seconded by Mr Pooley -

That this matter be deferred for consideration at a meeting of the new Council after the election on 27 March 2004.

Carried.

ITEM 7. COUNCIL MEETING PROGRAM (S031054)

FILE NO: S031054

DATE: 10/2/04

MEMORANDUM BY THE ACTING GENERAL MANAGERTo Council:

The former City of Sydney and the former South Sydney City Councils had adopted programs of meetings for 2004. A copy of those programs, up to the date of the Council elections, and a proposed revised program up to that date, are shown in Attachment A. It would be appropriate for the Administrators to consider a revised schedule of Council meetings.

RECOMMENDATION:

That the revised program of Council meetings up to 27 March 2004, as shown in Attachment A, be adopted.

(SGD) ROBERT DOMM
Acting General Manager

Moved by Ms Turnbull, seconded by Mr Pooley -

That the revised program of Council meetings up to 27 March 2004, as shown at Attachment A to the subject Memorandum, be adopted.

Carried.

The revised program of Council meetings is as follows.

REVISED 2004 MEETING SCHEDULE

MONDAY 16 FEBRUARY	COUNCIL (at Sydney)
WEDNESDAY 25 FEBRUARY	COUNCIL (at Redfern)
MONDAY 1 MARCH	COUNCIL (at Sydney)
WEDNESDAY 10 MARCH	COUNCIL (at Redfern)
MONDAY 15 MARCH	COUNCIL (at Sydney)
SATURDAY 27 MARCH 2004 - LOCAL GOVERNMENT ELECTIONS	

Business of which due notice had not been given

At this stage of the meeting, it was moved by Mr Pooley, seconded by Mr Payne -

That "standing orders" be suspended to enable the following motion to be considered:

That the contract for the Acting Deputy General Manager be extended until 6 August 2004 under current terms and conditions.

Agreement to introduce this item of business was given pursuant to the provisions of Clause 14(3) of the Local Government (Meetings) Regulation 1999.

Following discussion, Mr Pooley agreed to the rewording of his motion as follows:

That the issue of the extension of the Acting Deputy General Manager's tenure be discussed between the Acting General Manager and the Acting Deputy General Manager, and a report be prepared for consideration at the next meeting of the Administrators on 25 February 2004.

The motion was seconded by Mr Payne.

Motion carried unanimously.

Closed Meeting

At 4.42pm 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 19A(2)(c) of the Local Government Act 1993 to discuss Items 8, 9, 10, 12, 13 and 15 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 11, 14 and 16 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;

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

Items 8 to 16 inclusive were then dealt with by the Meeting of Council while the meeting was closed to the public.

Note - prior to members of the public and press leaving the Council Chamber, the Chair, Ms Turnbull, announced that the Council meeting would re-open to the public at approximately 6.00pm to consider planning related items on the agenda and to allow interested parties to address the Council on those matters.

**ITEM 8. RILEY STREET AND PELICAN STREET, SURRY HILLS
ADJOINING 55-73 OXFORD STREET - EXTINGUISHMENT OF
RIGHT OF WAY (S027072)**

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Senior Property Manager to Council on 16 February 2004, on Riley Street and Pelican Street, Surry Hills Adjoining 55-73 Oxford Street - Extinguishment of Right of Way, it be resolved that -

- (A) approval be given to the granting of consent to the extinguishment of the rights of footway on the three titles that make up the site of 55-73 Oxford Street being volume 8658 folio 122, folio 2/1037002 and folio 3/1037002;
- (B) authority be delegated to the General Manager to negotiate any consideration for the extinguishment of the rights of footway; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

**ITEM 9. APPROVAL TO LEASE LEVEL 3, 50-52 DARLINGHURST ROAD,
KINGS CROSS**

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by Manager Property Council to Council on 16 February 2004, on Lease of Level 3, 50-52 Darlinghurst Road, Kings Cross it be resolved that -

- (A) approval be given to grant a lease to the consortium of Frazer Short/John Duncan on the principal commercial terms and conditions outlined in the subject report, subject to obtaining development consent;
- (B) authority be delegated to the General Manager to finalise commercial terms;
- (C) authority be delegated to the General Manager to give owner's consent for the lodgement of a development application without fettering Council's discretion as consent authority; and
- (D) Council's attorney be authorised to execute all necessary documentation to give effect to this proposal.

Carried unanimously.

