

20 DECEMBER 2004

Meeting No 1422

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.08pm on 20 December 2004 pursuant to Notice 20/1422 dated 16 December 2004.

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PRESENT

The Right Hon The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillors - Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Robyn Kemmis, The Hon Michael Lee, Shayne Mallard, John McInerney and Tony Pooley.

At the commencement of business at 5.08pm those present were:-

The Lord Mayor, Councillors Black, Firth, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

The Acting General Manager, Acting Deputy General Manager, Acting General Counsel, Director Corporate Services, Director City Works, Director City Planning, Director Planning Policy and Transport, Acting Director City Projects and Acting Director Community Living were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer and an acknowledgment of country.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of Monday 6 December 2004**

Moved by Councillor McInerney, seconded by Councillor Pooley -

That the minutes of the meeting of Council of Monday 6 December 2004, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. DISCLOSURES OF INTEREST

Councillor Mallard declared a non-pecuniary interest in Item 8.10 and took part in voting and discussion on this matter.

The Chair (the Lord Mayor) declared a non-pecuniary interest in Item 9, in that Richard D'Apice, who is representing persons concerned with that item, has been her personal legal adviser for a number of years and is Secretary of the Incorporated Association which is Trustee of the Lord Mayor Clover Moore MP Salary Trust. The Chair (the Lord Mayor) took part in discussion and voting on this matter.

Councillor Chris Harris disclosed a non-pecuniary interest in Item 11 on the Agenda in that his daughter trains in and coaches gymnastics at Eveleigh Carriageworks. Councillor Harris took part in discussion and voting on Item 11.

Councillor the Hon. Michael Lee disclosed a non-pecuniary interest in Item 6.4 on the agenda; and also declared a non-pecuniary interest in Item 8.8, as he has agreed to be a volunteer mentor for the School of Government at the University of Sydney. Councillor Lee took part in discussion and voting on Items 6.4 and 8.8.

ITEM 3. NEW YEAR'S EVE

FILE NO:

DATE: 20/12/04

MINUTE BY THE LORD MAYOR

To Council:

Of all the places you can be in the world on New Year's Eve, Sydney is one of the most famous and, in my view, the best. Sydney can put on a party, which leaves New York, Paris and London in the shade.

With our fantastic city and harbour forming a natural amphitheatre for one of the most spectacular celebrations anywhere, Sydney is recognised throughout the world as "the" place to farewell the old year and see in the new.

Via telecast, the Sydney fireworks will be watched by 600 million people throughout the world and we expect more than one million people to watch live from vantage points around the city.

There are big expectations for Sydney to deliver an event of colour, size and significance that is as good as any in the world—and this year is no different.

The New Year's Eve celebrations and fireworks, put on by the City of Sydney, have been created over nine months by a team led by creative director, Leo Schofield.

Leo's creative team cover all aspects of the creative direction of New Year's Eve, including the fireworks, the bridge effect, the harbour activities, the Lord Mayor's picnic for disabled children, and the various live sites.

This year, an artistic highlight of New Year's Eve celebrations is the five storey high spherical sculpture called 'Fanfare' unveiled last week as the centrepiece of this year's midnight fireworks display. Made of steel and covered with more than 350 reflective pinwheels that will spin as the whole piece rotates, Fanfare will be suspended from the Bridge nearly 100m above the water level and will remain in place until the end of the Sydney Festival on 30 January.

The New Year's Eve theme of "Reflections" embraces both the literal and emotional: reflecting on the past and reflecting beams of light across the City. The theme is used throughout the event, including the midnight fireworks soundtrack that opens with a classic version of the national anthem, performed by the Sydney Symphony Orchestra, and concludes with a contemporary arrangement of the anthem by young Australian composer, Hylton Mowday. It will be a spectacular evening.

As in previous years, myself and all the City of Sydney councillors support the decisions of Leo's team, which has created fantastic celebrations for the last two years.

It is also worth noting another important element of the City's New Year's Eve event: I host the Lord Mayor's picnic for 2000 disabled and disadvantaged children and their families in the Botanical Gardens.

This is the third and final year that Leo Schofield will be the artistic director for this event and I thank him for a phenomenal effort and great memories in the last two years.

I also thank City Executive Producer, Ed Wilkinson, his team and all the City staff, who every year work tirelessly to make this a fun, smooth and safe event. Sydney City invests a huge amount of effort and resources in this celebration and all the staff who make it happen deserve recognition.

These events are possible though the generous support of many of sponsors. Sydney NYE04 is sponsored by the Nine Network, The Daily Telegraph, Radio 2UE, Sydney Harbour Foreshore Authority, RTA, Windowrie Estate, Explosive Entertainment Corporations, Auspower, Diageo, Carlton & United Breweries, Coca Cola Amatil (CCA).

Even though there are international expectations placed on Sydney's New Year's Eve celebrations, this is an important celebration for Sydneysiders. As everyone knows there's nothing like "being there".

This year, the City has made “being there” easier than ever, with expanded community Live Sites in Glebe, Alexandria and Kings Cross. A wealth of experience, extending from the successful Olympic Live Sites, has gone into the planning process. You can leave the car at home and plan your night using all the information on the New Year’s Eve Website (www.sydneynewyearthseve.com).

This year we’ve also broadened the celebrations with a special family fun day at Redfern Park on New Year’s Day featuring a great line up of talent, led by Christine Anu.

New Year’s Eve is symbolic for bringing hope, looking to the future and reflecting on the past, celebrating our achievements, recognising the heroes among us and holding our family and community values high. It’s also about celebration and fun, and I think you’ll find New Year’s Eve 2004 is going to be a great Sydney party.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 20 December 2004. on New Year’s Eve, it be resolved that the minute be received and noted.

(SGD) COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

That the Minute by the Lord Mayor be received and noted.

Carried unanimously.

Note - The Chair (the Lord Mayor) also highly commended Gillian Minervini and her team for their work in organising six creative and successful concerts: at Martin Place, Rosebery, Alexandria, Glebe, Surry Hills and Ruscutters Bay.

Note - The Councillors endorsed the Lord Mayor’s remarks in expressing thanks and appreciation to Leo Schofield.

ITEM 4A. WATER POLICE SITE

FILE NO:

DATE: 14/12/04

MEMORANDUM BY THE GENERAL MANAGER

To Council:

PURPOSE

To purchase the freehold interest in the Water Police Site from the Sydney Harbour Foreshore Authority (SHFA).

BACKGROUND

On 1 June 2004, Council resolved to:

- (a) “approve entering into a 99 year lease from the Sydney Harbour Foreshore Authority (SHFA):
 - (i) of the land comprised in lot 118 DP872490 (generally now as the Water Police site)
 - (ii) on the terms set out in the subject Memorandum, including the payment of an \$11 million premium at commencement but with no other payments to the lessor during the lease term
 - (iii) noting the land is core land under the Sydney Harbour Foreshore Authority Act 1998 and cannot be sold by SHFA;
- (b) The lease include an option to purchase the land known as the Water Police site for nominal consideration, to be exercisable if the legislative restriction on sale is removed, on the terms set out in the subject Memorandum.”

A copy of the resolution is Attachment A to this Memorandum.

On 25 June 2004, the City entered into a Memorandum of Understanding (MOU) with SHFA regarding the transfer of the land. The MOU identified the potential of the City to acquire the land by freehold or leasehold. If the freehold interest in the land is acquired, the City would be certain it can own and control the land in perpetuity.

Since that resolution:

- (a) a process of due diligence that is required to be completed prior to the formal transfer of land. This process has been ongoing since July 2004 and is expected to be completed in early 2005.
- (b) The preparation has commenced for project definition, briefing, concept design and community consultation which is to be initiated early in 2005.
- (c) The key terms of a lease and whether it is possible to acquire the freehold interest, have been considered by the City together with SHFA’s solicitors.

Blake Dawson Waldron (acting for the City) have identified a mechanism for acquisition of the freehold interest to be achieved. The effect of that review is that it is possible to acquire the freehold interest in the land by compulsory acquisition with the agreement of SHFA. There would be no change to the commercial terms, namely the payment of \$11 million for the land.

SHFA has agreed in principle to the proposed compulsory acquisition process to give effect to the intent of the MOU and the previous Council resolution, and is currently seeking approval from the Minister.

To ensure that the land is used primarily for public open space, a covenant is being prepared and will be registered on the title to the land. The terms of this covenant will follow those outlined in the Council resolution of 1 June 2004.

The proposal for compulsory acquisition by agreement gives effect to the intent to acquire the freehold (rather than leasehold) interest in the land. Subject to the Minister's agreement to enable SHFA to proceed, this will occur in a very short time frame.

RECOMMENDATION:

That arising from consideration of a Memorandum by the Acting General Manager to Council on 20 December 2004, on the Water Police Site, it be resolved that:

- (A) further to the resolution of Council on 1 June 2004, Council approve compulsory acquisition by agreement of the Water Police Site;
- (B) authority be delegated to the General Manager to finalise the terms of, and enter into, all documentation which is necessary or desirable to give effect to the terms of this resolution; and
- (C) Council's attorney execute all relevant documentation.

(SGD) PETAR VLADETA
Acting General Manager

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

That the Memorandum by the Acting General Manager be endorsed and adopted.

Carried unanimously.

ITEM 4B. ACTING GENERAL MANAGER'S UPDATE REPORT TO COUNCIL

Note - no report was circulated on this matter owing to time constraints. The Acting General Manager advised that the report will be submitted to Council in the first meeting cycle of 2005, but advised Councillors as to some of its content -

- The Strategic Planning process.
- Organisational changes, particularly arrangements relating to the previous City Planning divisions of City Planning (Northern Zone) and City Planning (Southern Zone), which have been changed to City Planning Division, headed by Jason Perica, and the new Planning Policy and Transport Division, headed by Stuart McDonald.

Note - Councillor McInerney expressed his pleasure at the creation of the new Planning Policy Division and congratulated Stuart McDonald on his appointment as its Director. These remarks were endorsed by the Chair (the Lord Mayor) and other Councillors. The Chair (the Lord Mayor) also added her appreciation to staff for the long hours involved in attending meetings over the last nine months.

ITEM 4C. 429-481 GEORGE STREET, SYDNEY (QUEEN VICTORIA BUILDING) - STATUS REPORT

FILE NO:

DATE: 17/12/04

MEMORANDUM BY THE GENERAL MANAGER

To Council:

PURPOSE

The purpose of this report is to advise Council of the current position regarding the investigations of the QVB sub-committee formed in accordance with a resolution of Council on 15 November 2004 (a copy of which is Attachment A.)

BACKGROUND

The Committee, comprising the Chair, Councillor Kemmis, Deputy Lord Mayor Councillor McInerney, interested Councillors and the Acting General Manager met on 17 November 2004. The Committee conducted a site visit at which time various members queried the impact that the parallel escalators would have on the character and vista within the Queen Victoria Building. The sub-committee identified 5 alternate escalator options and requested that each escalator option be supported by:

- (a) Architectural drawings
- (b) A comment on the heritage impact
- (c) A comment on the economic viability
- (d) An independent comment on the retail feasibility of the option.

Councillors also agreed that a second inspection was necessary at which time 'string lines' were to be installed within the building in order to demonstrate the position of escalators proposed by the preferred options.

Prior to the second inspection, the five options and supporting information was evaluated by Robert Power planning consultant (Planning Workshop Australia) and his recommendation was that none of the 5 alternative options were superior to the escalator options proposed in the Master Plan on heritage grounds.

The details of the various options and reports were circulated to Councillors through the CIS.

The sub-committee and Mr Power conducted a further inspection of the QVB on 9 December 2004 at which time string lines had been erected identifying the limits of the escalator at the southern end of the ground floor of the premises in accordance with the Master Plan.

The primary issue identified at the inspection was the extent of the visual impact of escalators.

A further meeting of the sub committee was held on 16 December 2004. It was noted that two matters raised by the retail consultant (Dimaii Strategic Research) engaged by Council had not been fully dealt with, these being:

1. "The question of whether or not there may be some economic detriment from the addition of escalators to the ground floor through a sense of loss of "awe", perhaps resulting in some impact on the total level of visitation to the building, has not been addressed. This question needs to be addressed".
2. "The differential in economic performance of QVB between the scenario which includes the new escalators and the scenario which assumes continuation of the status quo is very substantial as presented in the UrbisJHD analysis. We consider that the differential in future performance may well be less than is suggested in the UrbisJHD analysis, although the methodology for estimating the differential is in our view sound. It is simply the assumptions which have been adopted by UrbisJHD which may serve to overstate this likely differential. The assumptions, in our view, ought to be re-assessed".

In light of these matters the sub-committee has requested further advice in respect of the two matters raised by Dimaii Strategic Research which would allow a comprehensive report to be prepared for Council by the first or second meeting in the New Year.

RECOMMENDATION:

That arising from consideration of a report by the Acting General Manager to Council on 20 December 2004, on 429-481 George Street, Sydney (Queen Victoria Building) - Status Report, it be resolved that Council:

- (A) receive and note the report; and
- (B) request a formal report to Council on this matter in early 2005.

(SGD) PETAR VLADETA
Acting General Manager

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

That the Memorandum by the General Manager be endorsed and adopted.

Carried unanimously.

ITEM 5. MATTERS FOR TABLING

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

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

Carried.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 13 DECEMBER 2004

PRESENT

Councillor Robyn Kemmis
(Chair)

Councillors The Hon Michael Lee, Shayne Mallard and John McInerney.

At the commencement of business at 4.05pm those present were -

Councillors Kemmis, Mallard and McInerney.

Councillor Lee arrived at the meeting of the Finance, Properties and Tenders Committee at 4.12pm during discussion on Item 6.6.

Councillors Firth, Harris, Hoff and Pooley were in attendance at the meeting of the Finance, Properties and Tenders Committee for part of the time.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.17pm.

Report of the Committee

Moved by Councillor Kemmis, seconded by Councillor Mallard -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 13 December 2004 be received, and the recommendations set out below for Items 6.2 to 6.4 inclusive and Item 6.6 to 6.10 inclusive be adopted, with Items 6.1 and 6.5 being noted.

Carried.

The Committee recommended the following:-

Order of Business

The Finance, Properties and Tenders Committee agreed that the order of business be altered such that Item 6.6 be brought forward and dealt with before Item 6.2.

DISCLOSURES OF INTEREST

6.1

Councillor Lee declared a non-pecuniary interest in Item 6.4 on the agenda and took part and discussion and voting on this matter.

No other Councillor disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Finance, Properties and Tenders Committee.

DARLING ISLAND DEVELOPMENT, PYRMONT - NAMING OF TWO NEW STREETS (S034024)**6.2**

That arising from consideration of a report by the Land Information Officer to the Finance, Properties and Tenders Committee on 13 December 2004, on Darling Island Development, Pyrmont - Naming of Two New Streets, it be resolved that -

- (A) Council give in-principle approval to the naming of the new roads described in the subject report as “Wharf Crescent” and “Fyfe Street”;
- (B) Council endorse the public exhibition of the proposed names in accordance with the requirements of the Roads Act, 1993 and the Roads (General) Regulation 2000; and
- (C) authority be delegated to the General manager to finalise Council obligations under the provisions of the Roads Act, 1993 and the Roads (General) Regulation 2000.

Carried unanimously.

PART OF BRIDGE STREET, ERSKINEVILLE - PROPOSED RENAMING (S034953)**6.3**

That arising from consideration of a report by the GIS Officer - Information Management to the Finance, Properties and Tenders Committee on 13 December 2004, on Proposed Renaming of Part of Bridge Street, Erskineville as Railway Parade, it be resolved that :

- (A) approval be given to all necessary action being taken to advertise the proposed renaming of part of Bridge Street, from Swanson Street to the bend with Railway Parade, Erskineville as Railway Parade; and
- (B) a further report be submitted to Council on the renaming proposal at the end of the advertising period.

Carried unanimously.

INVESTMENTS HELD BY COUNCIL AS AT 30 NOVEMBER 2004 (S03-4147)**6.4**

That arising from consideration of a report by the Senior Accounting Officer to the Finance, Properties and Tenders Committee on 13 December 2004, on Investments Held by Council as at 30 November 2004, it be resolved that the report be received and noted.

Carried unanimously.

LAND TRANSACTIONS OF LANEWAYS WITHIN PREVIOUS LEICHHARDT AND SOUTH SYDNEY CITY COUNCIL AREAS (S034357)

6.5

That consideration of this matter be deferred to the meeting of Council on 20 December 2004.

Carried.

Note - This item was dealt with as Item 9 on the Business Paper.

PROPOSED LEASE RENEWALS, 3-9 THE CRESCENT, ANNANDALE (S024318/S024319/S024320)

6.6

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 13 December 2004, on Proposed Lease Renewals for 3-9 The Crescent, Annandale, it be resolved that:

- (A) a further lease term with an expiry date of 31 December 2005 be granted to Storage Pty Limited, Country Timber Wholesale Pty Limited and P&K Repair Centre Pty Limited on the terms and conditions set out in the subject report;
- (B) authority be delegated to the Acting General Manager to finalise and enter into all relevant documents to give effect to the terms of this resolution;
- (C) the Acting General Manager be requested to report to Council by 30 June 2005 on the proposed future use of the land, having regard to all relevant matters including the previous resolutions of Leichhardt Council and a review of open space requirements;
- (D) the content of Attachment B remain confidential as it contains commercial information of a confidential nature, disclosure of which would prejudice the commercial position of Council and the person who has supplied it and confer a commercial advantage on one or more parties; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Mr David Lawrence addressed the Finance, Properties and Tenders Committee on Item 6.6.

SIGNIFICANT TREE REGISTER - TENDER (S031827)**6.7**

That arising from consideration of a report by the City Arborist to the Finance, Properties and Tenders Committee on 13 December 2004, on Significant Tree Register- Acceptance of Tender, it be resolved that Council:

- (A) accept the Tender submitted by Land Arc to prepare the City's Significant Tree Register in the amount outlined in confidential Attachment A to the subject report;
- (B) approve an increase in the Significant Tree Register Capital Works budget currently \$100,000 by the amount shown in confidential Attachment A, expenditure of which is subject to the General Manager's prior approval, to allow for the further data collection hours and provide for services of a specialist arborist as referred to in paragraph 16 of the subject report, to be funded as part of the Q2 Capital Works Budget revision;
- (C) authority be delegated to the General Manager to finalise and enter into a contract, including any minor amendments which the General Manager considers appropriate to protect Council's interest;
- (D) pursuant to the provisions of section 11(3) of the Local Government Act 1993, Attachments A and B be treated as confidential because they relate to a matter specified in section 10A(2)(d)(i) of that Act; and
- (E) Council's attorney be authorised to execute all relevant documents.

