

**15 NOVEMBER 2004**

**Meeting No 1420**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.08pm on 15 November 2004 pursuant to Notice 18/1420 dated 11 November 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 6.08pm those present were:-

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

Councillor Kemmis left the meeting of Council at 7.20pm prior to discussion on Item 14 and returned at 7.32pm at the conclusion of discussion on Item 14.

Councillor Hoff left the meeting of Council at 9.20pm during discussion on Item 16 and returned at 9.26pm during discussion on Item 17.

The Acting General Manager, Acting Deputy General Manager, Acting General Counsel, Director Corporate Services, Director City Works, Director City Planning Northern Zone, Acting Director City Development 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 18 October 2004**

Moved by Councillor McInerney, seconded by Councillor Pooley -

That the minutes of the meeting of Council of Monday 18 October 2004, as circulated to Councillors, be confirmed.

Carried.

### **Minutes of Extraordinary Meeting of Council of Monday 1 November 2004**

Moved by Councillor Pooley, seconded by Councillor McInerney -

That the minutes of the Extraordinary meeting of Council of Monday 1 November 2004, as circulated to Councillors, be confirmed.

Carried.

## **ITEM 2. DISCLOSURES OF INTEREST**

Pursuant to the provisions of Section 451 of the Local Government Act 1993 -

Councillor The Hon Michael Lee disclosed a non-pecuniary interest in Item 6.2 and took part in discussion and voting on this matter.

Councillor Robyn Kemmis disclosed a possible pecuniary interest in Item 14, in that she resides in the vicinity of the subject site and as a private citizen has lodged an objection to the proposal. Councillor Kemmis was absent from the Council Chamber for the duration of discussion and voting on Item 14.

### **ITEM 3A. NAMING OF NEW AQUATIC CENTRE AT ULTIMO**

FILE NO:

DATE: 12/11/04

#### **MINUTE BY THE LORD MAYOR**

##### To Council:

Following Council's resolution at its Extraordinary Council Meeting on 1 November 2004, the City is set to deliver an aquatic centre in Ultimo, after years of delays.

This new state-of-the-art facility will include an Olympic-size pool, leisure pool, hydrotherapy pool, spa pool, sauna, café and fitness centre. It will be located on Harris Street, in a distinctive wave-form building designed by Harry Seidler.

I have proposed that the facility be known as the Ian Thorpe Aquatic Centre, and Ian has agreed. I invited comments on the proposal from this Council and the community, and I believe that the proposed name has been very well received.

This is a fitting tribute to a well-loved Sydneysider. Not only is Ian a great Olympian, he undertakes private philanthropic work win disadvantaged communities in a low-profile way, and is a wonderful role model and ambassador for Australia.

Mr Thorpe has indicated he would welcome an ongoing association possibly through master classes, encouraging national and international swimming meets, and having memorabilia of his career on display.

This new facility is a victory for the City community: residents in Pymont and Ultimo have been fighting for this centre for ten years and I am pleased that it will now become a reality. This project dovetails in with the City of Villages policy for creating focal points for local communities to meet, relax and enjoy themselves.

The new aquatic centre will respond to the recreation needs of the increasingly densely populated Pymont/Ultimo precinct. In 1992, it was estimated that there were some 3,200 residents and 14,000 employees on the peninsula. Recently, the peninsula's population was estimated at 13,300 residents and 21,500 workers. When future development is taken into account, the residential population is expected increase to over 17,500, with total work force of over 25,000.

The new centre will also be an important regional facility for areas such as Glebe, Camperdown, Annandale, Lilyfield, and out to Rozelle and Balmain. Based on ease of access and the distribution of other public pools, the new aquatic centre will have a catchment area of around 80,000 residents.

Nearly 50 per cent of people in this region are aged 20 to 39, the age group that is most recreationally active and likely to use the aquatic centre's facilities. The region also includes around 9000 children under the age of 15. The dedicated hydrotherapy pool is strongly supported and needed by older residents. The facility is on public transport routes, including light rail, making it attractive to the 30 per cent of households in the region that do not have a car.

The new aquatic centre will be close to educational institutions and is eagerly anticipated by the Ultimo Public School.

Ultimo is easily accessible from the CBD, particularly the rapidly growing western core and southern end of the city. Workers are in the city for longer each day and their physical and mental well-being will be aided by access to aquatic facilities at lunch time and the beginning and end of each day.

Along with the prominent site and landmark architectural form, naming the city's new aquatic centre in honour of Ian Thorpe will help to establish the facility's regional role and its iconic status for all Sydneysiders.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 15 November 2004, on Naming of New Aquatic Centre at Ultimo, it be resolved that Council name the Aquatic Centre at Ultimo the "Ian Thorpe Aquatic Centre".

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

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

Carried unanimously.

**ITEM 3B. PROGRESS ON THE DEVELOPMENT OF THE COLLEGE OF FINE  
ARTS PADDINGTON**

FILE NO:  
DATE: 12/11/04

**MINUTE BY THE LORD MAYOR**

To Council:

On 8 June 2004 I met with representatives of the University of NSW and the College of Fine Arts to discuss community concern about the proposed development of new facilities on the COFA site. At that meeting the University agreed to withdraw DA431 and restart the redevelopment process by preparing a Masterplan for COFA, before lodging a new Development Application. The University formally withdrew the DA in late June.