ITEM 10. LEVELS 3 & 4, PARK HOUSE, 295-301 PITT STREET, SYDNEY – PROPOSED LEASE (CONFIDENTIAL) (L0200607)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Senior Property Manager to Council on 16 February 2004, on Levels 3 & 4, Park House, 295-301 Pitt Street, Sydney - Proposed Lease, it be resolved that -

- (A) approval be given to the granting of a lease to De Stoop Bros on the terms and conditions as detailed in the subject report; and
- (B) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 11. GLEBE FORESHORE PROJECT STAGE 1 - CONSTRUCTION WORKS TENDER (S027111)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Project Manager, City Projects to Council on 16 February 2004, on Glebe Foreshore Project Stage 1 - Construction Works Tender, it be resolved that -

- (A) Council reject all tenders;
- (B) Council decline to invite fresh tenders as the number of tenders received and the quality of tenderers were adequate to have enabled a competitive tendering process; and as it is doubtful that a new tender with the same specification would attract additional tenders or achieve greater cost savings for Council and accordingly a satisfactory result would not be achieved by inviting fresh tenders;
- (C) the General Manager be authorised to negotiate with the tenderers, and the Administrators (or subsequently the Councillors) be advised of the outcome of the negotiation process prior to entering into a contract;
- (D) authority be delegated to the General Manager to enter into a suitable contract; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried.

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 the remainder of the agenda items be dealt with in the following order:

14. Legal Panel - Risk Management and Other Matters
15. Art & About
16. Consultancy Agreement
12. Capital Works Budget Update
13. Review of City's Parking Meter Network
17. Development Application: 1-7 Blackfriars Street, Chippendale NSW 2008
19. 'Dual Use' (Random Residential/Serviced Apartment Mix) - Status Report
20. Parking Space Levy Review - February 2004
21. Plans and Policies Applying to Expanded City Area
18. City of Sydney Draft Contaminated Land Development Control Plan 2004

**ITEM 14. LEGAL PANEL – RISK MANAGEMENT AND OTHER MATTERS
(S030585)**

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the General Counsel and the Risk Manager to Council on 16 February 2004, on Legal Panel - Risk Management and Other Matters, it be resolved that:

- (A) Council accept tenders from, and appoint McCulloch and Buggy, Moray & Agnew, and Abbott Tout to a legal panel for risk management matters for a 4 year term commencing on 31 March 2004;
- (B) Council note that the panel of legal firms providing services on matters other than risk management matters is to expire on 31 December 2004 and will be the subject of a tender process prior to that date;
- (C) where legal services are proposed to be provided by solicitors who had practiced at firms which have been appointed to Council's legal panel, and those solicitors have relocated to other legal firms, Council not invite tenders for those legal services on the basis of the extenuating circumstances described in paragraph 16 of the subject report, and accordingly a satisfactory result would not be achieved by inviting tenders; and
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 15. ART & ABOUT (S031068)

Moved by Mr Pooley, seconded by Ms Turnbull -

That arising from consideration of a Memorandum by the General Manager to Council on 16 February 2004, on Art & About, it be resolved that -:

- (A) Council receive and note the subject Memorandum on the change in sponsorship arrangements for Art & About;
- (B) Council reaffirm its support for Art & About by maintaining the City's \$220,000 per annum contribution to the event for financial years 2004/2005 and 2005/2006;
- (C) Council note the General Manager will use all endeavours to seek additional sponsorship for Art & About;
- (D) authority be delegated to the General Manager to renegotiate the sponsorship contract with AMP in relation to Art & About to reflect the change in sponsorship referred to in the subject Memorandum; and
- (E) the General Manager be requested to investigate the inclusion of the former South Sydney area into the Art & About program.

Carried unanimously.

Note - the confidential Memorandum by the General Manager on Art & About was circulated to the Administrators.

ITEM 16. CONSULTANCY AGREEMENT (PO5-01117)

Moved by Mr Pooley, seconded by Mr Payne -

That arising from consideration of a report by the Manager Property to Council on 16 February 2004, on Consultancy Agreement, it be resolved that -

- (A) Council not invite tenders for the appointment of a Valuation Consultant to Council on the terms described in the subject report due to the following extenuating circumstances:
 - (i) Extensive knowledge of proposed consultant of Council's affairs;
 - (ii) Hourly rates are lower than market rates available;
 - (iii) Efficiency and security in obtaining sound valuation advice in-house which could not be achieved if external consultant used,and accordingly a satisfactory result would not be achieved by inviting tenders.
- (B) authority be delegated to the General Manager to enter into a contract with Philip Bennett & Associates Pty Ltd for a six month period on the terms set out in the subject report; and

- (C) Council's Attorney be authorised to execute all necessary or appropriate documentation to give effect to this proposal.

Carried unanimously.