Carried unanimously.

SIGNPOSTING SERVICES - TENDER (S035360)**6.8**

That arising from consideration of a report by the Manager, Civil Engineering Services to the Finance, Properties and Tenders Committee on 13 December 2004, on Signposting Services - Tender, it be resolved that -

- (A) Council accept the tender from Gribble & Brennan Pty Ltd for the supply and installation of signposting and street nameplates for a period of two (2) years with an option of a further one (1) year at the discretion of the City of Sydney;
- (B) authority be delegated to the General Manager to enter into a contract in accordance with clause (A);
- (C) pursuant to the provisions of section 11(3) of the Local Government Act 1993, Attachments A and B to the subject report be treated as confidential because they relate to a matter specified in section 10A(2)(d)(i) of that Act; and
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Closed Meeting

At 5.00pm, it was moved by Councillor Kemmis, seconded by Councillor McInerney -

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 9 and 10 on the agenda as these matters comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

and it be 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.

Carried.

Items 6.9 and 6.10 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and were subsequently dealt with by Council in open session.

CASH COLLECTION SERVICES - PARKING METERS AND/OR OTHER COUNCIL FACILITIES – TENDER (S027128)**6.9**

That arising from the consideration of a report by the Contract Officer, Asset Management to the Finance, Properties and Tenders Committee on 13 December 2004, on Tender No. 0404 – Cash Collection Services – Parking Meters and/or Other Council Facilities, it be resolved that:

- (A) all tenders be rejected;
- (B) Council not invite new tenders for the cash collection service, as a satisfactory result is not expected due to:
 - (i) the majority of service providers in the market appear to have participated in this tender process, and
 - (ii) the anticipated benefits of dealing directly with providers in cash collection services;
- (C) authority be delegated to the General Manager to enter into one or more suitable contracts for cash collection services, following negotiations with selected service providers on service levels and contract price; and
- (D) Council's Attorney be authorised to execute all relevant documents.

Carried unanimously.

CONSTRUCTION OF BOARDWALK AND VIEWING PLATFORMS AT WETLAND 4 SYDNEY PARK, ALEXANDRIA - TENDER (S033087)

6.10

That arising from consideration of a report by the Project Manager, City Development to the Finance, Properties and Tenders Committee on 13 December 2004, on Construction of Boardwalk and Viewing Platforms at Wetland 4 Sydney Park, Alexandria - Acceptance of Tender, it be resolved that:

- (A) Council accept the Tender described in paragraph 11 of the subject report; and
- (B) Council's Attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 7. REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 13 DECEMBER 2004

PRESENT

Councillor Marcelle Hoff
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors Phillip Black, Verity Firth, Chris Harris and Tony Pooley.

At the commencement of business at 4.04pm those present were -

The Lord Mayor, Councillors Black, Firth, Harris, Hoff and Pooley.

The meeting of the Cultural and Community Services Committee concluded at 4.13pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor Pooley -

That the Report of the Cultural and Community Services Committee of its meeting of 13 December 2004 be received, and the recommendations set out below for Item 7.2 be adopted, with Item 7.1 being noted.

Carried.

The Committee recommended the following -

DISCLOSURES OF INTEREST

7.1

No Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Cultural and Community Services Committee.

IMPLEMENTATION OF CHILD CARE BENEFIT FUNDING FOR KING GEORGE V, ULTIMO AND PYRMONT CHILDREN'S PROGRAMS

7.2

That arising from consideration of a report by the Children's Program Coordinator to the Cultural and Community Services Committee on 13 December 2004, on the Implementation of Child Care Benefit (CCB) Funding for King George V, Ultimo and Pyrmont Children's Programs, it be resolved that -

- (A) Council give-in principle approval for the implementation of CCB funding at the KGV, Ultimo and Pyrmont Children's Programs, noting that this will result in:
 - (i) an additional \$150,000 being available to be directed to family support services and programs supporting children with additional needs;
 - (ii) an increase in places available in the three programs; and
 - (iii) childcare programs at the three centres being more affordable for most families;
- (B) Council in principal approve and advertise the proposed fees of \$7 for each after school session and \$20 for each vacation care session at the KGV, Ultimo and Pyrmont Children's Programs; noting that this will result in:
 - (i) a decrease in fees for families receiving below average incomes;
 - (ii) a negligible change in fees for families receiving average incomes; and
 - (iii) a small increase in fees for families whose incomes are significantly above average;
- (C) Council commence a consultation process with the affected communities, which includes providing information about:
 - (i) the reasons for the changes in the fee structure;
 - (ii) the benefits to the City from implementing Child Care Benefit funding; and
 - (iii) the impact on families at different income levels.
- (D) The period for consultation be extended to a date in February to be set by the Acting General Manager, such date to ensure that:
 - (i) the maximum possible time is provided for consultation; and
 - (ii) the results and findings of the consultation process are reported by way of General Manager's memorandum to the meeting of Council on 21 February, 2005
- (E) Council give-in principle approval for staff to investigate options for providing additional family support services and care for children with additional needs.

Carried unanimously.

ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE COMPRISING: THE MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE, THE DEVELOPMENT ASSESSMENT SUB-COMMITTEE AND THE PLANNING POLICY SUB-COMMITTEE - 13 DECEMBER 2004

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillors - Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Robyn Kemmis, The Hon. Michael Lee, Shayne Mallard, John McInerney and Tony Pooley.

At the commencement of business at 5.45 pm those present were:

The Lord Mayor, Councillors Black, Firth, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

Councillor Firth left the meeting of the Planning Development and Transport Committee at 7.20 pm at the conclusion of discussion on Item 8.7, which had been brought forward, and did not return.

At 8.40 pm the meeting of the Planning Development and Transport Committee was adjourned.

At 8.55pm, at the resumption of the Planning Development and Transport Committee meeting, those present were -

The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

Sub-Committees

Meetings of the Sub-Committees of the Planning Development and Transport Committee, namely:

The Major Development Assessment Sub-Committee, chaired by Councillor Kemmis;

The Development Assessment Sub-Committee, chaired by Councillor Black; and

The Planning Policy Sub-Committee, chaired by Councillor McInerney

commenced and adjourned to facilitate a changed Order of Business.

Order of Business

The Planning Development and Transport Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order -

1. Disclosures of Interest
7. Development Application: Eveleigh Carriageworks, Wilson Street, Redfern
12. Development Application: 188-196 Young Street Waterloo
6. Development Application (Stage 1): Potts Point Post Office Site, 46A-46C Macleay Street, Potts Point (Also has Frontage to Crick Avenue and Greenknowe Avenue)
4. Development Application: 251-253 Elizabeth Street and 238-240 Castlereagh Street, Sydney (Hellenic Club & Australian Workers Union (AWU) Building)
5. Development Application: 54-56 Buckingham Street, Surry Hills
8. Status Report: Stage 1 Development Application - University of Sydney, Camperdown
3. Section 96(2) Application: 397-409 Kent Street, 182-194 Sussex Street and 2-22 Market Street, Sydney
2. Development Application: 397-409 Kent Street, 182-194 Sussex Street and 2-22 Market Street, Sydney
13. Powerhouse Museum Forecourt - Open Space on the Corner of Harris and Macarthur Streets, Ultimo
11. Section 82A Review of Development Application U03-00378 - 52 Regent Street, Paddington
14. Resolving Anomalies with the City's Permit Parking Schemes
15. City of Sydney Draft Boarding House Development Control Plan 2004 - Report on Submissions
16. Green Square Affordable Housing Scheme - Status Report
17. Zetland Area Traffic Study - Status Report
9. Development Application: Minton House - 72-80 Darlinghurst Road, Kings Cross
10. Extended Construction Hours: 55-73 Oxford Street, Darlinghurst (Oxford Koala Site)
18. General Business.

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 11.12 pm.

DISCLOSURES OF INTEREST

8.1

Councillor Chris Harris disclosed a non-pecuniary interest in Item 8.7 on the Agenda in that his daughter trains in and coaches gymnastics at Eveleigh Carriageworks. Councillor Harris took part in discussion and voting on Item 8.7.

Councillor the Hon. Michael Lee disclosed a non-pecuniary interest in Item 8.8 on the Agenda, as he has agreed to be a volunteer mentor for the School of Government at the University of Sydney. Councillor Lee took part in discussion and voting on Item 8.8.

Councillor Shayne Mallard declared a non-pecuniary interest in Item 8.10 on the Agenda. Councillor Mallard took part in voting on Item 8.10.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the report of the Major Development Assessment Sub-Committee of its meeting of 13 December 2004 be received and the recommendations set out below for Items 8.2, 8.3, and 8.5 be adopted, with Items 8.1, 8.6 and 8.7 being noted, and Items 8.4 and 8.8 being dealt with as immediately following those items.

Carried.

The Major Development Assessment Sub-Committee recommended the following -

DEVELOPMENT APPLICATION: 397-409 KENT STREET, 182-194 SUSSEX STREET AND 2-22 MARKET STREET, SYDNEY (D2004/01174)

8.2

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to Development Application D2004/01174 made by Macquarie Asset Services Limited for the site at 397-409 Kent Street, Sydney, for demolition, alterations to the existing building, and the construction of a new seven (7) storey commercial/retail building fronting Kent Street, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2004/01174 dated 6 October 2004 and Statement of Environmental Effects entitled '2 Market Street, Mixed Commercial / Retail Development – Stage 2 DA' prepared by JBA Urban Planning Consultants Pty Ltd, dated October 2004 and drawings prepared by Crone Partners Architecture Studios dated 24 September 2004, Revision A, numbered as follows: -

ADA 0304 – 0307

ADA 1004 – 1010

ADA 1013 – 1015

ADA 1604 – 1608

ADA 1613

ADA 2001 – 2005

ADA 3001

and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

APPROVED DESIGN ROOF-TOP PLANT

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

ENERGY EFFICIENCY OF BUILDINGS

- (4) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating Scheme. This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and
- (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls. This report should be based on the same documents as submitted with the construction certificate.

Note:

- (c) Definitions referred to in clause 1(a) above:-
 - (i) Commitment Agreement means an agreement that is set out in accordance with SEDA's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
 - (ii) Star rating refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the Australian Building Greenhouse Rating Scheme.
 - (iii) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
 - (iv) Base building means central services and common areas of a building (Source: SEDA, September 2001).
 - (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

SAMPLE BOARD

- (5) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Crone Partners Architecture Studios dated 24 September 2004.

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

- (6) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 11.32 : 1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 49,763sqm.
 - (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, utilising the definition under Central Sydney Local Environmental Plan 1996 applicable at the time of development consent to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
 - (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 1,407sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 11.0 : 1 as specified in the Central Sydney Local Environmental Plan 1996.

BUILDING HEIGHT

- (7)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 50.2 (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).

PHYSICAL MODELS

- (8) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

- (9) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager Architecture and Urban Design should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

- (10) Prior to the issue of a Construction Certificate, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic City Model.
- (a) The data required to be submitted within the surveyed location shall include and identify:-
- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) property boundaries and the kerb lines adjacent to the site.
- (b) The data is to be submitted as a DGN, DWG or DXF file on physical media (floppy disc or CD). All plans are to be referenced to the Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA).
- (c) Within the DGN, DWG or DXF file each identified structure, feature, utility or service shall be distinguished by a combination of layering and/or symbology schema. The submitted plans shall be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.

- (d) The electronic model shall be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available at the One Stop Shop. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (11) Prior to the issue of an Occupation Certificate, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any further approvals under section 96 of the Environmental Planning and Assessment Act 1979 that affect the location of any of the underground services or structures and/or external configuration of building above ground.

PROJECT ARCHITECT NOT TO CHANGE

- (12) The architect of the project as approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

- (13) The following conditions apply to the development:-
- (a) 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.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$250,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$250,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.

- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

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

- (14) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 2003" in accordance with the following:-
- (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
 - (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
 - (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

INTERNAL PARTITIONS

- (15) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

REPORT TO BE COMPLIED WITH

- (16) The development shall be in accordance with the recommendations of the following reports, presented as Appendices to the approved Statement of Environmental Effects: -
 - (a) 'ESD and Energy Efficiency Reports' prepared by Arup Consulting dated September 2004;
 - (b) 'Façade Report' prepared by Arup Consulting dated September 2004;
 - (c) 'Preliminary Building Code of Australia (BCA) Assessment' prepared by Davis Langdon Australia dated 14 September 2004;
 - (d) 'Building Services Report' prepared by Arup Consulting dated September 2004;
 - (e) 'Fire Engineering Concept Report' prepared by Arup Fire dated September 2004;
 - (f) 'Reflectivity Report' prepared by Arup Consulting dated September 2004;
 - (g) 'Shadow Diagrams' prepared by Crone Partners Architecture Studios (undated); and
 - (h) 'Wind Effects Analysis prepared' by Windtech Consultants dated 14 September 2004.

CAR PARKING

- (17) The following conditions apply to car parking:
 - (a) The total number of tenant car spaces, public car spaces and service and delivery vehicle spaces provided on site shall be in accordance with the relevant conditions of consent for development application 44/85/00886.

- (b) The tenant car spaces shall be for the exclusive use of the tenants of the building on the site, in accordance with condition 22 of development application 44/85/00886.
- (c) The car park layout shall properly segregate the public car spaces from the tenant car spaces.
- (d) All vehicles shall enter and leave the site in a forward direction.
- (e) "Stop" sign shall be installed at the exit point to require exiting vehicles to stop at the building line.

CAR PARK AND SERVICE VEHICLE LAYOUT

- (18) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking", including disabled car spaces. All parking spaces are to be linemarked.
 - (a) In addition to (a), the disabled car spaces shall be required to comply with AS 1428.1 (clause 13), and AS 1428.2 (clause 14), in accordance with the *City of Sydney Access Development Control Plan 2004*.
 - (b) Parking spaces for bicycles and motorcycles shall be required to be provided at the rate of one car space for every 100 car spaces, or part thereof.
 - (c) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
 - (d) The details shall be submitted to and approved by the certifying authority and a letter from the Certifier confirming compliance provided to Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

SERVICE VEHICLES

- (19) All movements by service vehicles shall be accommodated on site, pursuant to the Traffic and Parking Report' prepared by Masson Wilson Twiney dated September 2004.
- (20) Any proposal to Strata subdivide the building and site will require separate applications to Council to obtain development consent for the proposal and approval of the final Strata Plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
- (21) 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, so 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:

- (i) The restriction/covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.
- (22) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are required to be completed prior to the issue of an Occupation Certificate to ensure that there is adequate fire safety in the building: -
- (a) Fire services shall be upgraded in accordance with Section 6 of the Arup Building Service Scheme Design and DA Report with reference 83996/020 dated September 2004. Design details and certification shall be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.
 - (b) A Fire Engineered Alternative Solution Report prepared in accordance with the preliminary Arup Fire Engineering Concept Report (reference 83996-90 and dated 15 September 2004) shall be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

EXTERNAL LIGHTING

- (23) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

SEPARATE APPLICATION FOR SPECIFIC USE

- (24) A separate development application must be submitted at the appropriate time for the fitout and use of the commercial and retail space approved by this development application.
- (25) The use of any part of the premises must not involve a Place of Public Entertainment unless a separate development application is submitted for the specific use and approval obtained.

SIGNS

- (26) 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.

FIRE SAFETY

- (27) 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.

Schedule 1B

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

- (28) 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 ART

- (29) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

LANDSCAPING OF THE SITE

- (30) The roof of the approved Kent Street building must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems;

Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC TELEPHONES

- (31) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:

- (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
- (b) The telephones must be available for public use during the normal opening hours of the building.

PUBLIC DOMAIN PLAN

(32) 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 trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, JCDeceaux kiosks, APT's and phone booths), 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 comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 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) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) 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.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) 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.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) 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.
 - (viii) 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.

- (ix) 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.
- (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.

Note:

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

PROVISION OF SMARTPOLES™

- (33) The applicant shall pay the cost of installation of smartpoles™ in the public way adjacent to the development, or in any area within the development which is intended to be dedicated as part of the public domain, to the requirements of Council. The details of the location of the smartpoles™ must be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. You should liaise with the Public Domain Officer in City Projects in this regard.

PAVING MATERIALS

- (34) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 “Slip Resistance of Pedestrian Surfaces Part 1: Requirements”, Appendices A and B.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (35) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details of the location shall be approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

RECEPTACLES FOR CIGARETTE BUTTS

- (36) 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(37)

- (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.

SANITARY FACILITIES

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

INSTALLATION OF DUAL-FLUSH TOILETS

- (39) 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.

INSTALLATION OF WATER EFFICIENT TAPS

- (40) All taps and shower heads installed shall be water efficient with a minimum “AAA” rating. The details shall be submitted for the approval of the certifying authority, prior to the issue of a construction certificate for the development under the Environmental Planning and Assessment Act, 1979.

ACCESS FOR PEOPLE WITH DISABILITIES

- (41) 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.

TELECOMMUNICATIONS PROVISIONS

- (42) 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.
- (43) A separate DA must be submitted for any externally fitted communications, except for facilities identified as 'low impact' under the Telecommunications Act 1997.

STORAGE AND WASTE HANDLING

- (44) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.

- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of an Certificate.

(45) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

AWNINGS

(46) The awning/canopy must comply with the City of Sydney Awnings Policy 2000, particularly in terms of the minimum height of the awning above the footpath.

UNDER AWNING LIGHTING

(47) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

(48) The following stormwater details shall be submitted:-

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (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 Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City's drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

UTILITY SERVICES

- (49) 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.

SUSTAINABLE TIMBERS

- (50) To lessen the damage to the environment in the construction of the building(s) only structural timbers from sustainable, recycled or reused sources shall be used. The type and source of timber to be used shall be submitted with the construction certificate and to Council.
- (51) The Principal certifying authority is to be satisfied on the basis of evidence submitted, that any new timber used is sourced from forests or plantations that are either:-
 - (a) managed in accordance with laws, codes of practice or other sustainable management requirements of the country of origin, or
 - (b) part of an area approved for timber production under a Regional Forest Agreement, or

- (c) managed to meet the requirements of a sustainable forest management standard or code e.g. Australian Forestry Standard (AS4708), Forest Stewardship Council, AS/NZS ISO 14001 or equivalent, or
- (d) certified by an independent third party certifier as complying with a reputable sustainable forest management certification scheme.