Since then the University, the community and Council have been working together to ensure the new process meets the needs of the University and the community. Three community workshops are planned that will produce a Masterplan for the site. The Masterplan must address the long-term needs of the University and its current and future students, as well as the nearby community, which is located in a Residential Heritage Conservation Zone. The preferred Masterplan will be presented to Council for approval and the University will then lodge a new Development Application, based on the approved Masterplan.

The first community workshop was held at COFA on 6 November 2004. The purpose of this workshop was to discuss the Strategic Brief, which the planners will use to prepare Masterplan options. I chaired the workshop which was attended by more than seventy members of the community, the consultants who will prepare the Masterplan, and Councillors Hoff and Kemmis.

I am pleased to report that the workshop was productive and the stakeholders clearly wish to move forward. This workshop allowed the community to present its own Strategic Brief for the Masterplan. A community representative from The Darlington-Paddington Community Working Group outlined the community's key issues for the Strategic Brief.

The community wants future redevelopment of the site to be re-oriented to the east and the north-east, focussing on Greens Road and Oxford Streets; traffic planning integrated into the Masterplan, based on the reorientation of the site; improvements to community amenity in public domain areas such as parks, footways, carriageways, on street parking, visitor bus parking and a pedestrian piazza between Oxford Street and the entry to the redeveloped site.

The community Strategic Brief will become part of the University's Strategic Brief so that an integrated brief is presented to the planners. The planners will then prepare three draft Masterplan options. As the University gave its Strategic Brief to the community in advance of the workshop, most of the workshop was set aside for questions about the University's strategic brief. The workshop gave the planners an excellent insight into the stakeholder's aspirations for COFA's redevelopment.

The next Community Workshop, to be held next year, will discuss the three draft Masterplan options. Council will work closely with the University and COFA so that the community has the draft Masterplan in advance of the next workshop. All parties want to ensure that the second workshop is as productive as this recent workshop.

Many of the community's concerns related to traffic and loss of amenity from students parking in the residential area. Some residents expressed support for the introduction of "pay and display" parking meters. I have asked Council's Traffic Committee to investigate the introduction of such a scheme. I believe that there would need to be a process of community consultation before a parking scheme is introduced.

I am pleased that the Dean of COFA has indicated that he will prepare a plan to educate students about the best ways to access the COFA campus, including the use of public transport. This is an approach that the University of NSW has adopted very successfully for its main campus. COFA will use the RTA and SEDA's "Transport Access Guide", which sets out ways to educate students about how to travel to and access the campus. These two measures together, would I believe, be well supported by the community and would reduce some impacts, even before the Masterplan is finalised.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 15 November 2004, on Progress on the Development of The College of Fine Arts Paddington, it be resolved that the report be received and noted.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 15 November 2004, on Progress on the Development of The College of Fine Arts Paddington, it be resolved that -

- (A) the Minute be received and noted; and
- (B) a report on the Traffic Committee's recommendations with respect to "pay and display" parking meters for the area be submitted to the Planning Development and Transport Committee.

Carried unanimously

**ITEM 3C. ACCOUNTABILITY AND TRANSPARENCY IN TENDERING AND CONTRACTS**

FILE NO:

DATE: 12/11/04

**MINUTE BY THE LORD MAYOR**

To Council:

In September 2002, I introduced the Government (Open Market Competition) Bill into the NSW Legislative Assembly. The Bill had been prepared by The Hon. Dr Arthur Chesterfield-Evans and successfully passed the NSW Legislative Council.

The Government (Open Market Competition) Bill was designed to increase public sector transparency and accountability. Similar laws operate in New Zealand to make access to public information a democratic right and to put the onus of proof onto those arguing for confidentiality.

If passed, the legislation would ensure that public authorities make available for inspection all contracts, associated tendering documents and any required performance reports, unless the Ombudsman certifies a document is exempt due to significant impact on competitive commercial operations.

Following the 2003 State election, I reintroduced the Government (Open Market Competition) Bill into the Legislative Assembly. In July 2003, the Bill was referred to the Public Accounts Committee for consideration and report. That committee finally reported in October 2004 and, broadly, concluded that existing requirements and mechanisms are sufficient.

I do not share that opinion and believe that there is a strong community desire for greater openness and access to public information. I also believe that there is clear desire among the members of this Council that we promote accountability and transparency.

A specific concern arising from the absence of state-wide legislation is the lack of a level playing field that would minimise fears of commercial disadvantage. Council needs to ensure that its own commercial interests are not adversely affected, and there may be steps by which this can occur. For example, prospective tenderers may need to be informed in advance that documents will be released and this may impact on the range of organisations willing to submit tenders.

However, there is still much that can be done despite the current limits in legislative support. In the 1980s, former North Sydney Mayor Ted Mack mandated open tendering processes for that Council, with all tender documents immediately available for public inspection. Ted Mack reports that there was no impact on choice of suppliers or cost.

Since the local government election in March 2004, the City of Sydney has increased public access to information of interest to the community. Community forums include presentations and "Q&A" handouts; committee papers are available earlier; and sensitive aspects of reports are being separated into confidential attachments to enable open discussion and the greatest possible disclosure. The City has also recently endorsed for public exhibition the "Draft City of Sydney Notification of Development and Planning Applications Development Control Plan 2004" and is revising procedures to enhance community access to Development Application information.