ITEM 12. CAPITAL WORKS BUDGET UPDATE

Moved by Mr Payne, seconded by Ms Turnbull -

That arising from consideration of a report by the Director, City Projects to Council on 16 February, 2004, on the Capital Works Budget Update, it be resolved that :

- (A) the project budget for the Customs House reconstruction be increased by the amount noted in paragraph 3 of the subject report;
- (B) the project budget for 50 Darlinghurst Road (NSC and Library) be increased by the amount noted in paragraph 3 of the subject report;
- (C) Council not invite tenders for the Library fitout, for the following extenuating circumstances:
- (i) the proposed services can be provided by a company already engaged by Council, and hence a natural advantage, including efficiency in program and costs;
 - (ii) there is reasonable certainty that the price is within industry standards and professional rates based on Quantity Surveyor advice; and
 - (iii) with the project delays to date and community expectations for its opening, the need for expedition can be substantiated and a tender process would add additional delay to the program;
- and accordingly, a satisfactory result would not be achieved by inviting tenders;
- (D) a variation be granted to Hooker Cockram Pty Ltd for the Library fitout at 50 Darlinghurst Road for the amount set out in paragraph 2(b) of the subject report;
- (E) the budget for Town Hall Phase A works be increased by the amount noted in paragraph 3 of the subject report;
- (F) the budget for Cook and Philip enhancements be increased by the amount noted in paragraph 3 of the subject report;
- (G) the project budget for Gateways - Oxford Street be increased by the amount noted in paragraph 3 of the subject report;
- (H) the project budget for Gateways - Broadway be increased by the amount noted in paragraph 3 of the subject report; and
- (I) the project budget for Town Hall enhancements Stages 3-7 be reduced by the amount noted in paragraph 3 of the subject report.

Carried.

ITEM 13. REVIEW OF THE CITY'S PARKING METER NETWORK (S027318)

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Manager, Contracts and Asset Management to Council on 16 February 2004, on Review of the City's Parking Meter Network, it be resolved that:

- (A) Council invite tenders for the supply, installation and maintenance of approximately 1000 parking meters and associated communication and management system, including a schedule of rates and provision for lodgement of alternative tenders;
- (B) approval be given to allocate an additional \$6 million to the 2003/2004 plant and asset budget to purchase up to 1000 parking meter machines; and
- (C) installation of the new meters be limited to locations where parking meters are already in place, pending consultation with communities regarding the introduction of meters in new locations.

Carried unanimously.

Adjournment

At 4.55pm, the meeting adjourned.

Resumption

Upon resumption of the meeting at 6.06pm, those present were -

Administrators Turnbull, Payne and Pooley.

Open Session

Items 17 to 21 inclusive were dealt by Council in open session.

ITEM 17. DEVELOPMENT APPLICATION: 1-7 BLACKFRIARS STREET, CHIPPENDALE NSW 2008 (U-01-00967)

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Specialist Planner to Council on 16 February 2004 in relation to Development Application U/01/00967 made by Zamren Pty Ltd for the site at 1-7 Blackfriars Street, Chippendale for the demolition of the existing building and the erection of a four storey residential flat building containing six apartments and parking for 7 cars, it be resolved that -

(A) having regard to the proposed development, with a floor space ratio (FSR) of 1.82 : 1, exceeding the 1.75 : 1 (inclusive of the an extra 0.25 : 1 for public domain improvements) maximum FSR pursuant to South Sydney Development Control Plan 1997 and the extent of non-compliance proposed, the Planning Development and Transport Committee considers that the non-compliance with the control is acceptable for the following reasons:

- (1) the FSR of the proposed building is similar to the FSR of the existing building;
- (2) the proposal includes public domain improvements to the surrounding streets and dedication of land to the public;
- (3) the proposal is for the demolition of a detracting building and its replacement with a more appropriate building and use for the site;
- (4) the proposal complies or is able to comply with the other relevant controls of South Sydney Local Environmental Plan 1998 and South Sydney Development Control Plan 1997, including that relating to building height;
- (5) there is no unreasonable and significant impacts from the proposed development.

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

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.U/02/00967 dated 25 September 2001 and drawings numbered Rev4, A-02-09 prepared by Campbell Luscombe and Associates P/L dated January 2004 and as amended by the following conditions:

SECTION 94 - WORKS OUTSIDE GREEN SQUARE

Part A

- (2) 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: LGA Works Program	\$2,430.00
Open Space: New Parks	\$12,432.00
Accessibility and Transport	\$72.00
Management	\$204.00
Total	\$15,138.00

- (a) The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual 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 calculation being - Quarter 1998/99.