GEOTECHNICAL REPORT AND CERTIFICATION

(52) 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.
- (53) 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.

STRUCTURAL ENGINEER

- (54) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

METAL FIXINGS

- (55) 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.
- (56) 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.

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

- (57) 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

- (58) 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.
- (59) 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.
- (60) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (61) 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.

EXCAVATION WORK METHOD STATEMENT

- (62) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;

- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (63) 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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (64) 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 must of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (65) 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

- (66) 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.
- (67) 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.

- (68) 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 contacts.
- (69) 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.

- (70) Prior to the commencement of excavation, the applicant should contact the “Dial Before You Dig” service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

AWNING MAINTENANCE

- (71) A maintenance plan for the awning must be submitted for the approval of Council prior to the commencement of construction, including the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awning. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awning, tri-annual repainting of the awning, regular cleaning of lighting and replacement of defective lighting, and regular cleaning of the awning glazing at least every six months or more frequently if required.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (72) 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.

APPLICATION FOR A ROAD OPENING PERMIT

- (73) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
- (74) Documents required with the Road Opening Permit application include:-

- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
 - (d) A Security Deposit for reinstatement of public way.
- (75) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (76) 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

- (77) 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (78) The following environmental protection measures are required:-
- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
 - (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 loose material and litter from being blown onto the public way;
 - (v) 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".
- (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 Water and Sediment Control Statement shall be implemented during the construction period.
 - (e) Any seepage or rainwater collected on site during construction 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 Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

FOOTPATH DAMAGE BANK GUARANTEE

- (79) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee in the sum to be assessed by Council, as security for any damage rectification.
- (80) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
 - (a) Plastic sheeting to cover the stone paving;
 - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
 - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

USE OF MOBILE CRANES

(81) 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

(82) 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.

(83) 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

- (84) 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.

COMPETENCY ASSESSMENT BY P.C.A - SECTION 93 CERTIFIERS

- (85) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (86) 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

- (87) 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.
- (88) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (89) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) **Note:** The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (90) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the Principal Certifying Authority (PCA) including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (91) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

- (92) The applicant shall ensure that lighting of the site, whilst any work is undertaken outside of Council's standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

LOADING AND UNLOADING DURING CONSTRUCTION

- (93) The following requirements apply:-
 - (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (c) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (d) If a Works Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specified 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.
- (94) All costs of traffic management measures associated with the development shall be borne by the developer.

STREET TREES

- (95) 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.

PROTECTION OF THE ENVIRONMENT

- (96) 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.
- (97) 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.

PUBLIC WAY

- (98) 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.

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

- (99) 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.
- (100) **A Fire Safety Certificate** (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.

BUILDING CODE OF AUSTRALIA

- (101) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (102) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (103) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (104) 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.

CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

- (105) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

(106) 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.

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

Notes:

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

CERTIFICATION OF GEOTECHNICAL INSPECTION

(108) 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.

SYDNEY WATER CERTIFICATE

(109)

- (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

- (110) 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.
- (111) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

STREET NAME PLATE

- (112) 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).

EXHAUST FOR FOOD

- (113) 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.
- (114) Any proposed commercial food premises shall not be used for the cooking of food unless an approved air handling system designed in accordance with AS 1668.1-1998 and AS1668.2-1991 installed to the cooking appliances or alternative solution satisfying the performance objective of part F4 of the Building code of Australia.
- (115) The construction, fitout and finishes of any proposed food premises shall comply with standard 3.2.3 of the Australian and New Zealand Food Standards Code under the food Act 2003. Guidance may be obtained from AS 4674 Design, construction and fitout of food premises.
- (116) You are advised that any requirements of the Sydney Water Authority for grease arrestors are to be complied with.
- (117) The installation of rainwater tank shall be in accordance with the requirements of Sydney Water.
- (118) The rainwater tank water shall only be reused for toilet flushing.
- (119) All plumbing work is to be carried out by a licensed plumber in accordance with the New South Wales Code of Practice- Plumbing and Drainage.
- (120) Guidance on the installation and maintenance of the rainwater tank shall be obtained from the publication "Guidance on use of Rainwater tanks (National Environmental Health Forum monographs 2004)".

AIR HANDLING

- (121) All air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000.

MICROBIAL CONTROL

- (122) All water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000 before being commissioned.

- (123) All cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000.
- (124) A true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2000 that certifies the effectiveness of the process of disinfection used for the water cooling system, be submitted to Council prior to the period ending 30 June each year.

CONTROL OF LEGIONNAIRES

- (125) The owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation there under. Registration forms are available from Council.

DETAILS OF HEALTH ASPECTS

- (126) 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 mechanical ventilation systems and fire precaution features: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2)

DETAILS OF HEALTH ASPECTS

- (127) That 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: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2); and
- (b) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

HAZARDOUS AND INDUSTRIAL WASTE

- (128) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:-

- (a) Protection of the Environment Operations Act, 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 1996.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) New South Wales Occupational Health & Safety Act, 2000.
- (e) New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
- (f) The Occupational Health & Safety Regulation 2001.
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

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

NOISE - USE

(132) 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

(133) Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Schedule 2

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

Carried unanimously.

SECTION 96(2) APPLICATION: 397-409 KENT STREET, 182-194 SUSSEX STREET AND 2-22 MARKET STREET, SYDNEY (D2001/00732)

8.3

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to Section 96(2) Application D2001/00732B made by Macquarie Asset Services Limited for the site at 397-409 Kent Street, Sydney, to modify the Stage 1 consent, it be resolved that consent be granted subject to the following amended conditions (with amendments shown in *bold italics* or ~~strikethrough~~):-

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) The Stage 2 development application must be generally in accordance with Development Application No.D/01/00732 dated 16 February 2001 and as amended on 22 November 2001 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated October 2001 and drawings numbered ~~ADA Z1704—ADA Z1709 Rev C, ADA Z1212 Rev D, ADA Z1714 Rev C, ADA Z2010 Rev B, ADA Z2011 Rev C, ADA Z2012 Rev C, ADA Z3010 Rev C, ADA Z3011 Rev C, ADA Z2031 Rev C, ADA Z2032 Rev C, ADA Z2033 and ADA Z8007 Rev A prepared by Crone Nation Architects dated 22 November 2001 and as amended by the following conditions:-~~ and dated:

ADA Z0010		12/10/01
ADA Z1204—Z1209	Rev C	22/11/01
ADA Z1212	Rev D	26/11/01
ADA Z1214	Rev C	22/11/01
ADA Z1215	Rev C	22/11/01
ADA Z2010	Rev B	22/11/01
ADA Z2011	Rev C	22/11/01

ADA Z2012	Rev C	22/11/01
ADA Z2031	Rev C	22/11/01
ADA Z2032	Rev C	22/11/01
ADA Z2033	Rev C	22/11/01
ADA Z3011	Rev C	22/11/01
ADA Z3010	Rev C	22/11/01

~~as prepared by Crone Nation Architects and as amended by the following conditions: (Amended 19 December 2001)~~

<i>ADA 0010</i>	<i>Rev A</i>	<i>24/09/04</i>
<i>ADA Z1204 – Z1209</i>	<i>Rev D</i>	<i>24/09/04</i>
<i>ADA Z1210</i>	<i>Rev A</i>	<i>24/09/04</i>
<i>ADA Z1212</i>	<i>Rev D</i>	<i>26/11/01</i>
<i>ADA Z1213</i>	<i>Rev A</i>	<i>24/09/04</i>
<i>ADA Z1214 - Z1215</i>	<i>Rev D</i>	<i>24/09/04</i>
<i>ADA Z1704 - Z1708</i>	<i>Rev D</i>	<i>24/09/04</i>
<i>ADA Z1713</i>	<i>Rev A</i>	<i>24/09/04</i>
<i>ADA Z2010</i>	<i>Rev C</i>	<i>24/09/04</i>
<i>ADA Z2011 - Z2012</i>	<i>Rev D</i>	<i>24/09/04</i>
<i>ADA Z2031 – Z2033</i>	<i>Rev D</i>	<i>24/09/04</i>
<i>ADA Z3011</i>	<i>Rev C</i>	<i>24/09/04</i>
<i>ADA Z3010</i>	<i>Rev D</i>	<i>24/09/04</i>

as prepared by Crone ~~Nation Architects~~ Partners Architecture Studios and as amended by the following conditions:

BUILDING HEIGHT

(6)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed ~~RL 50.9~~ **RL 50.2** (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 2

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

Carried.

DEVELOPMENT APPLICATION: 251-253 ELIZABETH STREET AND 238-240 CASTLEREAGH STREET, SYDNEY (HELLENIC CLUB & AUSTRALIAN WORKERS UNION (AWU) BUILDING) (D2003/00781)

8.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to Development Application D2003/00781 made by the Hellenic Club Pty Ltd for the site at 251-253 Elizabeth Street and 238-240 Castlereagh Street, Sydney, for retention and conservation of the Castlereagh Street façade of the Australian Workers Union (AWU) Building, demolition of all other buildings and structures, and a building envelope containing commercial, retail, club and car parking uses, it be resolved that:-

- (A) Council express its support in principle to a SEPP 1 variation on the site (rather than an FSR exclusion), and that the applicant liaise with Council staff regarding the necessity or otherwise for a new SEPP 1 objection; and
- (B) Council staff provide advice on the mechanism to achieve the above.

Note - The recommendation of the Major Development Assessment Sub-Committee was not carried.

At the meeting of Council, it was moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to Development Application D2003/00781 made by the Hellenic Club Pty Ltd for the site at 251-253 Elizabeth Street and 238-240 Castlereagh Street, Sydney, for retention and conservation of the Castlereagh Street façade of the Australian Workers Union (AWU) Building, demolition of all other buildings and structures, and a building envelope containing commercial, retail, club and car parking uses, it be resolved that:-

- (A) Council supports the proposal in terms of FSR and finds the SEPP 1 objection to be well founded; and
- (B) consent be granted subject to the following conditions:

Schedule 1

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule 1 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) The Stage 2 development application must be in accordance with the following:

- (a) Development Application No. D2003/00781 dated 8 August 2003, as modified by the plans submitted 30 September 2004 for Option 2, with drawing Nos. SK01, SK02A – SK08A, SK90A and SK10A (undated); and
- (b) Statement of Environmental Effects and Traffic Parking Report prepared for the Hellenic Club by Gary Shiels & Associates Pty Ltd dated August 2003

and as amended by the following conditions:

STAGE 1 BUILDING ENVELOPE CONTROLS

(2) The building envelope is only approved on the basis that it be amended to comply with the Sun Access Plane for Hyde Park West, and the Central Sydney DCP 1996 in respect of Clauses 2.3 (side setbacks), and that the ultimate building design will be wholly contained within the envelope and provide an appropriate relationship with neighbouring buildings. In addition, the setback of the proposed tower from the façade of the AWU Building shall match the setback of the adjoining building to the north.

The Stage 2 development application should demonstrate a consistency with the objectives and provisions of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996 and the Central Sydney Heritage Local Environmental Plan 2000.

COMPETITIVE PROCESS

(3) A competitive process or competition with at least three (3) architects shall be undertaken prior to the lodgement of a Stage 2 Development Application, in accordance with the relevant provisions of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 13.42 : 1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 11,995sqm, and includes 828sqm of Floor Space Area consisting of the Hellenic Club auditorium and cultural centre in basement level B5. This Floor Space Ratio is only approved on the basis that the basement area be used as an auditorium for use by the general public (or a cinema, recital hall or theatre for public use). If, in the opinion of Council, the Stage 2 application does not satisfy these criteria, then the total Floor Space Ratio of the development shall be 12.5 : 1 inclusive all of floor space within the development.
 - (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, utilising the definition under Central Sydney Local Environmental Plan 1996 applicable at the time of development consent to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
 - (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (i.e. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 2,837sqm of heritage floor space was allocated (purchased and transferred) to the development, being that 50% of the floor space in excess of 8:1, and 100% of the floor space at level B5 (828sqm) as specified in the Central Sydney Local Environmental Plan 1996. This figure may vary if the Floor Space Ratio changes at Stage 2.

RESTRICTION ON CLUB

- (5) The following applies to the Stage 2 development:-
- (a) In recognition of the long and historic association of the Hellenic Club with the land, the Hellenic Club must continue to operate within the building on completion of construction of the development. The basement area must be open to use by the public (not just Club members and their guests).
 - (b) The owners of the land must register with the Land Titles Office, prior to the issue of Construction Certificate under the Environmental Planning and Assessment Act 1979, a documentary restrictive covenant approved by Council to the effect that the area used as the Hellenic Club (828sqm) must not be used for any purpose other than the Hellenic Club. The restrictive covenant is to be registered on the title of the development site pursuant to Section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

Note: The covenant will be noted on the data base for Section 149 certificates issued under the Environmental Planning and Assessment Act 1979.

BUILDING HEIGHT

- (6) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 93.08 (AHD), including plant.

Note: All parts of the building must comply with the Hyde Park West Sun Access Plane. A report prepared by a registered surveyor must be submitted with the Stage 2 application, which certifies that the development complies with the Hyde Park West Sun Access Plane.

HERITAGE – AWU BUILDING

- (7) Prior to the submission of the Stage 2 application, the applicant shall commission an experienced conservation architect to prepare the following documents: -
- (a) An assessment report on the heritage significance of the AWU Building. The Report shall provide for the retention and conservation of the building's façade, internal stairs and lift, and shall clearly demonstrate that the remainder of the building does not have sufficient significance to warrant its retention;
 - (b) The heritage assessment report shall specifically address the likely impact of the driveway being increased from 3.5 metres, to 5.5 metres, as recommended by the Sydney Traffic Committee; and
 - (c) An Interpretation Strategy which includes, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
- (8) Concurrent with the above condition, the applicant shall commission an accredited structural engineer (BEMIEAUS, Ceng and NPER) to prepare and certify a methodology for construction, and details of the proposed works to the AWU Building, to ensure the conservation of the retained portions of the building.

ENERGY EFFICIENCY OF BUILDINGS

- (9) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating Scheme. This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and
- (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls. This report should be based on the same documents as submitted with the construction certificate.

Note:

- (a) Definitions referred to in clause 1(a) above:-
 - (i) Commitment Agreement means an agreement that is set out in accordance with SEDA's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
 - (ii) Star rating refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the Australian Building Greenhouse Rating Scheme.
 - (iii) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
 - (iv) Base building means central services and common areas of a building (Source: SEDA, September 2001).
 - (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001).

LOT CONSOLIDATION

- (10) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an Occupation Certificate for the Stage 2 application under the Environmental Planning and Assessment Act 1979.

CAR PARK AND SERVICE VEHICLE LAYOUT

- (11) The following traffic requirements will apply to the Stage 2 development:-
- (a) The car parking and service vehicle provisions shall satisfy the relevant provisions of Council's Central Sydney LEP and DCP 1996.
 - (b) The width of the driveway shall be widened from 3.5m to 5.5m, providing the heritage and structural reports required by the above conditions conclude that a driveway of this width is acceptable.
 - (c) All vehicles shall enter and leave the site in a forward direction.
 - (d) "Stop" sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
 - (e) The layout plan of the car park is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking", including disabled car spaces. All parking spaces are to be line marked.
 - (f) The gradients of the ramp between the driveway and the loading area on the first basement level shall comply with the requirements of Section 3.4 in AS 2890.1 - 1993.
 - (g) In addition to the condition above, the disabled car spaces shall be required to comply with AS 1428.1 (clause 13), and AS 1428.2 (clause 14), in accordance with the City of Sydney Access Development Control Plan 2004.
 - (h) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
 - (i) Parking spaces for bicycles and motorcycles shall be required to be provided at the rate of one car space for every 100 car spaces, or part thereof.

The details 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.

- (12) All loading and unloading associated with construction must be accommodated on site.
- (a) 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.

- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
- (c) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (d) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work 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.

MATERIALS AND SAMPLES BOARD

- (13) A complete materials board including all external finishes, colours and specifications including all glazing must be submitted with the Stage 2 development application for the approval of the Council. Quality materials, finishes and detailing are required to ensure that design excellence is realised in the completed building.

The selection of materials must be sympathetic to the character of the building fabric in the area to enhance the integration of the building with the neighbouring buildings.

SUSTAINABLE TIMBERS

- (14) To lessen the damage to the environment in the construction of the building(s) only structural timbers from sustainable, recycled or reused sources shall be used. The type and source of timber to be used shall be submitted with the construction certificate and to Council.

The Principal certifying authority is to be satisfied on the basis of evidence submitted, that any new timber used is sourced from forests or plantations that are either:-

- (a) managed in accordance with laws, codes of practice or other sustainable management requirements of the country of origin, or
- (b) part of an area approved for timber production under a Regional Forest Agreement, or
- (c) managed to meet the requirements of a sustainable forest management standard or code e.g. Australian Forestry Standard (AS4708), Forest Stewardship Council, AS/NZS ISO 14001 or equivalent, or
- (d) certified by an independent third party certifier as complying with a reputable sustainable forest management certification scheme.

INSTALLATION OF WATER EFFICIENT TAPS

- (15) All taps and shower heads installed shall be water efficient with a minimum “AAA” rating. The details shall be submitted for the approval of the certifying authority, prior to the issue of a construction certificate for the development under the Environmental Planning and Assessment Act, 1979.

INSTALLATION OF DUAL-FLUSH TOILETS

- (16) 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.

PLANT ROOMS AND ROOF TOP DESIGN DETAILS

- (17) Full details of the mechanical services and plant required to service to the entire building is to be provided by a suitably qualified engineer for the approval of Council with the Stage 2 development application.
- (18) The design detail for all external plant rooms including materials and finishes are to be submitted with the Stage 2 application. The plant is not to exceed the maximum height limit for the site as defined by the Central Sydney Local Environmental Plan 1996 and all roof-top plant and associated equipment (including roof top plant rooms, parapets and screening devices) shall be located within the approved Stage 1 building envelope and fully integrated into the building design.

Note: In satisfying the Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

- (19) Design details for all roof top areas are to have a high standard of finish and design. Rooftop gardens/terraces are encouraged and visual / acoustic privacy, security, safety and wind effects are to be considered in the design resolution of roof top areas.