I would like the City of Sydney to lead by example, and to continue developing and expanding best-practice standards of public transparency and accountability in relation to its tendering and contractual arrangements. It is my intention that:

- the number of documents withheld from the public is minimised;
- the length of time documents are withheld is limited;
- reasons for withholding are clearly and publicly articulated;
- the extent of confidential reports to council is minimised;
- the number of closed meetings of Council is minimised; and
- the ease of public access to public documents is enhanced.

Open, transparent and accountable governance is a basic democratic right and integral to public trust in our political system. Public trust is no longer something that can be taken for granted.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 15 November 2004, on Accountability and Transparency in Tendering and Contracts, it be resolved that Council request the General Manager to undertake a review of Council's handling of tendering and contracts, in relation to:

- (A) tendering procedures in the Local Government Act 1993 and Local Government (Tendering) Regulation 1999;
- (B) procedures for closed meetings in the Local Government Act 1993 and the Department of Local Government's Open Meeting Guidelines;
- (C) other related state legislation and guidelines, such as the Freedom of Information Act 1989 and the Premier's Memorandum 2000-11 (Disclosure of Information on Government Contracts with the Private Sector);
- (D) the principles and intent of the Government (Open Market Competition) Bill 2003; and
- (E) best practice models from other jurisdictions locally, nationally and internationally;

and report back to the Finance, Properties and Tenders Committee with recommendations on strategies to make more documents public, with the onus of proof on the City of Sydney when confidentiality is proposed.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 15 November 2004, on Accountability and Transparency in Tendering and Contracts, it be resolved that Council request the General Manager to undertake a review of Council's handling of tendering and contracts, in relation to:

- (A) tendering procedures in the Local Government Act 1993 and Local Government (Tendering) Regulation 1999;
- (B) procedures for closed meetings in the Local Government Act 1993 and the Department of Local Government's Open Meeting Guidelines;
- (C) other related state legislation and guidelines, such as the Freedom of Information Act 1989 and the Premier's Memorandum 2000-11 (Disclosure of Information on Government Contracts with the Private Sector);

(D) the principles and intent of the Government (Open Market Competition) Bill 2003; and

(E) best practice models from other jurisdictions locally, nationally and internationally;

in particular, to ensure that all contracts and associated tender documents be made available to the public in a timely and responsible manner in the spirit of the Government (Open Market) Competition Bill, and report back to the Finance, Properties and Tenders Committee with recommendations on strategies to make more documents public, with the onus of proof on the City of Sydney when confidentiality is proposed.

Carried unanimously.

**ITEM 3D. NSW TOURISM AWARDS  
NSW MEALS ON WHEELS SERVICE AWARDS 2004**

FILE NO:

DATE: 15/11/04

**MINUTE BY THE LORD MAYOR**

To Council:

Two awards recently won by the City of Sydney demonstrate the City's capacity for excellence in the range of programs and services it provides and the diverse talents, expertise and dedication of our staff and volunteers.

The awards are the NSW Tourism Award - Major Festivals and Events Category and the NSW Meals on Wheels Service Award – Innovative Practice.

The NSW Tourism Award reflects our strength in producing events that position Sydney as a major global city. The Meals on Wheels Service Award reflects our strength in delivering innovative and effective social and community programs.

**NSW Tourism Award**

On Thursday 11 November the City's New Years Eve Celebrations NYE 2003 City of Light was named winner of the Major Festivals and Events Category of the Tourism NSW Awards.

This category is open to hallmark festivals or events that create substantial economic impact, attract visitors from interstate and/or overseas, generate national or international media profile, and positively promote the destination.

Entrants in these awards are judged on several criteria, which include the type of festival or event, the number and origin of the visitors it attracts, commitment to environmental sustainability, the benefits it provides to the local community, commitment to customer service and its involvement with the tourism industry.

The New Year's Eve celebrations attracted a harbourside audience of over a million people, with 25 percent of the audience being international tourists. This is a larger crowd than many similar celebrations overseas. The celebrations also attracted a larger TV audience than New York, London, Paris, Berlin and Hong Kong, giving an estimated one billion dollar boost to Australian tourism awareness.

The City's receipt of this award is testament to Artistic Director Leo Schofield, Producer Ed Wilkinson and the talented, enthusiastic and hardworking City of Sydney staff.

#### **NSW Meals on Wheels Service Award**

Each year the NSW Meals on Wheels Board acknowledges outstanding contributions made by meals on wheels services with the Annual Food Services Awards. The Awards are made in five categories: Innovative Practice, Working in Partnership, Using technology, Service Enhancement and Outstanding work with volunteers and staff.

The awards not only acknowledge the achievements of the individual services but provide examples for other services can improve their service to their clients.

The City of Sydney's Meals on Wheels service is regarded as best practice by other services providers and was encouraged to nominate.

The Award's citation notes that the City has recently established a distribution centre with walk in fridges and freezers and two refrigerated vans for the delivery of chilled meals. This has improved food safety and enabled flexible delivery times.

The service also successfully targets the special needs of Aboriginal people, Torres Strait Islanders and people living with HIV/AIDS.

The award, comprising a trophy and cheque for \$300 was presented at the NSW Meals on Wheels Association Annual General Meeting at Wests, Newcastle on 26 October 2004. Mark Spruhan, Aged, Disability & Food Services Manager and Vicki Cox, Meals on Wheels Co-ordinator, received the Award on behalf of Council.