- (b) The above amount must be paid to the Council in cash or by unendorsed bank cheque.
- (c) Payment shall be made (before the release of the Construction Certificate / before the use is commenced or the release of the Occupation Certificate whichever occurs first.) (Delete as applicable)

Note: 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. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

- (d) Applications for the payment of contributions by carrying out works which are identified in the Section 94 Contributions Plan will be considered on their merits.
- (e) To support the 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.
- (f) Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Construction Certificate may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.
- (g) Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.
- (h) Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

Note: Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

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

DEDICATION OF ROAD WIDENING AND SPLAY

- (3) That the owner shall dedicate for road and footpath widening purposes, free of cost to Council, a 850mm widening along the site frontage to Dockers Lane, an appropriately dimensioned splay at the corner of Blackfriars Street and Dockers Lane and a 1.5m widening along the site frontage to Blackfriars Lane as widened, to be detailed in a plan of subdivision/consolidation of the land. This plan to be registered at the Land and Property Information Centre (formerly Land Titles Office) prior to issuing an Occupation Certificate.

PUBLIC DOMAIN PLAN

- (4) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
 - (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including street lights, trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.

- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall incorporate the standard specifications and detail of the South Sydney Streetscape Masterplan 2001 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iii) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
 - (iv) The retention and repair of any existing pavement lights.
- Note:** The current levels of artificial lighting available to the foot paths surrounding the site shall not be diminished as a result of this development.
- (v) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
 - (vi) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (vii) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
- (d) The Public Domain Plan shall include the widening, embellishment and dedication of parts of Blackfriars Street, Dockers Lane and Blackfriars Lane as outlined earlier.

- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.
- (g) A bank guarantee in the sum of \$15,100 shall be provided as security for the cost of works to the works required in the above Public Domain Plan. Such a bank guarantee shall be released upon completion of the public domain works to Council’s satisfaction.

Note:

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

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (5) 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.

RESTRICTION ON USE OF CAR PARKING SPACES

- (6) The following conditions apply to car parking:-
 - (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
 - (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

Note:

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

ALIGNMENT LEVELS

- (7) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

EXTERNAL FINISHES

- (8) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with Drawing Number Rev 4, A-07.

Note:

Any variation to these approved materials and finishes will require the submission of an application under the S96(2) Environmental Planning and Assessment Act 1979 to modify consent and approval thereto.

FLOOR SPACE RATIO

- (9) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 1.82:1 calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purpose of the calculation of FSR, the Floor Space Area of the development is 782.28sqm.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(10)

- (a) The height of the building (as defined under South Sydney Development Control Plan 1997 must not exceed RL 21.79(AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

Schedule 1B

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

- (11) 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.

DESIGN MODIFICATIONS

- (12) The design of the building shall be modified as follows:
 - (a) The lower, north-west balcony shall be amended to allow for a minimum 3.2m clearance between the foot path and the lowest point of the building element. Alternatively, this element may be deleted.
 - (b) Only six on-site parking spaces are approved. In this regard, parking space No. 3 shall be deleted and the space incorporated into the adjoining parking space.

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

DEMOLITION/SITE RECTIFICATION

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

ROAD OPENING PERMIT

- (14) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993.

STREET NUMBER APPLICATION

- (15) That the applicant shall apply to Council for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway.

SECURITY

- (16) The main entry door shall be secured by an intercom entry system.

INSULATION – ENERGY EFFICIENCY

- (17) To reduce both summer heat gain and winter heat loss, the proposed residential building(s) is to be insulated to achieve energy efficiency and thermal comfort. Insulation to the following R value standards is to be provided;

- (a) R3.0 for roofs and ceilings (combined value)
- (b) R1.5 for walls

Details are to be included in the specification submitted with the Construction Certificate.

WATER CONSERVATION

- (18) All toilets installed within the development shall be of water efficient dual-flush capacity with a minimum “AAA” rating. 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.

ONE TELEVISION AERIAL

- (19) That only one common television aerial (for each building where relevant) shall be provided.

GLAZING REFLECTIVITY LESS THAN 20%

(20) That any external glazing shall have a reflectivity not exceeding 20%.

CAR PARK ENTRY FINISH

(21) Car park roller doors shall be automated and designed and constructed for quiet operation.

LETTERBOXES

(22) Any letterboxes are to be constructed shall be designed to be accessible and in accordance with South Sydney Council's Exempt and Complying Development provisions.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

(23) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the demolition of the existing building. The purpose of the recording is to enable a demonstration of the history of development on the site for future generations.

- (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.

The form of recording is to be as follows:-

- (i) A description of the approved project; and
- (ii) 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:-
- a. 35mm colour photographs (including negatives), numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - b. Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

VEHICULAR FOOTWAY CROSSING

- (24) That prior to the release of the Construction Certificate, the applicant shall make a further application to Council for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by Council.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(25)

- (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:

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).