CONSTRUCTION MANAGEMENT REPORT

- (20) A detailed Construction Management Plan is to be submitted with the Stage 2 application. The Plan must addressing the following matters:
- (a) The construction phasing of the development to minimise the impact of the surrounding pedestrian and traffic flows;
 - (b) To define the route for construction vehicular to and from the site, including the likely number of movements during the construction period;

- (c) To indicate how construction vehicles will be managed to ensure that the impact on traffic flows along Pitt and Goulburn Streets and surrounding streets during the peak traffic times are minimized; and
- (d) To provide details for pedestrian management in Pitt Street and Goulburn Street during the construction period including measures to ensure access to the adjoining buildings is not adversely affected.
- (e) To assess the combined impacts of construction activities in the area and present recommendations to ameliorate the combined impacts.

GLAZING

- (21) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

SHADOW DIAGRAMS

- (22) Detailed shadow diagrams are to be submitted with the Stage 2 development application to confirm compliance with the provisions of Part 4 of the Central Sydney LEP 1996.

ACCESS FOR PERSONS WITH A DISABILITY

- (23) 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 Development Control Plan 2004.

BCA MATTERS

- (24) A detailed BCA Report is to be submitted with the Stage 2 development application. This report is to be prepared by an appropriately qualified building surveyor and is to address relevant BCA legislation.

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. 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.

SIGNAGE STRATEGY

- (25) A Preliminary Signage Strategy which identifies the number, type, size and location of any signs (and their illumination as appropriate) to ensure adequate way finding, naming of buildings and tenancies within the development shall be submitted for the approval with the Stage 2 development application.

DEMOLITION/SITE RECTIFICATION

- (26) No demolition or construction shall commence in relation to this Stage 1 development until a Stage 2 development application is approved and an associated Construction Certificate.
- (27) The following conditions apply to the development:-
- (a) 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.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum \$500,000 as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$500,000; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

DEVELOPMENT COST- STAGE 2

- (28) A detailed Quantity Surveyors' Report costing and itemising all included and excluded elements in the Stage 2 development shall be submitted with the lodgement of the Stage 2 development application. This Report shall be consistent with administrative guidelines for defining development cost.

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

- (29) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-

- (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

WIND ASSESSMENT

- (30) A full wind assessment report based on wind tunnel tests is to be completed prior to holding of the design competition and the results are to be included in the design brief. The design of the building lodged with the Stage 2 development application is to fully address all wind amelioration issues arising out to the wind report.

PUBLIC DOMAIN PLAN

- (31) 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 for the Stage 2 application 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 trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), 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 comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 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) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) 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.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) 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.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) 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.
 - (viii) 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.
 - (ix) 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.

- (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.

Note:

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

ELECTRICITY SUBSTATION

- (32) The applicant must liaise with Energy Australia regarding their requirements for any electrical substations on the site. (Details of the size, design and location of any substation/s shall be included in the Stage 2 development application to the satisfaction of Energy Australia and shall be incorporated within the building envelope.)

TELECOMMUNICATIONS PROVISIONS

- (33) 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 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.

The details of (a) and (b) above shall be submitted for the approval of Council with the Stage 2 application.

STORAGE AND HANDLING OF WASTE

- (34) The Stage 2 development must be designed to meet the following requirements for storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code). A Preliminary Waste Management Plan shall be submitted with the Stage 2 application and must address compliance with the Waste Code including details of the following, where applicable:
- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of a Certificate.

(35) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

SUBDIVISION APPROVAL

(36) A separate development application for any subdivision must be made to Council.

Schedule 2

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

Carried unanimously.

Note - Mr George Karavanis and Mr Richard Heron addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 8.4.

DEVELOPMENT APPLICATION: 54-56 BUCKINGHAM STREET, SURRY HILLS (U03-00905)

8.5

That arising from consideration of a report by the Senior Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to Development Application U03-00905 made by S & M Constructions Pty Ltd for the site at 54-56 Buckingham Street, Surry Hills, to demolish the existing building and erect a four storey building with commercial use at ground level and 3 x 2 bedroom residential units above, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

- (1) That the development shall be generally in accordance with plans numbered DA03027.102, 3, 5, 6, 8, 9, 10, 11, 12, 14 Issue H , dated 2 November 2004 and drawn by Alexander Tzannes Associates subject to compliance with the conditions below;
- (2) That 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 – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$3,350

The above payment will be adjusted according to the relative change in the Consumer Price Index using the following formula.

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

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 Dec 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. Copies of the Section 94 Contributions plan may be inspected at Council's Redfern Neighbourhood Centre presently located at Tower B, 1 Lawson Square, Redfern;

(3) Part A

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 2003, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space/LGA Works Programme	\$ 1,896
Open Space/New Parks (o/s Green Square)	\$17,426
Accessibility And Transport	\$ 30
Library Resources	\$ 669
Management	\$ 425
Multifunction Admin Centre	\$ 2,204
Total	\$22,650

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 the Dec 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.

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

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.

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.

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 Building Application 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.

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.

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.

Copies of the Section 94 Contributions plan may be inspected at Council's Redfern Neighbourhood Centre presently located at Tower 2, 1 Lawson Square, Redfern;

Schedule 1B

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

- (4) That a separate development application shall be lodged for the specific use of the commercial tenancy at ground floor level. Details lodged with the application shall include hours of operation, number of staff, traffic generation, waste removal etc;
- (5) That a dilapidation report for the building at No. 52 Buckingham Street, No.7-11 Little Buckingham Street and the construction site/building at no. 58-60 Buckingham Street are to be submitted by an appropriately qualified structural engineer prior to the release of the Construction Certificate. These reports must be provided to the land owners of the adjoining properties by the applicant.
- (6) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$990.00 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (7) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, to the value of \$2000 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (8) That only one common television aerial shall be provided on the building. Details must be provided to the Principle Certifying Authority prior to the release of the Construction Certificate);
- (9) That any external glazing shall have a reflectivity not exceeding 20%. Details must be provided to the Principle Certifying Authority prior to the release of the Construction Certificate);

- (10) That any letterboxes to be constructed shall be designed to be accessible and in accordance with South Sydney Council's Exempt and Complying Development provisions (details must be provided to the Principle Certifying Authority prior to the release of the Construction Certificate);
- (11) That the applicant shall meet with Councils Waste Services Operations Manager prior to issuing a Construction Certificate to discuss suitability of the storage area and to present a waste management plan including expected waste generation rates, general requirements regarding collection services and waste management responsibilities;
- (12) That the applicant shall ensure that the enclosed domestic garbage storage area is of sufficient size to accommodate 2 x 240-litre sulo bins for domestic refuse and 2 x 240-litre sulo recycling bins (details must be provided to the Principle Certifying Authority prior to the release of the Construction Certificate);
- (13) That the applicant shall ensure that a suitable separate enclosed garbage storage area shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by commercial tenants (details must be provided to the Principle Certifying Authority prior to the release of the Construction Certificate);
- (14) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a Construction Certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued) ;
- (15) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, irrigation system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass. Details must be provided to the Principle Certifying Authority prior to the release of the Construction Certificate;

- (16) That the impact of the proposed construction works on existing trees either on site, within the footway, or on neighbouring properties, shall be assessed by a suitably qualified arborist. The arborist shall then submit a tree survey report to Council, providing accurate location, height, canopy spread, species and condition, with any protection and mitigation measures require for each specimen. These measure shall be approved by Council's Tree Management Officer and implemented under the supervision of a suitably qualified arborist, prior to the application of the Construction Certificate. Should the protection and mitigation measures not be adhered to, the developer shall be liable for fines in accordance with Council's Tree Preservation Order. If the construction period extends beyond 6 months, 3 monthly arborist reports shall be submitted to Council's Tree Management Officer to assess whether these protection and mitigation measures are being implemented effectively;
- (17) That the application shall submit a waste management plan as outlined in Council's Code for Waste Minimisation in new developments prior to the issue of a Construction Certificate. This condition applies to all residential, commercial and mixed-use developments;
- (18) That 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 an Accredited Certifier prior to the issue of the Construction Certificate:
- all proposed and required mechanical ventilation systems:
STANDARD REQUIREMENT – Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (19) That construction, containerisation and handling of residential garbage and recyclables shall be in accordance with Council's Waste Management/minimisation Fact Sheets. Details to be submitted with the applications for a Construction Certificate;
- (20) A Construction Management Plan shall be submitted to and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate;

Schedule 1C

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

- (21) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the City of Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;

- (22) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (23) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (24) 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;
- (25) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (26) That all loading and unloading of construction materials shall take place off street at all times unless the City of Sydney Local Traffic Committee approves an on-street Works Zone;
- (27) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (28) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (29) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
 - (a) Construction periods of 4 weeks and under:

The LA10 level measure over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.
 - (b) Construction periods of greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

(c) Construction hours being limited to:

Monday to Friday, 7.00am to 5.00pm

Saturday, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council;

- (30) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (31) That the requirements of the Work Cover Authority shall be complied with;
- (32) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (33) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (34) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (35) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (36) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (37) That the demolition work shall comply with Australian Standard 2601-1991;
- (38) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (39) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and

- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

Schedule 1D

Conditions to be complied with prior to commencement of use

- (40) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works;
- (41) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;

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

- (42) That the street number shall be clearly displayed, with such number being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (43) That the applicant shall ensure that there shall be no encroachments over the public way;
- (44) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;

- (45) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (46) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (47) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (48) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (49) That an application for an Occupation Certificate shall be submitted on the completion of the building works;

Schedule 1F

Conditions to be complied with during the use of Premises

- (50) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (51) That the current-parking restrictions around the site shall not be altered for any proposed vehicles servicing for the site after an occupation certificate has been issued;
- (52) That the applicant shall ensure that the commercial tenants must engage services of a private waste contractor for removal of waste and recycling;
- (53) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in any existing or proposed Council on-street resident parking schemes. Signs to this effect shall be located in prominent places, to Council's satisfaction, such as at display units and on all directory boards or notice boards, where they can easily be observed and read by persons entering the building. The sign shall read, "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council". The signs shall be erected in conjunction with all display units and within completed building prior to release of an occupancy certificate and shall be maintained in good order at all times;

- (54) That at all times the access ways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (55) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003.

Carried unanimously.

Note - Mr Phillip Arnold addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 8.5.

DEVELOPMENT APPLICATION (STAGE 1): POTTS POINT POST OFFICE SITE, 46A – 46C MACLEAY STREET, POTTS POINT (ALSO HAS FRONTAGE TO CRICK AVENUE AND GREENKNOWE AVENUE) (D2004/00861)

8.6

That consideration of this matter be deferred to the meeting of Council on 20 December 2004.

Carried.

Note - This matter was dealt with by Council as Item 10 on the Business Paper.

Note - Mr Dale Shaddock, Mr Michael Buggy, Mr Andrew Woodhouse, Ms Amanda Findlay, Mr Peter John Cantrill, Ms Kara Krason, Mr Ben Haynes and Mr Tom Lanny addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 8.6.

Note - Item 8.7 was considered by the Development Assessment Sub-Committee. The Development Assessment Sub-Committee recommended the following in relation to Item 8.7 -

DEVELOPMENT APPLICATION: EVELEIGH CARRIAGEWORKS, WILSON STREET, REDFERN (U03-00977)

8.7

That consideration of this matter be deferred to the meeting of Council on 20 December 2004.

Carried.

Note - This matter was dealt with by Council as Item 11 on the Business Paper.

Note - Ms Vilama Sarma, Mr David Clarkson, Mr Robert Love, Ms Deborah Ely, Ms Kim Spinks, Ms Clare Grant, Mr Chris Ryan, Mr Tim Hurst, Ms Regina Heilmann, Mr Richard Butcher, Mr Neil Simpson, Ms Michelle Outram, Ms Jane McKernan, Mr Harley Stumm, Ms Jane Houselander, Mr John Gillies, Ms Kathy Meggitt, Ms Jane Worthington, Ms Anne Tregagle, Ms Julie Power, Mr Tim Hamilton, Mr Sebastian Dickens and Ms Kate Reid addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 8.7.

Note - Item 8.8 was considered by the Major Development Assessment Sub-Committee. The Major Development Assessment Sub-Committee recommended the following in relation to Item 8.8 -

STATUS REPORT: STAGE 1 DEVELOPMENT APPLICATION - UNIVERSITY OF SYDNEY, CAMPERDOWN (D/2004/00655)

8.8

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to the Stage 1 Development Application D/2004/655 made by the Facilities Management Office of the University of Sydney for the site at 96-148 City Road, Darlington, for a Stage 1 Development Application presenting the University of Sydney's proposal to undertake two major building projects as well as upgrading of a significant amount of public domain space within the Camperdown and Darlington Campuses, it be resolved that:

- (A) the report be received and noted;
- (B) Council, as the authority responsible for determining section 94 contributions, advise the applicant and the Central Sydney Planning Committee, that the Council is not prepared to delete or reduce the amount of Section 94 Contributions required under the South Sydney Section 94 Contributions Plan 1998. A Contribution is warranted, for an amount equivalent to a 'worker' for both students and staff, verification of these numbers is needed prior to the determination of Stage 2 development applications and payments should be made prior to commencement of works.
- (C) the Central Sydney Planning Committee as the consent authority for the Stage 1 Development Application be advised that:
 - (i) having regard to the fact that the Council is the land owner of City Road and has not yet granted owner's consent to the lodgement of the Stage 1 Development Application, the proposed works on and over City Road, should be deleted from any Stage 1 Development Application consent, unless consent is granted prior to determination;
 - (ii) Council encourages negotiations to continue between the applicant and Council staff regarding issues relating to design refinements for the new buildings, retention/relocation of trees and measures to ensure that there is no net increase in parking on the site; and

- (iii) the issue of heritage impacts on the fences that will be affected by this proposal be considered prior to any decision being made.

Amendment. At the meeting of Council, it was moved by Councillor Kemmis, seconded by Councillor McInerney -

That the motion be amended by the addition of the following words at the end of clause (B) -

If this is not acceptable to the Crown applicant, the Council may accept an alternative equivalent contribution for specific works for Victoria Park, which results in wider benefits to the community and users of the Park other than students and visitors. If this course is followed, an appropriate condition is to be drafted by the General Manager.

Motion, as amended, carried unanimously.

Note - Professor Michael Fry addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 8.8.

Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor McInerney -

That the Report of the Development Assessment Sub-Committee of its meeting of 13 December 2004 be received, and the recommendations set out below for Items 8.9, 8.10 and 8.11 be adopted, with Item 8.12 being noted.

Carried.

The Development Assessment Sub-Committee recommended the following:

DEVELOPMENT APPLICATION: MINTON HOUSE – 72-80 DARLINGHURST ROAD, KINGS CROSS (D/2004/590)

8.9

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to Development Application D/2004/00590 made by Martin & Spork P/L for the site at 72-80 Darlinghurst Road, Kings Cross, for 'Change of use from offices to backpacker accommodation and associated building works on first and second levels, alterations and additions to existing ground level shops, and construction and conversion of storage areas to shops at basement level', it be resolved that:

- (A) it be noted that the applicant has withdrawn the application;
- (B) it be noted that had the application not been withdrawn Council would have refused consent for the following reasons:-

- (1) the application does not satisfy the heritage provisions of Part 4 of the South Sydney Local Environmental Plan 1998, Part E of the South Sydney Development Control Plan 1997, or the South Sydney Heritage Conservation Development Control Plan 1998 as the proposed building works will adversely impact on the heritage significance of the building in that the original building fabric that Minton House still contains and which contributes to its heritage significance will be deleteriously affected by the proposal;
 - (2) the application does not satisfy the provisions of Part E of the South Sydney Development Control Plan 1997, as the development exceeds the Floor Space Ratio controls;
 - (3) the proposed change of use from basement storage spaces to basement level shops and associated building works represent an overdevelopment of the site and results in poor street presentation;
 - (4) the application fails to adequately address the provisions of the City of Sydney Access DCP 2004 with respect to the proposed basement level shops;
 - (5) the applicant has not provided adequate justification to satisfy Clause 43 (2)(b) of the LEP (Development for the purposes of a backpacker's hostel or serviced apartment) in that the need for another backpacker establishment in the area is questionable as initial studies suggest that there is currently an overabundance of such establishments, and complaints received about backpackers indicate that the amenity of the area may be adversely affected by such use.
 - (6) the proposal is not in the public interest; and
- (C) Council support in principle the heritage listing of the site and that further investigations be carried out in respect to including Minton House as a heritage item in Schedule 2 (Heritage Items) of the South Sydney Local Environmental Plan 1998.

Carried unanimously.

**EXTENDED CONSTRUCTION HOURS - 55-73 OXFORD STREET,
DARLINGHURST (OXFORD KOALA SITE) (D/02/00499E)**

8.10

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to a request by Multiplex Developments Pty Ltd for a further trial period for extended working hours for construction on the site at 55-73 Oxford Street, Darlinghurst, in accordance with Conditions 66(a)(xvi) and 66(a)(xvii) of consent for Section 96(2) application D/2002/00499E dated 25 March 2004, it be resolved that:-

- (A) a further trial period of two months be granted, commencing on 20 December 2004 and concluding on 20 February 2005, subject to compliance with all conditions contained in the aforementioned Section 96(2) consent; and
- (B) authority be delegated to the General Manager to determine further trial periods.

Carried unanimously.