It is planned to donate the \$300 to local community organisations who work with the aged.

This award acknowledges the commitment and dedication of Council staff and volunteers who ensure that the City's Meals on Wheels maintains a high standard of service.

#### **RECOMMENDATION:**

That arising from consideration of a Minute by the Lord Mayor to Council on 15 November 2004, on recent awards received by the City of Sydney, it be resolved that:

- (A) Council congratulate and commend Artistic Director Leo Schofield, Producer Ed Wilkinson and City of Sydney staff responsible for NYE 2003 City of Light on receiving the NSW Tourism Award - Major Festivals and Events Category; and

- (B) Council congratulate and commend the staff and volunteers of the City of Sydney's Meals on Wheels service on receiving the NSW Meals on Wheels Service Award - Innovative Practice.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

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

Carried unanimously.

### **Order of Business**

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, Council resolved that the order of business be altered such that Items 13, 14 and 12 be brought forward and dealt with before Item 4.

### **ITEM 13. DEVELOPMENT APPLICATION: 63-79 MILLER STREET, PYRMONT (FORMER FESTIVAL RECORDS BUILDING)**

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 8 November 2004, and to Council on 15 November 2004, in relation to Stage 2 Development Application D/2004/00656 made by Glish Holdings Pty Ltd for the site at 63-79 Miller Street, Pyrmont, for demolition of the building behind the retained facades to Bulwara Road and Miller Street, construction of a 6 storey building, use of the ground floor as a retail supermarket and the upper floors as 70 residential units (34 x 1br, 25 x 2br and 11 x 3br) with 4 basement levels of storage and 195 parking spaces, it be resolved that: authority be delegated to the Acting General Manager to determine the application; should it be proposed that consent be granted, regard is to be had to -

- (i) the proposed conditions detailed in the subject report;
- (ii) the inclusion of a condition similar to that imposed by the Minister for Infrastructure and Planning on the Eastern Distributor and Cross City Tunnel to give protection to residents in the event of damage to their homes; and
- (iii) a suitable condition to lessen the impact of noise from delivery trucks.

The motion was carried on the following show of hands -

Ayes (8) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis Mallard, McInerney and Pooley.

Noes (2) Councillors Firth and Lee.

Motion carried.

**ITEM 14. DEVELOPMENT APPLICATION: 431 GLEBE POINT ROAD, GLEBE (MAX FACTOR BUILDING)**

Moved by Councillor Black, seconded by Councillor McInerney -

That arising from consideration of the report by the Specialist Planner to the Planning Development and Transport Committee on 8 November 2004, and to Council on 15 November 2004, in relation to Development Application D2004/00094 made by Abacus Funds Management Ltd for the site at 431 Glebe Point Road, Glebe, for alterations, additions, excavation and adaptive re-use of the existing commercial building for residential use to contain 59 units and two levels of basement car parking, it be resolved that:

- (A) Having regard to the proposed development, with a floor space ratio of 3.1:1 (7,497m<sup>2</sup>), exceeding the maximum permissible floor space ratio pursuant to the Leichhardt Local Environmental Plan 2000 (LLEP 2000) and the extent of the non-compliance proposed, the Planning Development and Transport Committee considers the objection made under State Environmental Planning Policy No.1 – Development Standards regarding the non-compliance to be well founded for the following reasons:
- (1) compliance with the development standard would hinder the attainment of the objects specified under 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 to encourage:
    - (a) “the proper management, development and conservation of the natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.
    - (b) the promotion and co-ordination of the orderly and economic use and development of land,”
  - (2) the proposed development is consistent with the underlying objects or purposes of State Environmental Planning Policy No. 1 – Development Standards and the objects of the Environmental Planning and Assessment Act, 1979,
  - (3) the proposed development is consistent with the relevant objectives within Clause 17 (Objectives of housing) the Leichhardt LEP 2000,
  - (4) the proposed development is capable of conversion from a non-residential to residential use, satisfying Clause 19(5) of the Leichhardt LEP 2000,
  - (5) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

- (B) Having regard to the proposed development, with a landscaped area of 13.3%, not satisfying the minimum permissible landscaped area pursuant to the Leichhardt Local Environmental Plan 2000 (LLEP 2000) and the extent of the non-compliance proposed, the Planning Development and Transport Committee considers the objection made under State Environmental Planning Policy No.1 – Development Standards regarding the non-compliance to be well founded for the following reasons:
- (1) compliance with the development standard would hinder the attainment of the objects specified under 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 to encourage:
    - (a) “the proper management, development and conservation of the natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.
    - (b) the promotion and co-ordination of the orderly and economic use and development of land,”
  - (2) the proposed development is consistent with the underlying objects or purposes of State Environmental Planning Policy No. 1 – Development Standards,
  - (3) the proposed development is consistent with the relevant objectives within Clause 17 (Objectives of housing)the Leichhardt LEP 2000,
  - (4) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (C) Development consent be granted subject to the following conditions:

## Schedule 1A

### Approved Development, Contributions and Covenants

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

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

- (1) Development must be in accordance with Development Application No.D/2004/00094 dated 05/02/04 and information and drawings numbered:

<b>Drawing No.</b>	<b>Issue</b>	<b>Date</b>	<b>Architect</b>
DA 01	E	18 October 2004	Grant Simmons Architects Pty Ltd
DA 02	E	18 October 2004	Grant Simmons Architects Pty Ltd
DA 03	D	12 October 2004	Grant Simmons Architects Pty Ltd
DA 04	D	12 October 2004	Grant Simmons Architects Pty Ltd
DA 05	D	20 October 2004	Grant Simmons Architects Pty Ltd
DA 06	D	20 October 2004	Grant Simmons Architects Pty Ltd
DA 08	B	5 August 2004	Grant Simmons Architects Pty Ltd
DA 14	E	21 October 2004	Grant Simmons Architects Pty Ltd
DA 15	E	19 October 2004	Grant Simmons Architects Pty Ltd
DA 16	C	5 August 2004	Grant Simmons Architects Pty Ltd
DA 17	D	12 October 2004	Grant Simmons Architects Pty Ltd
DA 20	A	22 June 2004	Grant Simmons Architects Pty Ltd

and as amended by the following conditions:

#### **DESIGN MODIFICATIONS**

- (2) The design of the building shall be modified as follows:
- (a) The lift overrun and associated plant room shall not exceed the existing upper floor and shall be re-designed to be located within the existing building envelope.
  - (b) The proposed metal louvres to the lower panes of recessed windows on all indicated elevations are not approved and they do not form part of this consent.
  - (c) All windows along the south eastern elevation of Units A12 to A15 inclusive on Levels 1 and 2, except for Unit A15 on Level 1, equal to or below 1.5 metres above the finished floor level of the respective apartments shall be fixed and non-operable, and shall contain obscure glazing. The use of obscure film is not permitted.
  - (d) All windows along the north western elevation of Unit A6 on Level 3 and Level 4, equal to or below 1.5 metres above the finished floor level of the apartment shall be fixed and non-operable, and shall contain obscure glazing. The use of obscure film is not permitted.
  - (e) The planter boxes shall be provided on all balconies and on the roof terrace and they shall have a minimum width of 500mm and minimum height of 1 metre. They shall be permanently fixed and made of durable materials.

- (f) Sliding, clear glazed, and operable louvre screens in metal frames that simulate the original window bands of the building shall be provided to all balconies. These screens shall be appropriately design to provide an acoustic barrier whilst respecting the heritage significance of the building. All tracks for the screen shall be recessed into the host structure so as to be not readily visible from the public domain.
- (g) A one way vehicular circulation system, compliant with the relevant Australian Standards, shall be provided within the development. This shall include:
  - (i) use of the existing eastern driveway as a vehicular entry only;
  - (ii) use of the existing western driveway as a vehicular exit only;
  - (iii) an internal vehicular ramp connecting the two basement parking levels; and
  - (iv) retention of all heritage significant columns within Basement Level 1.
- (h) A minimum of 6 car parking spaces shall be provided within the development for visitors in accordance with the Leichhardt DCP 2000. The visitor spaces shall be appropriately signed for the exclusive use of visitors
- (i) A minimum of 9 car parking spaces shall be provided within the development for persons with a disability in accordance with the City of Sydney Access DCP 2004.
- (j) The proposed and required car parking spaces for persons with a disability located within both basement levels B1 and B2 shall be relocated adjacent to the lifts, as well as meeting the Australian Standards for accessible parking.
- (k) Bicycle storage provision shall be detailed on the plans to accommodate at least 26 Bicycles.
- (l) A minimum of 9 units within the development shall be designed for adaptable housing and shall be provided and identified on the plans in accordance with the requirements of the City of Sydney Access DCP 2004.
- (m) Details of the mechanical ventilation system proposed to induce cross-ventilation are to be provided and a report shall also be submitted certifying compliance with the Building Code of Australia.
- (n) All windows along the north western elevation of Units A8 and A9 on Level 1 and Level 2, equal to or below 1.5 metres above the finished floor level of the apartment, shall be fixed and non-operable, and shall contain obscure glazing. The use of obscure film is not permitted.

- (o) All windows proposed for Bedroom 2 along the north eastern elevation of Unit A7 on Levels 1 and 2 and Unit A5 on Levels 3 and 4, equal to or below 1.5 metres above the finished floor level of the apartment, shall be fixed and non-operable, and shall contain obscure glazing. The use of obscure film is not permitted.
- (p) The sliding panels containing metal louvres required on the south eastern elevation of the two sided corner balconies for Unit A12 on Ground Level, Level 1 and Level 2 shall be fixed (ie, non-sliding) and that the louvres up to a height of 1.5 metres above the finished floor level of balconies shall be made of obscured glazing and non-operable (ie, fixed). Above 1.5 metres the louvres may be adjustable to allow for natural light and ventilation. The use of obscure film is not permitted.

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

#### **RESTRICTIONS ON USE OF ROOF TERRACE**

- (3) The roof terrace shall only be used between the hours of 7.00am to 10.00pm, daily except for New Years Eve. The use of the terrace shall not give rise to a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.

#### **SHADING DEVICES**

- (4) Any proposed shading devices shall be located behind the main building facades. If shading devices are to be proposed on the external façade of the building a separate development application shall be required to be submitted for the consideration of the Council.