Notes:

- (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.

STORMWATER AND DRAINAGE

(26)

- (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 Local 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

(27) 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.

ALTERNATE SOLUTIONS

- (28) 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.

WASTE MANAGEMENT

- (29)
 - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

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

Note:

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

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

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

- (30) 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

- (31) 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.

- (32) 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.

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

OTHER DEMOLITION DETAILS

(33) 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 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.

(b) A dilapidation report for the adjoining building is to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.

(c) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.

(d) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (34) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

DISPOSAL OF SOIL

- (35) Any soil proposed to be disposed off site is to be tested to ensure that it meets the criteria set out in "Environmental Guideline - Landfill Disposal of Industrial Wastes, WD-3", prepared by the Environment Protection Authority.

Any soil, which fails to meet the criteria, is not to be disposed of off site unless agreed to in writing by the Environment Protection Authority or an accredited site auditor. Results of the testing are to be forwarded to Council and the Environment Protection Authority for acknowledgment before any off-site disposal and before proceeding with any construction works.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

- (36) Excavation of the site requires the works to be monitored by an archaeologist and any remains are to be suitably recorded. To this affect, the applicant must make application to the Heritage Office for an archaeological monitoring permit under Section 140 of the Heritage Act 1977.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (37) 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

- (38) 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

- (39) 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

- (40) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (41) 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.

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

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

Notes:

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

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

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (43) 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

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

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

HOURS OF WORK AND NOISE

- (45) 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

- (46) 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.
- (47) 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.

ANNUAL FIRE SAFETY STATEMENT

- (48) 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.

ENVIRONMENTAL MANAGEMENT PLAN

- (49) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services 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) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (f) Community consultation.
- (50) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

Schedule 1E

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

- (51) 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.
- (52) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (53) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (54) 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

- (55) 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

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

NOISE - USE

- (57) 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

- (58) 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.

CARE OF BUILDING SURROUNDS

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

WINDOW CLEANING

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

STREET NAME PLATE

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

Schedule 2

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

Carried unanimously.

ITEM 19. 'DUAL USE' (RANDOM RESIDENTIAL/SERVICED APARTMENT MIX) – STATUS REPORT (S025208)

Moved by Ms Turnbull, seconded by Mr Payne -

That arising from consideration of a report by the Acting Manager Building Services and Planning Policy to Council on 16 February 2004, in relation to 'dual use' (random residential/serviced apartment mix), it be resolved that Council:-

- (A) receive and note the subject report and submissions included at Attachment A to the subject report; and
- (B) note that a further, final report as to the policy approach for 'dual use' apartments will be prepared for consideration at a subsequent meeting.

Carried unanimously.

Note - Mr Stephen Goddard, Mr Ken Morrison, Mr Todd Wynn-Perry, Mr Julian Ledger, Mr Stephen Peoples, former Councillor Kathryn Greiner, Ms Jill Yates, Ms Diane Quinlin, Mr John Flanagan, Ms Sylvia Smits, Ms Sue Williams and Ms Sylvia Hrovatin addressed the meeting of Council on Item19.

ITEM 20. PARKING SPACE LEVY REVIEW - FEBRUARY 2004 (S031120)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Research Manager to Council on 16 February 2004, on Parking Space Levy Review - February 2004, it be resolved that authority be delegated to the General Manager to make a submission, generally in accordance with the draft submission shown at Attachment A to the subject report, to the Parking Space Levy Review being conducted by the Ministry of Transport.

Carried unanimously.

ITEM 21. PLANS AND PLANNING POLICIES APPLYING TO THE EXPANDED CITY AREA (S016796)

Moved by Ms Turnbull, seconded by Mr Pooley -

That consideration of this matter be deferred.

Carried.

ITEM 18. CITY OF SYDNEY DRAFT CONTAMINATED LAND DEVELOPMENT CONTROL PLAN 2004 (S027676)

Moved by Ms Turnbull, seconded by Mr Pooley -

That arising from consideration of a report by the Specialist Planner to Council on 16 February 2004 in relation to the City of Sydney Draft Contaminated Land Development Control Plan 2004 it be resolved that -

- (A) the City of Sydney Draft Contaminated Land Development Control Plan, as shown at Attachment A to the subject report, be readvertised in the new local government area with a view to it applying to the whole new area; and
- (B) the City of Sydney Draft Contaminated Land Development Control Plan continue to operate as an Interim Policy in the former City of Sydney area until determination of the Development Control Plan.

Carried unanimously.

At 7.05pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on 25 February 2004 at which meeting the signature herein was subscribed.