SECTION 82A REVIEW OF DEVELOPMENT APPLICATION U03-00378 – 52 REGENT STREET PADDINGTON (U03-00378)

8.11

That arising from consideration of a report by the Senior Development Assessment Officer to the Planning Development and Transport Committee on 13 December 2004, in relation to the Section 82A review of Development Application 378/2003 made by Marshall Architects for the site at 52 Regent Street Paddington for Demolition of an Existing Dwelling and the Construction of a New Dwelling, it be resolved that -

- (A) a deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to the following conditions:-
 - (1) Details of the external colours and finishes, front door assembly including materials and treatments are to be provided to Council. Details are to demonstrate external finishes to the front façade are to match original finishes to the dwelling.
 - (2) Details of the balustrade treatment are also to be provided. The balustrade treatment is to cast iron with details based on documentary site evidence of original details. In the absence of evidence, the applicant is to nominate appropriate design sympathetic to existing streetscape.
 - (3) Details of the dormer windows are to be provided to show traditional treatment in accordance with the requirement of the South Sydney DCP 1997.
 - (4) Details demonstrating the RL of the existing first floor and front balcony matching by the new first floor and new front balcony are to be provided to Council.
- (B) the applicant must provide to Council evidence sufficient to enable it to be satisfied of the matters in Clauses (A)(1)-(A)(4) within 3 months from the date of this consent or such further period as Council may determine is appropriate upon application in writing being made to Council; and
- (C) upon compliance with the requirements of Clauses (A)(1)-(A)(4) a full consent will be issued, subject to the following conditions:

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) That the development shall be generally in accordance with plans numbered U03-0078, dated 15 October 1 2004 subject to compliance with the conditions below;
- (2) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. A written application can be made to the Council before the period ends, for an extension of one year (which involves a fee);
- (3) Timber joinery from the front façade is to be retained where possible, stored and repaired then reused in the reconstructed façade;
- (4) The floor structure of the first floor balcony is to match the original details of the original balcony (ie joists and beams);
- (5) The front fence is to be provided as a timber picket fence in keeping with the original front fence design;
- (6) That all relevant sections of the BCA shall be complied with;
- (7) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (8) That the proposed swimming pool shall comply fully with the requirements of the swimming pools Act 1992 and Swimming Pool Regulation 1992;

MONETARY CONTRIBUTIONS

- (9) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1815.00 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (10) That filtration and pump systems must not exceed a noise level of 5dBA above the ambient background noise level measured at the property boundary.

Schedule 1B

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

- (11) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, to the value of \$1100.00 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (12) That a Dilapidation Report of buildings at 50 Regent Street and 54 Regent Street Paddington are to be submitted by an appropriately qualified Structural Engineer with copies provided to each of the adjoining land owners prior to the issue of the Construction Certificate.
- (13) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works 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 the Director of City Works
- (14) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged Construction Certificate until a Construction Certificate application has been approved for each stage;
- (15) That 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 an Accredited Certifier prior to the issue of the Construction Certificate:

all proposed and required mechanical ventilation systems:
STANDARD REQUIREMENT - Building Code of Australia. (If
using deemed to satisfy provisions: AS1668, Parts 1 & 2);

- (16) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a Construction Certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

Schedule C

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

- (17) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (18) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (19) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (20) That an application for an Occupation Certificate shall be submitted on the completion of the building works;
- (21) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (22) That the requirements of the Work Cover Authority shall be complied with;
- (23) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;

- (24) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (25) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (26) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (27) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (28) That the demolition work shall comply with Australian Standard 2601-1991;
- (29) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (30) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

- (31) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
 - (i) Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

- (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

Construction hours being limited to:

Monday to Friday, 7.00am to 5.00pm
Saturday, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of council;

- (32) 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);

That the use of the premises shall not give rise to:

- (a) Transmission of 'offensive noise' to any place of different occupancy, and,
 - (b) A sound pressure level at any affected premises that exceeds the background
 - (c) (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
 - (d) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (33) That before erecting any hoarding, an application must be made to the Director of Works for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Works;

- (34) That prior to the commencement of any work on the public way a Road Opening Permit shall be obtained for any excavation or building works, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (35) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (36) That the applicant must make an application to utilise the public way for the loading and unloading of materials associated with the building site, but NOT for the stockpiling of construction materials, to Council for referral to the City of Sydney Local Traffic Committee for approval of an on-street Works Zone. If a Works Zone is not obtained then all loading & unloading of materials must occur on-site. It should be noted that it is not always possible to provide a Works Zone at every building site, for example at intersections, near traffic signals or pedestrian crossings, in narrow streets or where Clearway restrictions exist;
- (37) That all loading and unloading of construction materials shall take place off street at all times unless the City of Sydney Local Traffic Committee approves an on-street Works Zone;
- (38) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Works;
- (39) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (40) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (41) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (42) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (43) That a substantial physical barrier not less than 500mm in height shall be erected across the frontage of the site, other than where a crossing is provided, to prevent vehicles from entering or leaving the site at locations other than at the crossing.

NOTE: 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.

Carried unanimously.

DEVELOPMENT APPLICATION: 188-196 YOUNG STREET WATERLOO (U04-00545)

8.12

That consideration of this matter be deferred to the meeting of Council on 20 December 2004.

Carried.

Note - This matter was dealt with by Council as Item 12 on the Business Paper.

Note - Mr Sam Grimmer, Ms Jody Kastrounis, Ms Catherine Svacha, Ms Jacinta Desmond, Mr Bob Stevens, Ms Jeanette Korporaal, Ms Christi-Anne Sharpe, Mr John Mayes, Mr Richard West, Mr Darren Newton and Mr Jonathan Wilson addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 8.12.

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the Report of the Development Assessment Sub-Committee of its meeting of 13 December 2004 be received, and the recommendations set out below for Items 8.13, 8.15, 8.16 and 8.18 be adopted, with Items 8.14 and 8.17 being noted.

Carried.

The Planning Policy Sub-Committee recommended the following -

POWERHOUSE MUSEUM FORECOURT - OPEN SPACE ON THE CORNER OF HARRIS AND MACARTHUR STREETS, ULTIMO (S036427)

8.13

That arising from consideration of a report by the Area Planning Manager (City South) to the Planning Development and Transport Committee on 13 December 2004, on Powerhouse Museum Forecourt - Open Space on the Corner of Harris and Macarthur Streets, Ultimo, it be resolved that the report be received and noted.

Carried unanimously.

Note - Ms Narelle Thirkettle addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 8.13.

RESOLVING ANOMALIES WITH THE CITY'S PERMIT PARKING SCHEMES (S019468)

8.14

Note – No report was circulated and this matter was not discussed at the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee), nor at the meeting of Council.

CITY OF SYDNEY DRAFT BOARDING HOUSE DEVELOPMENT CONTROL PLAN 2004 - REPORT ON SUBMISSIONS (S031988)

8.15

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 13 December 2004, in relation to the City of Sydney Draft Boarding House Development Control Plan 2004, it be resolved that:-

- (A) Council approve the development control plan, shown at Attachment A to the subject report, pursuant to Clause 21(1)(b) of the Environmental Planning and Assessment Regulation 2000 as the City of Sydney Draft Boarding House Development Control Plan 2004 with its operation to commence from the date of publication of its Notice of Approval; and
- (B) authority be delegated to the General Manager to make any minor drafting changes that may be required as a result of the Central Sydney Planning Committee and the Council's consideration of the City of Sydney Draft Boarding House Development Control Plan 2004.

Carried unanimously.

**GREEN SQUARE - AFFORDABLE HOUSING SCHEME - STATUS REPORT
(2028059)**

8.16

That arising from consideration of a report by the Town Planner - Green Square to the Planning Development and Transport Committee on 13 December 2004, regarding the "Green Square Affordable Housing Scheme", it be resolved that the subject report be received and noted.

Carried unanimously.

ZETLAND AREA TRAFFIC STUDY - STATUS REPORT (2029696)

8.17

Note – No report was circulated and this matter was not discussed at the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee), nor at the meeting of Council.

GENERAL BUSINESS

8.18

(a) Applications for Balcony Adjustments

Councillor Pooley raised the issue of a possible increase in development applications made by hotel owners for the construction/extension of balconies in light of proposed changes to smoking laws.

The Chair (Councillor McInerney) requested that Council staff consider this matter strategically with a view to formulating a policy or Development Control Plan to deal with the issue.

(b) South Sydney Local Environmental Plan Amendment No. 9

Councillor Pooley enquired as to when the South Sydney Local Environmental Plan Amendment No. 9 would be submitted for approval to exhibit. The Director City Planning advised that it is expected that the matter will be listed for consideration at the first meeting of the Planning Development and Transport Committee in 2005.

ITEM 9. LAND TRANSACTIONS OF LANEWAYS WITHIN PREVIOUS LEICHHARDT AND SOUTH SYDNEY CITY COUNCIL AREAS (S034357)

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 13 December 2004, and to Council on 20 December 2004, on Land Transactions of Laneways within Previous Leichhardt and South Sydney City Council Areas, it be resolved that:

- (A) Council support, in principle, the public benefit of achieving an appropriate market value for the sale of closed laneways;
- (B) for that purpose, any offers to dispose of land made by Leichhardt Council prior to 8 May 2003 and South Sydney City Council prior to 6 February 2004 be revoked where the relevant matter is not the subject of a binding obligation on Council;
- (C) the Acting General Manager be requested to contact and notify all affected landowners and report back to the next meeting of the Finance, Properties and Tenders Committee in relation to the status of each relevant parcel of land;
- (D) where a transaction is the subject of active negotiation since the relevant date referred to in clause (B), those negotiations be progressed as a matter of urgency, in the light of clause (A), and that any proposed resolution of these matters come to the next meeting of the Finance, Properties and Tenders Committee;
- (E) the Acting General Manager be authorised to take all necessary steps to give effect to this resolution; and
- (F) Council's attorney be authorised to execute all necessary documentation.

Amendment. At the request of Councillor Lee and the Chair (the Lord Mayor), and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion -

- (A) That consideration of this matter be deferred to the next meeting of the Finance, Properties and Tenders Committee; such meeting may be a special meeting to be called, if practicable, in January 2005; and
- (B) The Acting General Manager be requested to contact and notify all affected landowners.

Motion, as amended by consent, carried unanimously.

ITEM 10. DEVELOPMENT APPLICATION (STAGE 1): POTTS POINT POST OFFICE SITE, 46A - 46C MACLEAY STREET, POTTS POINT (ALSO HAS FRONTAGE TO CRICK AVENUE AND GREENKNOWE AVENUE)

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 13 December 2004, and to Council on 20 December 2004, in relation to the Stage 1 Development Application made by Australand for the site at 46A Macleay Street, Potts Point, for the approval of building envelopes, FSR and arrangement of uses for a part six (five floors plus a part floor) and part four storey mixed use building containing ground level commercial retail uses fronting Macleay Street and Greenknowe Avenue, residential above and two basement levels of basement car parking accessed off Crick Avenue, it be resolved that:

- (A) notwithstanding the Resolution of Council of 19 April 2004 regarding certainty in development, there are instances where a greater than minor non-compliance with Floor Space Ratio (FSR) may be supported, specifically:
- (1) in the case of an adaptive reuse of a building that already exceeds the FSR and that adaptive reuse is a positive planning outcome; and
 - (2) in the case where an existing building exceeds the FSR, and that building detracts from the urban context, and where the redevelopment of the site constitutes a positive planning outcome, with no significant additional amenity impact. In such a case, redevelopment of the site is only likely to occur where equivalent FSR/bulk is provided and the net public benefit is a redevelopment that better contributes to an area than the existing building.

The latter case is consistent with the circumstances of the subject site, in that the bulk of the existing building allows for a FSR that exceeds the control and the existing building detracts from its context. In this regard a non compliance with FSR that may be more than minor may be supported at Stage 2 subject to the resulting building making a better contribution to the urban environment than that which exists.

- (B) Consent be granted to the Stage 1 DA subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Consent is granted for the building envelope and general arrangement of uses as detailed in drawings detailed below and prepared by Alexander Tzannes Associates Pty Ltd:-
 - (a) B2 Car Park Plan & B1 Car Park Plan - 03054.DA.101A Revision P5 - Dated 1 November 2004;

- (b) Level 1 Plan & Level 2 Plan - 03054.DA.102A Revision P5 - Dated 1 November 2004;
- (c) Level 3 Plan & Level 4 Plan - 03054.DA.103A Revision P5 - Dated 1 November 2004;
- (d) Level 5 Plan & Level 6 Plan - 03054.DA.104A Revision P5 - Dated 1 November 2004;
- (e) Roof and site Plan - 03054.DA.105A Revision P5 - Dated 1 November 2004;
- (f) North Elevation - 03054.DA.201A Revision P5 - Dated 1 November 2004;
- (g) West Elevation - 03054.DA.202A Revision P5 - Dated 1 November 2004;
- (h) South Elevation - 03054.DA.203A Revision P5 - Dated 1 November 2004;
- (i) Section AA - 03054.DA.204A Revision P5 - Dated 1 November 2004;
- (j) North Elevation - 03054.DA.201A Revision P5 - Dated 1 November 2004;
- (k) Section BB - 03054.DA.205A Revision P5 - Dated 1 November 2004;
- (l) Building Envelope Control Diagrams - 03054.DA.206A Revision P5 - Dated 1 November 2004.

and as generally described below:

- (m) The four storey building envelope fronting Greenknowe Avenue and Macleay Street being set on the Greenknowe Avenue and Macleay Street alignments.
- (n) The four storey building envelope fronting Greenknowe Avenue having a maximum height of RL 51.66.
- (o) The five storey plus part floor building envelope fronting Macleay Street and Greenknowe Avenue being set 2.156m from the Macleay Street alignment and on the Crick Avenue Street alignment.
- (p) The five storey plus part floor building envelope fronting Macleay Street and Crick Avenue having a maximum height of RL 57.8 to the top of the lift over run, RL56.6 to the top of Level 6, RL 54.05 to the top of the Level 5 parapet/balustrade fronting Crick Avenue and RL53.10 to the ceiling level of Level 5.

and as amended by the following conditions: -

- (2) Consent is granted for the building envelope and general arrangement of uses only. Consent is not granted for a specific FSR, number of car parking spaces (which should comply with the DCP controls), number and layout of apartments or other matters detailed in the submitted illustrative information.
- (3) The building envelope shall comply with the 18m height limit and a level 6 part floor contained within the 36° attic roof plane may only be provided subject to it:
 - (a) being set back a minimum of 3.5m from the Crick Avenue Street alignment so as to reduce its visual impact at street level; and
 - (b) being substantially set back from the eastern boundary of the site so as to substantially protect the harbour views available from Unit 21 Byron Hall and the amenity of surrounding apartments in general.

Compliance with this condition shall be demonstrated as part of the Stage 2 DA.

- (4) The elements of the building envelope detailed in the approved plans that overhang the site boundaries on Crick Avenue, Macleay Street and Greenknowe Avenue shall only be utilised for the provision of architectural detailing, suns shading devices or the like.

STAGE 2 DEVELOPMENT APPLICATION.

- (5) The development of the site shall be the subject of a Stage 2 Development Application for the detailed design of the building.
- (6) The Stage 2 building, including plant, shall be wholly confined with the approved Stage 1 building envelope as amended by conditions.
- (6A) Details of the architectural treatment of the east facing elevation of the sixth floor, that being the elevation of the development most readily visible from the apartment at 61/2 Greenknowe Avenue, including details to address privacy impacts, shall be submitted with the Stage 2 Development Application.

FLOOR SPACE RATIO

- (7) The appropriate Floor Space Ratio to be allowed on the site shall be subject to detailed assessment as part of the Stage 2 development application. Excess FSR for car parking exceeding DCP rates will not be supported.

CAR PARKING

- (8) The appropriate number of car parking spaces to be allowed on the site shall be subject to detailed assessment as part of the Stage 2 development application, and shall comply with the DCP provisions.

- (9) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-2004 and AS 2890.2-2002. Details shall be submitted with the Stage 2 development application.
- (10) Residents are not entitled to participate in the residential permit parking schemes. This prohibition on participation in the residential permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

MATERIALS AND SAMPLES BOARD

- (11) A complete materials sample board including details of all external finishes, colours and specifications including all glazing must be submitted with the Stage 2 development application for the approval of the Council.

The selection of materials must be sympathetic to the character of the building fabric in the area to enhance the integration of the building with that neighbouring buildings. Quality materials, finishes and detailing are required to ensure that design excellence is realised in the completed building.

GLAZING

- (12) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

SIGNAGE STRATEGY

- (13) A Preliminary Signage Strategy which identifies the number, type, size and location of any signs (and their illumination as appropriate) to ensure adequate way finding, naming of buildings and tenancies within the development shall be submitted for the approval of Council with the Stage 2 development application.

ACCESS FOR PERSONS WITH A DISABILITY

- (14) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Development Control Plan 2004.

The applicant shall to provide an access plan for the proposed development with the Stage 2 DA that details compliance with Part D3 of the BCA and Council's Access Development Control Plan 2004 for all areas of the building, including commercial occupancies.

BCA MATTERS

- (15) A detailed BCA Report is to be submitted with the Stage 2 development application. This report is to be prepared by an appropriately qualified building surveyor and is to address relevant BCA legislation.

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. 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.

SUSTAINABLE TIMBERS

- (16) To lessen the damage to the environment in the construction of the building(s) only structural timbers from sustainable, recycled or reused sources shall be used. A commitment to use such timbers shall be made as part of the Stage 2 development application submission.
- (17) Details of the type and source of timber to be used shall be submitted for the approval of the certifying authority, prior to the issue of a construction certificate for the development under the Environmental Planning and Assessment Act, 1979.

The Principal certifying authority is to be satisfied on the basis of evidence submitted, that any new timber used is sourced from forests or plantations that are either:-

- (a) managed in accordance with laws, codes of practice or other sustainable management requirements of the country of origin, or
- (b) part of an area approved for timber production under a Regional Forest Agreement, or
- (c) managed to meet the requirements of a sustainable forest management standard or code e.g. Australian Forestry Standard (AS4708), Forest Stewardship Council, AS/NZS ISO 14001 or equivalent, or
- (d) certified by an independent third party certifier as complying with a reputable sustainable forest management certification scheme.

INSTALLATION OF WATER EFFICIENT TAPS

- (18) All taps and shower heads installed within the development shall be water efficient with a minimum "AAA" rating. The details shall be submitted for the approval of the certifying authority, prior to the issue of a construction certificate for the development under the Environmental Planning and Assessment Act, 1979.

INSTALLATION OF DUAL-FLUSH TOILETS

- (19) 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.

PLANT ROOMS AND ROOF TOP DESIGN DETAILS

- (20) Full details of the mechanical services and plant required to service to the entire building is to be provided by a suitably qualified engineer for the approval of Council with the Stage 2 development application.
- (21) Design details for all roof top areas are to have a high standard of finish and design. Details are to be submitted with the Stage 2 development application.

CONSTRUCTION

- (22) All loading and unloading associated with construction must be accommodated on site.
- (a) 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.
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (c) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (d) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work 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.

DEMOLITION/SITE RECTIFICATION

- (23) The following conditions apply to the development:-
- (a) 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.

- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
- (i) a bank guarantee to be provided in the sum \$285,000 as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed \$285,000; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
- that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

DEVELOPMENT COST- STAGE 2

- (24) A detailed Quantity Surveyors' Report costing and itemising all included and excluded elements in the Stage 2 development shall be submitted with the lodgement of the Stage 2 development application. This Report shall be consistent with administrative guidelines for defining development cost.