#### **RESIDENTIAL STORAGE SPACE**

- (5) Prior to the release of a Construction Certificate documentary evidence shall be provided to Council for the approval of Council as to how the development may satisfy the residential storage space requirements of Section 6.1 of the Central Sydney DCP 1996.

#### **RETENTION OF THE TRAM SHELTER**

- (6) The existing tram shelter located on the Glebe Point Road frontage shall be retained in its current form. This consent does not allow for the removal or alterations and additions to the tram shelter.

#### **MINIMUM HEADROOM OF 2.5 METRES TO MEET REQUIREMENTS OF CAR PARKING SPACES FOR PERSONS WITH DISABILITIES**

- (7) A minimum headroom of 2.5 metres shall be provided within both basement B1 and B2 to ensure that adequate headroom has been provided for the car parking spaces provided for persons with disabilities.

## REMOVAL OF TELECOMMUNICATION DEVICES

- (8) The telecommunication devices approved and currently attached the roof of the subject building shall be removed from the building prior to the issue of an Occupation Certificate.

## SECTION 94 CONTRIBUTIONS

- (9) A contribution under section 94 of the Act shall be paid in accordance with the following:-

**(a) Open Space and Recreation**

Prior to issuing a Construction Certificate for works in connection with this development consent, a monetary contribution of \$785,297.80 shall be paid to Council for the cost of acquiring and augmenting public open space in lieu of its physical provision. 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).

Please contact Council's Technical Coordinator on 02 9246 7728 prior to payment to confirm amount payable.

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Leichhardt Open Space and Recreation Contributions Plan, after identifying that the development will increase the demand for local and district open space within the area.

It has been calculated on the following basis:

- a. 4 new dwellings less than 55m<sup>2</sup> in floor area;
- b. 33 new dwellings between 55m<sup>2</sup> and 85m<sup>2</sup> in floor area;
- c. 20 new dwellings between 85m<sup>2</sup> and 120m<sup>2</sup> in floor area;  
and
- d. 2 new dwellings greater than 120m<sup>2</sup> in floor area.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

**(b) Community Facilities and Services**

Prior to issuing a Construction Certificate for works in connection with this development consent, a monetary contribution of \$132,271.56 shall be paid to Council for the cost of providing community facilities and services. 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).

Please contact Council's Technical Coordinator on 02 9246 7728 prior to payment to confirm amount payable.

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, 1979 and the Leichhardt Community Facilities and Services Contributions Plan, after identifying that the development will increase the demand for community facilities and services within the area.

It has been calculated on the following basis:-

- a. 4 new dwellings less than 55m<sup>2</sup> in floor area;
- b. 33 new dwellings between 55m<sup>2</sup> and 85m<sup>2</sup> in floor area;  
and
- c. 22 new dwellings between 85m<sup>2</sup> and 160m<sup>2</sup> in floor area;

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

**(c) Transport and Access – Works and facilities**

Prior issuing the Construction Certificate, a total monetary contribution of \$11,160.56 shall be paid to Council for the cost of providing the following transport and access works and facilities. 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).

Please contact Council's Technical Coordinator on 02 9246 7728 prior to payment to confirm amount payable.

- |    |                               |            |
|----|-------------------------------|------------|
| a. | Local Area Traffic Management | \$9,011.98 |
| b. | Light Rail Access Works       | \$875.08   |
| c. | Bicycle Works                 | \$1,273.50 |

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, 1979 and the Leichhardt Contributions Plan – Transport and Access, after identifying that the development will increase the demand for transport and access works and facilities within the area. It has been calculated on the basis of 59 new dwellings.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

**APPROVED DESIGN ROOF-TOP PLANT**

- (10) All roof-top plant and associated equipment shall be located within the approved building envelope, which includes lift overrun, 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.

**FIRE SAFETY UPGRADE OF BUILDING**

- (11) 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) The building shall be upgraded in accordance with the BCA Capability Statement Report prepared by Trevor Howse and Associates with reference J23206.draft MK and dated the 11 September 2003

In addition to the requirements of (10)(a) above, the following upgrade works shall be completed.

- (b) Access to the lift motor room via the fire isolated stair is to be upgraded in accordance with the requirements of Clause D1.7 (a) of the BCA. Details shall be submitted and approved by the Certifier prior to the issue of a Construction Certificate.
- (c) Discharge from the fire isolated exits at B1 Level necessitates passing with 6m of an external wall of the same building. The fire isolated stair discharge shall be upgraded to comply with the requirements of Clause D1.7 (c) of the BCA. Details shall be submitted by the Certifier prior to the issue of a Construction Certificate.

**ANNUAL FIRE SAFETY STATEMENT**

- (12) 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.

**DEDICATION OF SITE FOR PURPOSES OF ROAD WIDENING**

- (13) Prior to the issue of an Occupation Certificate for the development, the owners of the site are to dedicate to the public for road widening purposes the irregular shaped parts of the site along the frontage to Leichhardt Street to provide a minimum footpath width of 1.5 metres for the full frontage to that street, defined to Council's satisfaction. The dedication is to be at no cost to Council and is to be on the understanding that the affected parts of the site can be used for the calculation of the floor area of the development.