SECTION 94 CONTRIBUTIONS

- (25) The development will be subject to a Section 94 contribution under the provisions of the South Sydney Section 94 Contributions Plan 1998. The amount of the contribution will be dependent on the detailed design of the proposed building and will be calculated in accordance with the terms of the plan.

The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. (Personal or company cheques will not be accepted).

PUBLIC DOMAIN PLAN

- (26) 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 for the Stage 2 application 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 trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), 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 comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 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) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) 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.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.

- (v) 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.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) 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.
 - (viii) 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.
 - (ix) 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.
- (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.

TELECOMMUNICATIONS PROVISIONS

- (27) 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 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.

The details of (a) and (b) above shall be submitted for the approval of Council with the Stage 2 application.

STORAGE AND HANDLING OF WASTE

- (28) The Stage 2 development must be designed to meet the following requirements for storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code). A Preliminary Waste Management Plan shall be submitted with the Stage 2 application and must address compliance with the Waste Code including details of the following, where applicable:

- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
- (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of a Certificate.

- (29) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

SUBDIVISION APPROVAL

- (30) A separate development application for any subdivision must be made to Council.

Carried.

ITEM 11. DEVELOPMENT APPLICATION: EVELEIGH CARRIAGE-WORKS, WILSON STREET, REDFERN

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

That arising from consideration of a report by the Senior Town Planner to the Planning Development and Transport Committee on 13 December 2004, and to Council on 20 December 2004, in relation to Development Application U03-00977 made by the Ministry for the Arts for the site at the Eveleigh Carriageworks for the adaptive reuse of the Carriageworks building and the Blacksmiths Shop for use as contemporary arts centre, it be resolved that

- (A) Council note that it would prefer to have considered this application in the context of:
- (1) a Sydney metropolitan transport blueprint to identify what portions of the site may be needed for long-term public transport needs;
 - (2) a site masterplan that addresses the social, cultural, environmental and economic factors affecting the Redfern Waterloo area and developed in line with the issues raised in Council's resolution of 6 December 2004; and
 - (3) a heritage conservation plan that provides for the preservation, display and interpretation of the site's industrial and social significance, including reconsideration of the previous State Government commitment to a Rail Museum on the site.
- (B) Council favour granting consent subject to the revised and additional conditions contained in Schedule 1 noting that concurrence from the Crown applicant is required:

SCHEDULE 1**PART A – DEFERRED COMMENCEMENT CONDITIONS**

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. That a Site Audit Statement prepared by a NSW EPA accredited auditor is to be submitted to Council certifying that the site is suitable for the intended use. Where the Site Audit Statement is subject to conditions that require ongoing review by the auditor or Council, these should be discussed with Council before the Site Audit Statement is issued.

2. That a Construction Management Plan shall be submitted to Council's satisfaction.
3. That Site Management Plans addressing soil contamination, hazardous building materials and the protection of site users requiring access to the site's sub-surface shall be submitted to Council for approval.
4. That amended plans indicating the location of a taxi rank and bus bay within the confines of the site shall be submitted to Council for approval. The taxi rank should be sited to ensure that minimal disturbance to the neighbouring residential properties will result.

Evidence of the above matters must be produced to the Council or its delegate within six (6) months or such further period as Council may determine is appropriate upon application in writing being made to Council otherwise the Consent will not operate.

PART B – CONDITIONS OF CONSENT

- (1) That the development shall be generally in accordance with the following plans below subject to compliance with the conditions following:
 - A-001 to A-003 inclusive, A-010 to A-014 inclusive, A-020 to A-023 inclusive, A-100 to A-106 inclusive, A-110, A-301 to A-303 inclusive, A-310 to A-312 inclusive, A-400 to A-402 inclusive and A-410, all dated 04.12.03 and drawn by Tonkin Zulaikha Greer;
 - H-01 and H-02 dated September 2003 and drawn by Warren Smith Partners Pty Ltd;
- (2) That prior to the commencement of work, it will be necessary to lodge with Council a fee of \$122,100.00 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That a maximum of one hundred and sixteen (116) car parking spaces shall be provided on site to accommodate general day-to-day parking requirements in accordance with Council's draft Land Use and Transport Development Control Plan;
- (4) That on-street resident parking in the surrounding local street network shall be protected by extending the current parking restrictions from: 8am to 8pm Monday to Friday with a mix of 1 hour and 2 hour (resident exempt) to: 8am to midnight Monday to Sunday 1 hour (resident exempt) subject to approval by the Local Traffic Committee and resident consultation. The applicant shall fund all costs associated with changing the signs and providing new signs/signposts where necessary;

- (5) That parking restriction signs are to be installed within Traverser No. 2 which limit parking to 4 hours between 7am to 11pm from Monday to Sunday, to prevent future residents within Eveleigh utilising these parking spaces;
- (6) Major/Special events (i.e. full capacity) shall be limited to only 5 days per calendar year. The following conditions apply to these events:
 - (a) That an extensive media/marketing campaign shall be developed to promote the event's accessibility and encourage travel by public transport, walking and cycling;
 - (b) That parking within the Carriage Workshops building and on Traverser No. 2 shall be restricted to pre-booked parking for visitors and disabled parking;
 - (c) That general parking shall be provided off-site at the Australian Technology Park (ATP) site. A Plan of Management will be required to facilitate this condition. Appropriate media coverage will be required to direct vehicles directly to the ATP site for parking;
 - (d) That parking on the 'Fan of Tracks' shall be restricted to vehicles carrying four persons or more. Again appropriate media coverage will be required to facilitate this measure;
 - (e) That a nominal fee shall apply to the parking of vehicles at both ATP and on the 'Fan of Tracks';
 - (f) That a free shuttle bus shall be provided between the event and the ATP site on a frequent basis every 15 minutes, 1.5 hours prior to the event and 1 hour after the event. That appropriate signage and information shall be made available at both the event and the ATP site to encourage visitors to utilise the service;
 - (g) That a free shuttle bus shall be provided between the event and Redfern Railway Station on a frequent basis every 15 minutes, 1.5 hours prior to the event and 1 hour after the event to facilitate public transport travel by elderly and mobility impaired members of the community. Appropriate signage and information shall be made available at the event and the railway station to encourage visitors to utilise the service;
 - (h) That discussion should be initiated with State Rail and State Transit exploring the opportunity to introduce a concessional integrated (combined travel/entry) ticket for major/special events which can be purchased at the point of trip commencement;
 - (i) That a Marketing Strategy shall be developed with the aims of increasing public transport usage, improving safety and reducing conflicts during major/special events at the site;

- (7) That a signage strategy and marketing campaign shall be developed to manage traffic access to/from the site. In effect the strategy should encourage Newtown/Southern Suburbs bound traffic to access the site via Golden Grove Street/Darlington Road/City road; that City bound/Western Suburbs traffic access the site via Codrington Street/Butlin Avenue/City Road; and Eastern Suburbs/Airport bound traffic access the side via Shepherd Street/Cleveland Street;
- (8) That Little Eveleigh Street be converted to a shared zone as recommended in the proposal, subject to the Traffic Committee approval and resident consultation. The applicant should fund all necessary measures required to convert the street into a shared zone in accordance with RTA and Council requirements;
- (9) That the applicant shall undertake a Workplace Travel Plan for staff that will contain initiatives to promote travel to the site by public transport, walking and cycling;
- (10) That a Transport Access Guide for visitors shall be developed outlining how to get to the site by public transport, cycling, walking, taxi and car;
- (11) That signage is to be erected directing traffic to the Centre via arterial and sub-arterial roads;
- (12) That a total of seventy-eight (78) bicycle parking spaces are to be provided with twenty-five (25) spaces at Class 2 standard for staff and fifty-three (53) spaces at Class 3 standard for visitors/patrons, in a convenient and accessible location;
- (13) That separate end of trip facilities including showers, lockers and change room facilities are to be provided for the commercial and theatre land uses;
- (14) That coach access to/from the site is to be restricted to either Darlington Street/Golden Grove Street/Wilson Street or Wilson Street/Golden Grove Street/Abercrombie Street/Lawson Street;
- (15) That the existing roadway between the Carriage Workshop and the Blacksmith's Shop shall be pedestrianised and removable bollards installed to accommodate emergency access only;
- (16) That once the development is operational, the applicant shall commission an independent study to determine if pedestrian crossing(s)/priority measures are required external to the site (e.g. crossing of Wilson Street) to facilitate safe pedestrian movement to/from the site. The applicant shall fund any necessary infrastructure (e.g. zebra crossings) that may be required as recommended in the study;
- (17) That street lighting in accordance with relevant Australian Standards shall be provided on the southern side of Wilson Street for the length of the frontage between the outer edges of Traverser No. 1 and Traverser No. 2;

- (18) That all disabled access needs within and external to the site shall be identified and adequate measures proposed to cater for these needs;
- (19) That the Ministry for the Arts will work to support improved site links to Redfern Station and a pedestrian overpass from the viewing platform to the Australian Technology Park site on the southern side of the tracks within 2 years. In this regard, any further development applications required to be submitted shall include information on how the provision of the pedestrian bridges has been progressed;
- (20) That 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.

- (21) That the following restrictions on hours of operation will be imposed on performances and events:
 - (a) From Sunday to Thursday events and performances shall finish by 11pm.
 - (b) From Friday to Saturday events and performances shall finish by 12 midnight.
 - (c) A closing time of 12 midnight from Sunday to Thursday is permitted for a maximum of **20** nights per calendar year.

- (d) Outdoor events are to be restricted to the hours between 9.00am and sunset.
- (22) That the finishing times for each of the venues (e.g. large performance space and medium performance space) shall be staggered to ensure that there is not an excessive amount of people leaving the premises at any one time;
- (23) That rehearsal and development activity (i.e. not performance therefore no audience) can be undertaken at any time (24 hours, 7 days) provided it is within noise limits;
- (24) That the hours of operation of all aspects of the proposal shall be reviewed after a period of 12 months from the date of commencement. A further development application shall be lodged before the expiration of the 12 months trial period for Council's consideration for the continuation of the proposed hours (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period);
- (25) That Council reserves the right to review the extended hours of operation should complaints be received during the trial period referred to above;
- (26) That delivery times shall be restricted to 7.00am to 9.00pm, Monday to Saturday. Set and equipment delivery and collection may occur outside these times a maximum of twenty (20) occasions per year. Collection of garbage shall be restricted to Monday to Friday at normal Council collection times;
- (27) That the Operations Plan shall be reviewed with the Ministry for the Arts, Council and the Centre Management every 12 months for four years to address changing usage patterns and local residents' concerns;
- (28) That the use of the Rehearsal Rooms with the doors open shall be allowed only if noise escaping is within noise limits and only between the hours of 8am and 11pm Monday to Sunday;
- (29) That special events held in the pedestrian roadway involving amplified sound or outside approved outdoor event times (i.e. 8am to sunset) are to be the subject of a separate development application and the noise level and hours will be assessed on their merits at that time;
- (30) That noise generated from the Centre Foyer, Café and Centre external areas is to be contained within the levels identified in the Acoustic Report by Arup Acoustics (Report Ref AAc/82921/00/R02) and within the times approved for performances except when the subject of a specific development application for an event;
- (31) That future developments within the Centre shall be subject to a separate development application which is to be considered on its merits;
- (32) That delivery vehicles are to be directed to use arterial and sub-arterial road to access the site;

- (33) That all work shall comply with the provisions of the Building Code of Australia;
- (34) That the development must satisfy the requirements in Council's DCP No.11, Transport Guidelines for Development 1996. In particular the development must have satisfactory;
 - (a) Ramp grades and transitions;
 - (b) Clearances;
 - (c) Aisle widths;
 - (d) Width of car parking spaces;
 - (e) Width of vehicular entrances;
 - (f) Designated visitor spaces;
 - (g) Designated spaces for people with disabilities;
 - (h) Designated bicycle spaces.
- (35) That the applicant shall ensure that all road surfaces must comply with RTA guidelines, paving not permitted;
- (36) That the applicant shall ensure that easements must be created for Council's stormwater system (existing or proposed) running through private land eg railway land;
- (37) That the applicant shall ensure that Councils consent must be given in writing prior to the extinguishment of any existing easements;
- (38) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (39) That the applicant must submit detailed stormwater design plans to the Director of City Works for approval prior to commencement of work. The designer of the stormwater drainage system must provide calculations to ensure that the existing Council's stormwater line has adequate capacity for accepting the proposed discharge rate and the detailed design plans must comply with the Council's Handbooks of Design & Construction for "Development Specification for Civil Works";
- (40) That the applicant shall ensure that Sydney Water's consent be given in writing for any works/ connections to their system prior to commencement of work;
- (41) That the applicant shall ensure that a drainage easement, with rights vested in Council is also to be created over the property to encompass the extent of the overland flowpath and any stormwater pipeline. If significant overland flows emanate from upstream private properties the applicant shall create the necessary private Easement to Drain Water with rights vested in the upstream properties;
- (42) That the applicant shall ensure that there shall be no encroachments over the public way;

- (43) That the applicant shall meet with Council's Waste Services Operations Manager prior to issuing commencement of work to discuss suitability of the storage area and to present a waste management plan including expected waste generation rates, general requirements regarding collection services and waste management responsibilities;
- (44) That the applicant shall submit a waste management plan as outlined in Council's Code for Waste Minimisation in new developments prior to the commencement of work. This condition applies to all residential, commercial and mixed-use developments;
- (45) That the applicant shall comply with Council's Code for Waste Minimisation in new developments. This condition applies to all residential, commercial and mixed-use developments;
- (46) That the applicant shall apply to the Director of City Works 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;
- (47) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;
- (48) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (49) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (50) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (51) That all vehicles shall always be driven onto and off the site in a forward direction;
- (52) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (53) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;

- (54) That all loading and unloading of construction materials shall take place off street at all times unless the City of Sydney Local Traffic Committee approves an on-street Works Zone;
- (55) That the applicant shall provide off-street parking for construction workers;
- (56) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (57) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
- (58) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (59) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (60) That the applicant shall provide a system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property. If it is to be connected into Council's Stormwater System the maintenance procedures for the entire system shall be documented on the Certificate of Title for the property in the form of a "positive covenant";
- (61) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on the land title. The wording of this covenant shall be in accordance with that provided by Council;
- (62) A separate application for works on the public way related to the connection shall be made to Council pursuant to section 68 of the Local Government Act, 1993. Approval shall be obtained prior to the issue of the Construction Certificate;
- (63) The applicant shall be responsible for payment of application fees and the full cost of work, as well as the lodgement of security deposits, public liability insurance and the positive covenant;

- (64) That the applicant shall submit an Overland Flowpath Plan for approval by the Director of City Works prior to the commencement of work. The Plan shall provide information regarding the extent of the one in 100 year flood that traverses the property and how the flow is to be safely managed so that it is not diverted onto adjoining properties and does not flood into underground carparks or other underground areas. A Drainage Easement, with rights vested in Council, is also to be created over the property to encompass the extent of the overland flowpath and any stormwater pipeline. If significant overland flows emanate from upstream private properties the applicant shall create the necessary private Easement to Drain Water with rights vested in the upstream properties;
- (65) The impact of the proposed construction works on existing trees either on site, within the footway, or on neighbouring properties, shall be assessed by a suitably qualified arborist. The arborist shall then submit a tree survey report to Council, providing accurate location, height, canopy spread, species and condition, with any protection and mitigation measures required for each specimen. These measures shall be approved by Council's Tree Management Officer and implemented under the supervision of a suitably qualified arborist, prior to the application of the Construction Certificate. Should the protection and mitigation measures not be adhered to, the developer shall be liable for fines in accordance with Council's Tree Preservation Order. If the construction period extends beyond 6 months, 3 monthly arborist reports shall be submitted to Council's Tree Management Officer to assess whether these protection and mitigation measures are being implemented effectively;
- (66) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m² of landscaped area, or one for each separate private or communal landscaped space. The owner/applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;
- (67) That any lighting on the site shall be designed to ensure no adverse impact on the amenity of the surrounding area by light overspill. Lighting shall comply with the AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting.
- Lighting shall also provide a safe and comfortable visual environment for pedestrian movement at night. Lighting shall comply with the AS/NZS 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements;
- (68) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (69) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers).

- (70) That a twenty-four (24) hour contact number for complaints/concerns shall be established and the number made available to local residents within the vicinity of the site. A sign to this effect shall be permanently displayed on the site, visible from Wilson Street near the pedestrian entrance;
- (71) That 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.

- (72) That the site shall be made available and open to the public during Heritage Week and tours through the site shall be conducted during this week and any other appropriate time;
- (73) That an Operational Management Strategy as recommended in the Acoustic Report by Tonkin Zulaikha Greer, Section 5.3, shall be submitted to Council for approval prior to the commencement of performances and events on the site. The Operations Plan shall provide details of procedures and traffic management arrangements based upon anticipated level of attendance for a major/special event. The Operations Plan is also to include procedures for the encouragement of patrons to use the southern side pedestrian pathway in Wilson Street, opposite the residential buildings and on the same side as the Eveleigh site.

PART C – HERITAGE COUNCIL CONDITIONS OF APPROVAL

The NSW Heritage Council considered the above application at its meeting on 7 July 2004. Pursuant to Section 63 of the NSW Heritage Act 1977, the Heritage Council hereby informs Ministry of the Arts that approval is granted subject to the following:

- (74) The development must be in accordance with the following documents:
- (a) Drawings A-101 to A-106, A-110, A-301, A-302, A-303, A-310, A-311, A-312, A-400, A-401, A-402 and A-410 Revision DA Issue dated 4.12.03;
 - (b) Recommendations of the Statement of Heritage Impact prepared by Otto Cserhalmi & Partners dated October 2003;
 - (c) Conservation Management Plan for Carriage Workshops building prepared by Otto Cserhalmi & Partners dated 18 December 2003;
 - (d) Conservation Management Plan for Blacksmiths Shop building prepared by Otto Cserhalmi & Partners dated 2003;

except as amended by the following conditions:

- (75) In relation to any removed heritage fabric including trusses, columns and movable items the applicant is required to submit a management plan to the satisfaction of the Director, Heritage Office prior to any work commencing on the site;
- (76) The applicant must submit a report providing a detailed conservation/retention/interpretation strategy for the building, machinery and other industrial heritage items related to the two buildings – Carriage Workshop and Blacksmiths Shop to the satisfaction of the Director, Heritage Office prior to completion;
- (77) Building, machinery and other moveable heritage items associated with this development must be conserved and interpreted as part of the project to the satisfaction of the Director, Heritage Office and must be completed prior to completion;
- (78) It is not clear at this stage, how much, if any, fabric of the Traverser bed will need to be removed for the construction of the Large Performance Space. Therefore, removal of any fabric of the Traverser bed is not approved as part of this approval. The removal, if any, shall be subject to a separate application based on the result of the archaeological investigation (Application No. 04/s60/30) being carried out by the applicant;
- (79) It is considered likely that historic underground services will be discovered. Adequate information has not been submitted with the application regarding the likelihood of any removal of these services. Therefore, removal of any historic services is not included in this approval. This removal, if any, shall be subject to a separate application based on the result of the archaeological investigation being carried out by the applicant;

- (80) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Office contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. If any of these relics are considered necessary to be retained in situ, the proposal will need to be amended to provide for their retention, management, public access and interpretation to the satisfaction of the Heritage Council;
- (81) The height of the proposed curvilinear roof be reduced to approximately RL 43.2 consistent with the western most bay (bay 25) of the Carriage Workshops building;
- (82) Demolition of the First Aid Station Building is not approved due to lack of adequate justification. This building must be retained as part of the proposed pedestrian entry to the satisfaction of the Director, Heritage Office;
- (83) Details of the proposed work must be submitted for approval by the Director, Heritage Office prior to any work being carried out on site;
- (84) Parts of the subject site subject of this development must be archivally recorded to the satisfaction of the Director, Heritage Office. Copies of the archival documentation must be submitted to the NSW State Library, Sydney City Council Library and the NSW Heritage Office library;
- (85) Any future lessees or owners must be advised of their responsibility under the NSW Heritage Act, 1977, to maintain the subject heritage item as a part of the lease/ownership documents and to provide continued funding for the maintenance of any interpretive devices installed as a result of this project;
- (86) Work on site must be carried out under supervision of a consultant experienced in the field of heritage conservation.

Please note that in addition to the above the following condition applies to all Heritage Council approvals:

- The above conditions have been imposed to ensure compatibility of the proposed work with the existing heritage qualities of the item and to ensure consistency with the Environmental Planning and Assessment Act, 1979. Your attention is drawn to the right of appeal against these conditions.
- (C) authority be delegated to the General Manager to determine the development application upon concurrence from the Crown with any modifications requiring consultation with the relevant Sub-Committee Chair prior to determination.

Carried unanimously.

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from Channel 7 to film the Council meeting while discussion on Item 12 took place.

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

That authority be granted for Channel 7 to film the Council meeting during discussion on Item 12.

Carried.

ITEM 12. DEVELOPMENT APPLICATION: 188-196 YOUNG STREET, WATERLOO

Moved by Councillor Black, seconded by Councillor McInerney -

That arising from the report by the Town Planner to the Planning Development and Transport Committee on 13 December 2004, and to Council on 20 December 2004, in relation to the intended intensification of an existing place of public worship by increasing the seating capacity from 600 to 1050, addition of 33 on-site parking spaces accessed from Morehead Street and noise attenuation works to improve on-site noise treatment, approval be granted subject to the following conditions;

- (1) That the noise attenuation works proposed under this Development Application must be carried out prior to the occupation of the auditorium with the seating capacity of 1050 and certified by an independent noise consultant. Details of the certification are to be provided to Council prior to the use of the premises for the additional seating;
- (2) That the additional 33 on site car parking spaces must be carried out prior to the occupation of the main auditorium with the seating capacity of 1050;
- (3) That the consent to utilise the main auditorium with seating for 1050 partons shall cease after a period of 12 months from the date of the occupation certificate or 30 June 2006, whichever occurs first. A further development application may be lodged before the expiration of the 12 month trial period for Council's consideration to continue to use the main auditorium with the seating capacity of 1050. In any further application, consideration will be given to compliance with Development Application conditions;
- (4) That on-street resident parking in the surrounding local street network shall be protected between 8.00am to 11.00pm Monday to Sunday by being made 1 hour resident exempt. Subject to City of Sydney Local Traffic Committee, the applicant shall fund all costs associated with changing the signs and providing new signs/signposts where necessary.
- (5) That a signage strategy and marketing campaign shall be developed to manage traffic access to/from the site. In effect the strategy should encourage traffic to access the site via Young Street;

- (6) That a 24 hour complaints telephone number shall be provided to Council prior to the occupation of the premises and that details be visible from Young Street entrance to the premises;
- (7) That the applicant shall undertake a Workplace Travel Plan for staff that will contain initiatives to promote travel to the site by public transport, walking and cycling;
- (8) That a Transport Access guide for visitors shall be developed outlining how to get to the site by public transport, cycling, walking, taxi and car;
- (9) That the applicant shall provide evidence of any formal/informal lease agreements allowing parking on the nearby industrial properties including details on the number of parking spaces allowed to be utilised by the subject site. In the event that these agreements/negotiations change, Council shall be notified of the changes in writing. These arrangements shall be reviewed when any future application for an extension beyond the trial period is considered;
- (10) That shuttle buses shall be used to and from Central Station at regular intervals and other significant commuter pick up points and that details shall be submitted to Council prior to the occupation of the site. Any future variation to shuttle bus arrangement shall be submitted to Council;
- (11) That the premises shall actively promote public transport to its parishioners through existing newsletters and other forms of communication and that details be submitted prior to the occupation of the site;
- (12) That a maximum number of 1050 people shall use the auditorium at any given time to comply with fire egress requirements;
- (13) That a Traffic Management Plan outlining the traffic and parking controls together with general operations of the premises during weekend services and details of traffic marshals shall be submitted to Council prior to the occupation of the premises. This includes details of the Community Liaison Officer in the event of any issues raised by members of the community;
- (14) That a Plan of Management shall be submitted to Council's satisfaction prior to the occupation of the premises detailing the following:
 - (a) Hours of operation;
 - (b) Complaints register and contact details including contact person and telephone number; and
 - (c) General operation and activities occurring on site.
- (15) That the capacity of the main auditorium shall be restricted to not more than 1050 persons at any given time;

Schedule 1A

Approved Development, Contributions and Covenants

- (16) That the development relating to the additional carparking within the subject site and acoustic treatment of the building shall be generally in accordance with plans numbered 03013-DA01, DA02 and DA03 (all Issue B) and dated August 2004 as stamped and endorsed by council subject to compliance with the conditions below.

Schedule 1B

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

- (17) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged construction certificate until a construction certificate application has been approved for each stage;
- (18) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660.00 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (19) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, 0.2% of the total cost of construction at the time of submission of the construction, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (20) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works 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 the Director of City Works;

- (21) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a Construction Certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees;

(Warning- to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

- (22) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied prior to the issue of a Construction Certificate:

- (a) That the proposed building shall comply fully with the requirements of Parts C, D, E and F of the BCA;

Schedule 1C

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

- (23) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (24) That structural certification justifying the capacity of the existing structure to carry the proposed new loads shall be submitted to Council from a structural engineer registered with Council prior to the commencement of work;
- (25) That prior to the commencement of any work on the public way a Road Opening Permit shall be obtained for any excavation or building works, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (26) That 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: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

- (27) 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:
- (i) Measures to control noise emissions from the site;
 - (ii) Measures to suppress odours and dust emissions;
 - (iii) Selection of traffic routes to minimise residential noise intrusions;
 - (iv) Soil and sediment control measures;
 - (v) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
 - (vi) Community consultation.

Schedule 1D

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

- (28) That the demolition work shall comply with Australian Standard 2601-1991;
- (29) That the requirements of the Work Cover Authority shall be complied with;
- (30) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (31) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003;
- (32) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (33) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;

- (34) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
- (35) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (36) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (37) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (38) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (39) That all relevant sections of the BCA shall be complied with;
- (40) That the recommendations contained in Section 7 of the report by Renzo Tonin Pry Ltd (Reference TB125-01F01 dated 8 April, 2003) shall be fully implemented;

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

- (41) That a building or part of a building shall not be occupied until an occupation certificate has been issued in respect of the building or part.
- (42) 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.
 - (i) 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.

- (ii) 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.
 - (iii) 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.
 - (iv) 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:
 - (1) 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
 - (2) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (3) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (v) 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).
 - (vi) 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.
- (43) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgement of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. 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
- (44) That the surface of the car park shall be sealed to allow safe and clear operation of the car park, appropriately line-marked for spaces and to aid traffic circulation, prior to issuing an Occupation Certificate;

Schedule 1F

Conditions to be complied with during the use of Premises

- (45) That the hours of operation of the subject site shall be limited to the following except on special occasions when the hours may be varied for Christmas, Easter and other significant services subject to prior written Council approval:
- (a) 7.00am – 7.00pm on Weekdays for office activities and daytime additional services;
 - (b) 5.00pm – 10.30pm on Mondays, Tuesdays, Wednesdays and Thursdays for evening programs;
 - (c) 5.00pm – 11.00pm on Fridays for Youth Meetings;
 - (d) 8.00am – 9.00pm on Saturdays to accommodate morning community based activities, special afternoon ceremonies and services;
 - (e) 9.00am – 9.00pm on Sundays for Sunday services;
- (46) That 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;
- (47) That the owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application;
- (48) That 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;
- (49) 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.

- (50) 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.

- (51) 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).
- (52) That a maximum of 88 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (53) That of the required car parking spaces, at least 3 shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;
- (54) That a minimum of 25 off-street bicycle parking spaces shall be provided and designed in accordance with AS2890.3 – Bicycle Parking Facilities;

- (55) That all vehicles shall always be driven onto and off the site in a forward direction;
- (56) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards.

Schedule 2

The development shall comply with the standard conditions under the Environmental Planning and Assessment Regulations 2000.

Amendment. Moved by Councillor Mallard -

That the motion be amended as follows -

The trial period referred to in condition (3) be for three years, not 12 months.

Condition (4) be restricted to the streets immediately surrounding, ie, Young Street, Moorehead Street and Dank Street.

Condition (9) be amended to provide that the applicant be required to notify Council when the number of parking spaces that are available, through formal or informal lease arrangements, in the neighbouring industrial area falls below 120.

The proposed amendments by Councillor Mallard were not seconded.

Amendment. At the request of Councillor McInerney, and by consent, the motion was amended as follows

In the second sentence of condition (3), the words "A further development application" be replaced by "A Section 96 application";

Amendment. At the request of Councillor Pooley, and by consent, the motion was further amended as follows -

The first two sentences of condition (9) be deleted and the following words be substituted:

"The applicant shall provide advice on arrangements for parking within surrounding properties when any future application is made for an extension beyond the trial period, and/or when there is a significant reduction in parking arrangements."

The following sentence be added at the end of condition 41:

"The office may continue to be used if safe to do so."

Motion, as amended by consent, carried unanimously.

ITEM 13. QUESTIONS ON NOTICE

16 PYRMONT ROAD, CAMPERDOWN (S032448)

1. By Councillor Kemmis -

Question

On 24 June 2004 the Central Sydney Planning Committee considered a Development Application for part of the former Royal Alexandra Children's Hospital Site, 16 Pyrmont Bridge Road, Camperdown. The DA report stated that:

“One of the major requirements of both Council and the local residents in the area has been related to the provision of open space on the site especially Orphan School Creek Gully. This has been achieved by increasing building height on other parts of the site.”

The CSPC consequently resolved that:

“In exchange for the floor space ratio the applicant (Sterling Estates) shall enter into a Deed of Agreement with Council (and pay the relevant security) which requires the remediation, landscaping and provision of the “Wood Street land” as public open space.”

The benefits of this project are far-reaching, in terms of community access and environmental protection.

Could Council be advised of the status of this matter?

Answer by the Acting General Manager

The 24 June 2004 resolution by CSPC has been implemented as follows:

1. the City entered into a binding Memorandum of Understanding (MOU) with the applicant, Sterling Estates in relation to the provision of open space on the Wood Street land;
2. in accordance with the MOU, the City and Sterling Estates entered into a public domain deed which sets out Sterling's obligations in greater detail. The status of the matter in that deed is as follows:
 - (a) Sterling is required to prepare a remediation plan for the Wood Street land – this has occurred;
 - (b) Sterling must lodge a development application for the works – this has been submitted for consideration by the City in its capacity as present and future owner of the land, prior to formal lodgement;
 - (c) Sterling must undertake the remediation works at its cost (with a capped contribution by the City toward the cost of remediating the City's land);

- (d) Sterling must provide a bond as security for its obligation to undertake the works – this has occurred;
 - (e) Sterling must take certain steps in relation to the acquisition of land not already owned by the City from the Children's Hospital – this process is ongoing.
3. In addition to the steps being undertaken by Sterling, the City has initiated discussions with State Property (a part of the NSW Department of Commerce), who represent the land owner, to expedite the acquisition of the land.

QUESTIONS WITHOUT NOTICE

MASS TRANSIT SYSTEM (S032438)

1. By Councillor McInerney

Question

Lord Mayor, there have been a number of recent reports on the activities you have been undertaking to inform various stakeholders on the mass transit options available to reduce congestion by providing reliable and attractive alternatives to private cars.

Lord Mayor, I wonder whether it is possible for you to update Council on the “state of play” as it were in moving Sydney to the necessary mass transit system that we must have?

Answer by the Lord Mayor

Thank you Councillor McInerney, and it is in keeping with the role of Councils in terms of advocacy as we discussed at our strategic session this afternoon.

I did report to Council at the last meeting that I hosted a forum of Mayors from the surrounding areas, including Botany Bay, Canada Bay, Leichhardt, Marrickville, Randwick, Waverley and Woollahra, to discuss the transport needs of inner Sydney and, that whilst they have political views right across the spectrum, there was unanimous agreement from those representatives that there was an urgent need to establish improved public transport in Sydney.

There was unanimous agreement that there be a mass transit network developed, that it commence in the central business district (CBD), there was very strong support for that, and that it extend out into those routes that we have put forward in our plan that we developed with the work of our consultant.

Following that meeting, I can report that a number of those Mayors have now passed specific resolutions supporting the establishment of light rail and that a working group of Mayors or their representatives is to be established.

As well, last Wednesday I hosted a presentation by Dr Jeff Kenworthy, who is the Associate Professor in Sustainable Settlements at the Institute of Sustainability and Technology Policy at Murdoch University in Western Australia. The City brought him across. He has spent 25 years in transport and he has worked as a consultant for local, State and Federal Governments in Australia, as well as private organisations and the World Bank. I give you the details of his credentials because I think that they are impressive. I again commend the work that Sue Salmon from the Office of the Lord Mayor has done in investigating who are the best people in this area who we can bring across to Sydney to address not only local Mayors but also Government agencies and the State Government.

Professor Kenworthy has written several books including *Sustainability and Cities: Overcoming Automobile Dependence* and *Winning Back the Cities*. He has extensive experience in the areas of compact housing developments, public transport systems and sustainable transport policy. He has received an Australian Centenary Medal from the Prime Minister's Office for service to planning sustainability in relation to public transport and urban form.

Dr Kenworthy made a presentation to over 60 people from local government and State Government agencies and non Government organisations and then he made a separate presentation to our business leaders as part of the business forum. He was able to give many very effective examples of environmental, social and economic benefits that have been accrued to those cities that have in fact introduced light rail.

He provided compelling facts on the increases in property values that resulted in cities following the introduction of light rail and, in fact, one example he gave us was Texas, which is not a state that is well known for public transport, which was very interesting, and he was able to point out that land values increase and this was of particular interest in the business forum and, indeed, to the Government as it develops its metropolitan strategy and identifies corridors.

So where light rail was introduced land values increased. Also there is a suggestion of a value added premium of 30% to retail properties located near light rail and he gave examples, one was San Jose in Santa Clara County. The study found that land values within walking distance of light rail had a \$4 per square foot or 23% premium over the mean value of a large sample of similar properties in the region and a 120% premium for land in business districts within a quarter of a mile of a station. Being within half a mile of a grade-separated freeway or expressway interchange, on the other hand, reduced land values.

Given that we are putting very strong social and environmental arguments to the State Government with the help of Professor Kenworthy we are now able to put, not only to the business forum but to the State Government, these very compelling economic arguments for providing a more responsible form of public transport, and what these forums that we are sponsoring do is inform all the various stakeholders about the very many benefits, and we are hopeful at the end of the process that we will actually get some response from the Government on that.

DELEGATIONS - COUNCIL RECESS (S032443)

2. By Councillor Lee

Question

Lord Mayor, under Council's existing Delegations Policy, which we haven't had a chance to review, is it correct that during the Christmas/New Year recess additional powers are delegated by Council to the Lord Mayor or the Acting General Manager?

Is that correct and, if so, what are the powers that are delegated to the Lord Mayor or the Acting General Manager and will you agree to follow the former South Sydney City Council's practice of consulting all Councillors before any proposed decisions normally taken by the full Council outside the recess period are made?

Will you also agree to defer to the first full Council meeting in the New Year any proposed decision at the request of any three Councillors?

Answer by the Lord Mayor

Councillor Lee, I will invite the Acting General Manager to respond to you about the delegated powers. We are in fact going to review early next year the Code of Conduct, Delegations, the Civic Office, Expenses and Facilities Policy and the Code of Meeting Practice, and they will be brought forward as a package.

I am certainly prepared to tell you, Councillor Lee, that I am happy to conform, in the interim, with the practice of the former South Sydney City Council.

I invite the Acting General Manager to respond also.

Acting General Manager

Lord Mayor, there is actually no change to the delegations to the General Manager as a result of the Council being in recess. The Resolution of Council that delegates powers to the Lord Mayor does provide certain additional powers but not those things which must be done by resolution so, for example, tenders cannot be accepted in recess because that is a matter that cannot be delegated.

Answer by the Lord Mayor (continued)

I am happy to follow the practice of the former South Sydney City Council in terms of delegation. I have always had real concerns about Christmas "specials" I've got to say. I am very happy to refer any matters to you that come to me in keeping with that practice and, if three or more Councillors object, defer the matter to the first full Council meeting.

THE ABBEY SITE (S032439)

3. By Councillor Kemmis

Question

Lord Mayor, I understand the Land and Environment Court made a determination on the Abbey site. Would you provide Council with some information on that please?