**STRATA SUBDIVISION**

- (14) Any proposal to Strata subdivide the building and site will require separate applications to obtain Development Consent for the proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973

**VEHICLE FOOTWAY CROSSINGS**

- (15) A separate application is to be made to Council's Civil Engineering Services, Roads and Footways Unit for the construction of any vehicle footway crossings required as a consequence of the development and the removal and reinstatement of the footway formation if any existing crossings are no longer required.

**ON-SITE CAR PARKING SPACES**

- (16) The following conditions apply to car parking:-
- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building.
  - (b) Prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
  - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

**Note:**

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

**VISITOR CAR PARKING SPACES GROUPED TOGETHER**

- (17) All visitor car parking spaces shall be grouped together, and located at the most convenient location to the car parking entrances. All spaces shall be clearly marked visitor spaces prior to the issue of an Occupation Certificate.

### **PROVISION OF SEPARATE STRATA LOTS FOR CAR PARKING SPACES**

- (18) In the case of future Strata subdivision of the building the provision of separate Strata lots for car parking spaces under the Strata Schemes (Freehold Development) 1973 is not favoured, and can lead to inappropriate allocation and abuse. Any proposal for separate parking lots will only be considered by the City in exceptional circumstances, as part lots properly allocated to units should result in the rational and orderly allocation of parking spaces.

### **NO PARTICIPATION IN THE RESIDENT PERMIT PARKING SCHEME**

- (18A) Residents are not eligible to participate in the resident permit parking schemes.

#### **Note:**

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

### **DEMOLITION/SITE RECTIFICATION**

- (19) 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.

### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

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

The form of recording is to be as follows:-

- (c) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
  - (ii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
  - (iii) A summary report of the photographic documentation, detailing;
  - (iv) the project description, method of documentation, and any limitations of the photographic record; and
  - (v) photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (d) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

#### **USE OF A CONSERVATION ARCHITECT**

- (21) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

#### **USE OF EXPERIENCED TRADESPERSONS**

- (22) The applicant is to commission experienced tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.

### **INTERPRETATION STRATEGY**

- (23) The Interpretation Strategy should include, 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.

The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of an Occupation Certificate.

### **INTERNAL PARTITIONS NOT TO ABUT WINDOWS**

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

### **DETAILS OF STEEL FRAMED WINDOWS**

- (25) That the proposed windows shall be steel frame with the profile and detailing typical of the 1940s period based where possible on documentary evidence.

### **ARCHAEOLOGICAL INVESTIGATION**

- (26) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

### **PARKING ON COMMON PROPERTIES**

- (27) No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any future strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

### **CAR PARK VENTILATION**

- (28) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2).

## **REPORT TO BE COMPLIED WITH**

- (29) The development shall be in accordance with the recommendations of Site Audit Statement issued by Peter Ramsey (Accredited NSW Site Auditor No. 9814) from Peter J Ramsey & Associates certifying that the site is suitable for the intended use.

## **Schedule 1B**

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

- (30) 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.

### **DILAPIDATION REPORTS**

- (31) A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared in respect of the adjoining properties known as Nos. 425, 427 and 429 Glebe Point Road and Nos. 2 and 4 Leichhardt Street Glebe.
- (32) A copy of the dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with the Certifying Authority prior the issue of a Construction Certificate.

### **DETAILS OF MAIN ENTRY AND MULLION MODIFICATIONS TO BE SUBMITTED**

- (33) That a detailed drawing is to be submitted to the satisfaction of the Director of City Planning North prior to the issue of a construction certificate showing:
- (a) Details of the main entry including the sandstone cladding, doors and entry awning, showing clearly the dimensions, materials and detailing, which should be based where possible on documentary evidence.
  - (b) A detail with dimensions and materials of the proposed balcony hand rails which are to be designed to be simply detailed and to have minimal visual impact.
  - (c) That in the two central bays on levels three and four of the Glebe Point Road Elevation, where recessed balconies are proposed, the wide mullion proposed for each bay shall be located in the same line as that proposed for the ground, first and second levels.

That the wide mullions shall be the same width on each elevation to maintain a sense of consistency.

### **EXTERNAL FINISHES AND COLOUR SCHEMES**

- (34) That all new internal and external finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

That new services in the building shall be placed as unobtrusively as possible with minimum intervention to significant fabric.

That the external colour scheme shall be in keeping with the overall modern functionalist style of the building. A schedule of external colours shall be submitted to the satisfaction of the Director of City Planning North prior to the issue of a construction certificate.

### **STRUCTURAL ENGINEERS REPORT**

- (35) To ensure that the building is not undermined by the proposed basement car park, prior to the commencement of any works on the site or a construction certificate, whichever is the earliest, a Structural Engineers Report is to be submitted to Council, prepared by a suitably qualified engineer experienced in dealing with heritage buildings. The report is to indicate any measures that will be necessary to ensure the structural stability of the building and give details of any intervention such works will have on any significant building fabric.

### **INSULATION – ENERGY EFFICIENCY**

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

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

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

### **HOT WATER SYSTEM**

- (37) Centralised, gas boosted solar hot water services or centralised heat pump services shall be installed. The service must be adequately sized to meet the anticipated maximum hot water demand of each dwelling. Consideration should be given to position of the hot water system such that its efficiency is maximised by minimising heat loss in pipe-work.