Answer by the Lord Mayor

Thank you Councillor Kemmis. I will ask the Director City Planning to give us the details of that very important win in the Land and Environment Court last week. Before I ask the Director City Planning to respond I would like to say congratulations again to our Council officers who have been successful.

We dealt with a matter that was of great importance to the Potts Point community earlier tonight, the matter of the Post Office site, and we were able to make that decision tonight based on a previous win on that particular site by our Council team.

I invite the Director City Planning to respond.

Director City Planning

Lord Mayor, as with all court cases, there is a big amount of teamwork that's involved. The Council does put a lot of its internal resources into defending the court cases and this was one such example. In this case it was the close working relationship between the Legal Unit's Katy Williams, Giovanni Cirillo, the Manager Development in the Northern Zone, and Tony Smith, our Heritage Specialist. The applicant had engaged two experts and subsequently extended that to seven during the case.

Lord Mayor

Can you please tell Council who those experts were?

Director City Planning

For example, Richard Mackay and Clive Lucas were pitted against Tony Smith and certainly the court preferred Tony Smith's advice and evidence to that of those two individuals and they are well known and respected.

I think it was a good win. I think what it means to the applicant is they need to come back with a new development application. It was a two day hearing and the extempore judgement was handed down on the second day so I think it was a good team effort and an important win for the Council for a very important site.

Councillors may recall the guiding principles of the development when the Development Control Plan (DCP) was repealed. The Court didn't place a great deal of weight on the DCP during the hearing, given that it was repealed by the Council as it is allowed to under the Act, and in general terms I thought those guiding principles provided some fair and reasonable direction for the site. I think indirectly there is also an important point to be made in any defence that it is worthwhile, in refusing a development application, for the Council to state what it feels is reasonable because I think it is sending a message. In this case had we gone in and said no development of the site is possible or appropriate and taken that sort of closed mind approach, it wouldn't have helped, and I think by sitting in court and explaining what appropriate development for the site might be and saying that Council is not against development of the site but we want development in this form - what has been put forward it is not appropriate - I think that helps. It assists in Council being conceived as a reasonable consent authority and providing some solutions rather than just problems.

Answer by the Lord Mayor (continued)

Could I ask the Director City Planning to pass on our congratulations to the staff involved and, hopefully, the resolution will be as happy as it has been on the Potts Point Post Office site.

SYDNEY RESIDENTS GUIDE - 2005 (S032444)

4. By Councillor Firth

Question

Lord Mayor, I recently received an email from the Chippendale Residents Group, (CRIG), who did not appear in the Sydney Residents Guide 2005, and had also been taken off the website. They were somewhat naturally disappointed, especially after their community activities over the last 30 years in that area.

Lord Mayor, firstly, can you ensure that this Group is included next time and also that the website is updated to include their details, especially considering the Carlton and United Breweries (CUB) site issues and, also, I was wondering whether Council could actually do a leaflet drop into Chippendale with CRIG's details. They are a good local organisation, very active around the CUB, as I said, 30 years of history, but they missed out getting their chance in the Residents Guide.

Can we do a simple, cheap flyer that can go into people's letter boxes around Chippendale?

Answer by the Lord Mayor

Councillor Firth, I am sure we can. I might just invite the Acting Deputy General Manager to comment on that Residents Guide, but I can tell you that it was produced by an independent publisher under a contract that was established by the former City of Sydney and the former General Manager. The publisher bears all costs associated with the production and printing and it is paid for through advertising. I am informed that they feature areas that relate specifically to leisure, entertainment or retail areas to maximise the appeal of the guide.

Areas not included in the special feature will be considered as special features in the 2006 edition and I have also been informed that the University of Technology, Sydney, has requested 2,000 copies of the Residents Guide to include in their 2005 Students Services Orientation Kit.

I am certainly happy about a simple leaflet drop to inform people in Chippendale about them.

I invite the Acting Deputy General Manager to respond also.

Acting Deputy General Manager

Lord Mayor, yes, we do have 120,000 of the Residents' Guides produced and then distributed to households and to all sorts of other places where people can pick them up. We have actually only had two complaints. One was a group that felt that we didn't really profile Ultimo enough and all that sort of feedback we will consider next time.

Regarding the situation with CRIG, we are not quite sure how that happened. They are back on the website now.

We also look after a community website called Links and there are thousands of community organisations on that website. We regularly write to those people asking them to update that data and ensure that the information is correct. We often don't get feedback and we often don't find out about people's changed details until Christmas, or at some time like that, when we get mail returned marked "return to sender" and then we realise that we haven't got the accurate details.

We will certainly correct this omission.

LIVERPOOL STREET - CLOSURE (S032440)

5. By Councillor Hoff

Question

Lord Mayor, residents' groups in East Sydney and Darlinghurst have written to me recently about the proposed closure of Liverpool Street at Whitlam Square, which Council resolved to proceed with earlier this year.

Could Council have an update on what is happening there?

Answer by the Lord Mayor

Councillor Hoff, Council has made an in principle decision to trial the closure of Liverpool Street at Whitlam Square and we did resolve to seek public comment on that closure before making a final decision.

Previously, when it had been considered in 1998, it was part of the Local Area Improvement Program by the Roads and Traffic Authority (RTA) to go with the Eastern Distributor. It was put to the community at the time that there would be benefits to the community in terms of reduction of through traffic because the traffic would be using the Eastern Distributor.

A resolution wasn't reached at that time. It was investigated but not actioned and then in 2001 the RTA engaged consultants to undertake further work. Four options were prepared - a "do nothing" option right through to the full closure of Liverpool Street. Consultation was undertaken, including a public workshop on the options. Option Four received the highest overall support from the community with 70% support and it was also generally supported by the former South Sydney City Council at the time and Government authorities, and also by me as the Member for Bligh. The Police expressed some concern about access to their premises on College Street. Of course, since then those offices have been relocated so it does not apply any more.

Option Four closes Liverpool Street. If you are familiar with the area at Whitlam Square, it is the main artery for through traffic that goes through Darlinghurst right through to Paddington. It was also discussed at great length by Woollahra Council in terms of trying to address through traffic going into Paddington, and to ensure that that through traffic wasn't then displaced to Francis Street, the option closes Francis Street east of College Lane, and closes the median strip in Yurong Street at Stanley Street.

The RTA concluded at the time that implementation of Option Four would reduce the amount of through traffic using East Sydney on an east-west alignment. This opportunity arises due to the improved operation of Oxford Street in an east bound direction and the two-way operation of Crown Street operating with a local traffic function for access and circulation in the Darlinghurst area.

So the whole thrust of this was to give some benefit to those communities living in that densely populated area, given they were going to have to put up with the construction of the Eastern Distributor and further traffic volumes coming into the area generally because of the Eastern Distributor. At the time the City opposed this road closure and it didn't go ahead. East Sydney residents have continued to lobby for this and so we have now got it on public exhibition. Since that time a new group, DRAG, has formed and has become vocal on the issue and has expressed opposition to it because they think it might interfere with street sex work.

I would just like to point out, having been involved in it now for I think about five years, it was always a proposal that was going to address the intrusion of through traffic in an area that could have that traffic taken off local streets and put onto Oxford Street with the construction of the Eastern Distributor.

That is where it is at now. We are now discussing the area to be distributed to in terms of public consultation. I think we should distribute to an area generally bounded by College, William, Forbes and Oxford Streets. It is a large area so we will get not only the people who will have the immediate benefits, but the wider car-using community that will want the convenience of using residential streets rather than using Oxford Street, which is what they should be doing. So I hope that covers this issue for you, Councillor Hoff.

RENAMING OF PART OF BEACONSFIELD PARK (S032445)

6. By Councillor Pooley

Question

Lord Mayor, you will recall at its last meeting that Council unanimously endorsed a condolence motion in relation to Ted McDermott.

I wonder whether you would consider asking Council to take the necessary action to advertise the potential renaming of all or part of Beaconsfield Park in memory of Ted McDermott. I thought that was something we could at least consider and I ask whether a report could be furnished to the relevant Committee for a decision by Council.

Answer by the Lord Mayor

Councillor Pooley, the answer is Yes.

PHOTOGRAPHIC EXHIBITION “CHANGES 1901-2001” (S032441)

7. By Councillor Black

Question

Lord Mayor, you will probably recall the impressive exhibition of photographs organised by Edda Boyd for the South Sydney City Council to celebrate the Centenary of Federation in 2001. This exhibition “Changes 1901-2001” was displayed, not only in Council libraries and town halls, but also at the Woolloomooloo Bay Wharf and in the Centennial Parklands.

The exhibition provided residents with historic and contemporary images of their local communities. Many of these photographs were handsomely framed so they could provide a permanent record of the city’s history and heritage and are currently on display in Council libraries around the city.

It is essential that these framed photographs be properly catalogued and their locations recorded so that they become a permanent feature of the City’s Cultural Collection under the Curator of the Sydney Town Hall Collection. I am talking about the framed photographs, not the ones that were just digitally prepared and displayed on the corkboard.

Could the Council arrange to undertake that work?

Answer by the Lord Mayor

Councillor Black, I certainly support that proposal. I thought it was a wonderful exhibition and I remember going to the display in Redfern Town Hall. I thought it was stunning and very evocative of the wonderful diversity of South Sydney in the past.

I am also aware of the important role that the South Sydney Heritage Society played during the Centenary of Federation and, as the then President of the Society, you were involved in this, Councillor Black, organising walking tours and making the public aware of the many heritage buildings in South Sydney and I hope that your successor in the President's role is going to be as active as you were in that role.

I would certainly like to request that there be a proper cataloguing of these photos and their permanent display.

I invite the Acting Deputy General Manager to comment on this.

Acting Deputy General Manager

Lord Mayor, I will certainly check on that but I would be surprised if they are not already catalogued because, whenever we do a project like that, part of the purpose of it is to increase the local studies collection.

REDFERN-WATERLOO AUTHORITY (S032446)

8. By Councillor Mallard

Question

Lord Mayor, I note that the Redfern-Waterloo Authority has now been established and was greeted by you with a press release attacking the major political parties. I also note that no news outlet, or at least the popular ones, ran your well worn-out line.

Given that you appear determined to fight with the Redfern-Waterloo Authority, will you be accepting a position on the Board along with former independent Lord Mayor, Lucy Turnbull, and what is your view of the appointment by the former independent Lord Mayor and now Minister Frank Sartor of this Council's former General Manager, Mr Robert Domm, to head the Redfern-Waterloo Authority?

Answer by the Lord Mayor

Councillor Mallard, the appointment of the former General Manager to the Redfern-Waterloo Authority is a matter for the State Government and a matter for the Minister appointed to run that Authority.

My views are very well documented in both Parliament and in this place. I actually support the fact that we live and operate in a democratic process in society and I have grave concerns about the totalitarian nature of the legislation that was put through the New South Wales Parliament and I expressed my concerns both in the initial debate when it reached the Legislative Assembly and when the pathetically amended bill returned to the Legislative Assembly.

My concerns, and I will just restate them for the record, are that the unprecedented power and lack of public accountability vested in the Authority and the Minister remain. The minor amendments agreed to by the Government did not address the main objections to this legislation.

However, despite my opposition to the State Government's approach, it is still important, I believe, to work to ensure the best possible outcome for the local community. We discussed this the last time we had a debate about it.

We need to ensure that there will be adequate infrastructure in any new major development. I will certainly, both as Lord Mayor and as the local Member of Parliament, continue to represent the interests of those affected and I will promote the best outcomes achievable in the circumstances both for the local community and in terms of urban planning and community renewal. I am committed to working co-operatively with the Authority and the Minister to achieve the best possible results.

I have been informed both in Parliament and in the media that I am to be invited to become a member of the Board. I haven't yet received a letter to invite me to do that. When that time comes I will discuss it with Council and I will consider it at that time.

ACCESS TO INFORMATION (S032442)

9. By Councillor Harris

Question

Lord Mayor, my questions relate to information I have been seeking from Council and perhaps I will ask them as a question and a supplementary question.

First of all on 24 November 2004, I asked for a briefing from a relevant staff officer about matters relating to our involvement in the City's environment protection program and I also asked general questions about this issue and a number of specific questions about our use of energy. There were nine questions altogether.

I asked for a briefing and I have been told informally that the briefing will not be available to me as a Councillor - I need to be a chair of a committee - but I still have not received answers to those nine questions.

What I want to ask Lord Mayor is, as an elected representative, is that treatment reasonable?

Answer by the Lord Mayor

I will firstly invite the Acting General Manager to respond to the specific concerns.

Acting General Manager

Councillor Harris, firstly the entitlement to access information is something that was the subject of a question at the last Council meeting and a response is being prepared. I think that will deal with the broader issue of access to information.

Secondly, the entitlement of Councillors to briefings is the subject of previous Council resolutions and that is the issue about which you would have been informed. Councillors can be briefed when they are Committee chairs and when it relates to a matter of the Committee's business. I think that deals with the substance of that issue.

Thirdly, an interim response was provided to you about a week ago and as far as I am aware there wasn't a further response from you to that.

Answer by the Lord Mayor

Acting General Manager, could you tell Councillor Harris when he will get a final response?

Acting General Manager

Lord Mayor, the response was that many of those matters were addressed in the State of the Environment Report, that a draft has been prepared and that once it is finalised it will be provided to Councillor Harris and then we can ascertain whether it doesn't fully address the matters raised by Councillor Harris.

Lord Mayor

Can Councillor Harris be given a time when that will happen?

Acting General Manager

I will ask the Acting Director City Projects to respond to that.

Acting Director City Projects

Lord Mayor, the draft of the State of the Environment Report, which is an annual report, is just about finalised. The final design is being signed off tomorrow. I will confirm tomorrow, if it is possible, what the timing will be for the actual production of it.

Councillor Harris (Supplementary Question)

Lord Mayor, I asked a specific question again at the last Council meeting two weeks ago about access to information and whether in fact an elected representative has no more entitlement to information from the Council than a member of the general public.

The answer to the question was that a reply would be forthcoming as soon as possible. That was two weeks ago and I still haven't received a reply. When will I receive a reply?

Answer by the Lord Mayor

Councillor Harris, I will invite the Acting General Manager to respond.

Acting General Manager

Lord Mayor, on the same day that question was asked it was referred to the Acting General Counsel. I understand he is going through a process of collating information and consulting with others to prepare a comprehensive reply and that he is actively doing so. I would like to refer the matter of when the comprehensive reply will be available to the Acting General Counsel

Answer by the Lord Mayor (continued)

I invite the Acting General Counsel to respond.

Acting General Counsel

Lord Mayor, I hope to have the draft reply prepared by the end of this week and as soon as that is done I will circulate it through the Office of the General Manager. We will be doing our best to ensure that it is done before Christmas but if not it will be an absolute priority in the New Year, shortly after the Christmas break.

INTEGRATION OF LIBRARY NETWORK (S032438)

10. By Councillor McInerney

Question

Lord Mayor, I was just wondering about the integration of the library network of the former South Sydney Council with the City of Sydney. Is it possible to get some information about how that is going and, as part of that, whether we are looking at new ways of creating a library service because it is such an evolving field at the moment?

Answer by the Lord Mayor

Councillor McInerney, I will ask the Acting Director Community Living to give us some information about the new and exciting work we are doing in libraries but I can also inform you that the Kings Cross Library is now fully operating at its new permanent home. Many of us were at the opening and I think we were very impressed by the stunning new building and facility that has been provided.

I can report that it is open on weekends, 9.00 am to 4.00 pm on Saturdays and 12.00 to 4.00 pm on Sundays.

I invite the Acting Director Community Living to respond also.

Acting Director Community Living

Lord Mayor, the integration of the library is progressing. There was a study undertaken that I briefed Council on earlier this year - that was done around the pre- February boundary libraries. As a result of the 6 February amalgamation of the former South Sydney City Council and the City of Sydney we had to go and do all the South Sydney libraries. The same consultant came back and undertook that work for the libraries in the South Sydney area. That was completed and over the holidays we are preparing a report to come to you that will talk about full integration.

There certainly is a view that there will be a very different way to present library services to our community, that some of the services themselves will change and certainly we are moving down the track of libraries without walls, e-libraries, and so on. There is some restructuring that is required to meet all of the concerns that were addressed in doing that study to meet the 21st century requirements of delivering a comprehensive library service in a global city like the City of Sydney.

We are hoping that a report will go to the first Committee meeting in 2005, if not, it will be in March, and we will be reporting comprehensively to Council on that integration of the program.

LIGHT RAIL (S032443)

11. By Councillor Lee

Question

Lord Mayor, my question refers to your previous statement earlier tonight that residential and commercial property values increase when light rail is built nearby.

Lord Mayor, are you considering investing any ratepayers' funds in the plan for light rail in Sydney and will you rule out imposing higher rates on the property owners who you believe benefit from the construction to help fund the plan?

Answer by the Lord Mayor

Councillor Lee, I don't believe it is the appropriate role for Council to invest in major infrastructure which is the responsibility of the State. I see our role very much in this as a driver, an advocate, bringing together affected groups, such as the Mayors of the surrounding areas and the business community, to drive a response from Government.

I think all other things that relate to this proposal are a work in progress. Certainly it is something that has been discussed in the committee that I chair with Jennifer Westacott, the Director General of the Department of Infrastructure, Planning and Natural Resources, in terms of the State and the City working together to resolve transport solutions for Sydney.

In terms of what the State might do to be able to pay for the new infrastructure, I cannot give you any answers on that. It is certainly not the role of Council. I see our role, as we discussed this afternoon, as a leadership role. We are trying to get Government to actually carry out its responsibility in terms of the provision of adequate transport for Australia's global city.

ITEM 14. NOTICES OF MOTION

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

Closed Meeting

At 7.50pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 15 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 be further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Carried.

Item 15 was then dealt with by Council while the meeting was closed to the public.

ITEM 15. LEVEL 11, TOWN HALL HOUSE - FIT-OUT TENDER AND LEASING

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Senior Property Manager to Council on 20 December 2004, on Leasing Proposal, Level 11, Town Hall House, it be resolved that:

- (A) Council reject all tenders for the refurbishment of Level 11 and not invite fresh tenders due to the Level 11 refurbishment project being deferred;
- (B) a lease to the Department of Transport and ERG Transit Systems be granted on the terms and conditions as detailed in the subject report;
- (C) authority be delegated to the General Manager to finalise this matter and enter into all relevant documents; and
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Monday 20 December 2004

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At 7.53pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 21 February 2005 at which
meeting the signature herein was subscribed.