- (38) In the case of centralised solar hot water services, the service installer must provide written confirmation that a minimum of 50% of the water heating per annum is provided from solar energy input. Where a pump is used to circulate water between tank and remote panels, any noise associated with the pump must not exceed 5dB at the property boundary.
- (39) Details to be submitted to Council or the accredited certifier prior the issue of a Construction Certificate.

#### **MINIMISE IMPACT OF POOL ON ADJOINING PROPERTIES**

- (40) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool area the design and construction of the swimming pool and associated equipment shall comply with the following requirements:
- (a) The Swimming Pools Act 1992 & Regulations
  - (b) Australian Standard 1926 – Swimming Pool Safety
  - (c) Protection of the Environment Operations Act 1997
  - (d) The swimming pool/spa pump and associated equipment shall be setback a minimum 1.5metres from surrounding boundaries and sound insulated and/or isolated so that the noise emitted does not exceed 5 dB above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1-1989.

Evidence from an appropriately qualified person that these design requirements have been met shall accompany the application for the Construction Certificate.

#### **SWIMMING POOL WASTE WATERS**

- (41) Swimming pool wastewater must be collected and connected to the sewer in accordance with the requirements of Sydney Water.

Details are to be submitted with the application for a Construction Certificate and are to be to the satisfaction of Council or the accredited certifier.

#### **SWIMMING POOL OVERFLOW WATERS**

- (42) Swimming pool overflow waters must be collected and connected to the swimming pool wastewater disposal system.

Details are to be submitted with the application for a Construction Certificate and are to be to the satisfaction of Council or the accredited certifier.

#### **PUBLIC DOMAIN PLAN**

- (43) 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, APTs 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.

**LETTER TO VERIFY SUPPORT FOR NEW LOADS**

- (44) 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 FOR (PRECAST CONCRETE) FAÇADE PANELS AND CURTAIN WALLS**

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

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

- (46) 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.

**SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

- (47)
- (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](http://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](http://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](http://www.sydneywater.com.au) or telephone 132 092.

**INSTALLATION OF DUAL-FLUSH TOILETS**

- (48) 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**

- (49) 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.

**SUSTAINABLE TIMBERS**

- (50) To minimise the damage to the environment only timber from sustainable sources shall be used in the construction (structural timbers and floorboards) of the building(s). The information submitted with the construction certificate shall specify the timbers to be used. These are to be limited to plantation and regrowth timbers, recycled timbers or timbers sourced from other sustainable practices and shall be:-
  - (a) Timber supplied from sustainable plantation sources, with Forest Stewardship Council (FSC) or Australian Forestry Standard (AFC) Certification.

OR

- (b) Timber specified by EcoSpecifier or the Wilderness Society's One Stop Timber Shop or Friends of the Earth's Good Wood Guide 9th Edition.

OR

- (c) Re-used/recycled timber.

### **TELECOMMUNICATIONS PROVISIONS**

(51) 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.

A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

### **REFLECTIVITY INDEX OF EXTERNAL GLASS**

(52) 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.

### **LANDSCAPING OF THE SITE**

(53) The site 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 ensuring that 85% of plantings are native species from the Sydney locale;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;
- (f) Demonstrate design of planter boxes ie: irrigation, mulch, size, plant species, drainage and weight of growing medium/soil.
- (g) Details of planting along the Glebe Point Road elevation to effectively screen the car parking level of the development from the street.

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

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (54) 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.

### **ELECTRICITY SUBSTATION**

- (55) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **WASTE MANAGEMENT FOR RESIDENTIAL DEVELOPMENTS**

- (56) A Building Waste Management Plan is to be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such plan must comply with Council's "Waste Code" and provide details of the following:-
- (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing, collection areas, and vehicle access and standing areas.
  - (b) The natural or mechanical ventilation of garbage rooms and service areas, in accordance with the Building Code of Australia and Australian Standard 1668.
  - (c) The location and design of garbage chutes and compaction units required by the Code.
  - (d) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
  - (e) The design features incorporated in the building and procedures to be undertaken by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage, recycling and collection areas.

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

## **WASTE MANAGEMENT UPON COMPLETION**

- (57) Upon completion of construction and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act (Form 12) for the development or part thereof, compliance of all the building's waste facilities, with the requirements set out in the approved Building Waste Management Plan and in accordance with Council's Waste Code, is to be verified by Council's Manager Contracts and Asset Management.
- (a) The following provisions apply to recycling areas:
    - (i) 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.
    - (ii) 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.

- (iii) 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.

### **ACCESS FOR PEOPLE WITH DISABILITIES**

- (58) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and City of Sydney Access Development Control Plan 2004. 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.

### **CAR PARK ENTRY FINISH**

- (59) Car park roller doors shall be designed and constructed for quiet operation.

### **PROVISION FOR LATER FITOUT FOR PERSONS WITH A DISABILITY**

- (60) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

### **PARKING SPACE FOR PERSONS WITH A DISABILITY**

- (61) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability. Such unit(s) shall be linked in any future strata subdivision of the building.

### **UNDER AWNING LIGHTING**

- (62) 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 are to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **ACOUSTIC PRIVACY BETWEEN UNITS**

- (63) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) In order to assist acoustic control of airborne noise between units:



- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
  - a. Sleeping areas (night time only: 2200-0700) 45dB
  - b. Living areas (24 hours) 55dB
- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (iv) The following repeatable maximum  $L_{Aeq}$  (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
  - a. Sleeping areas (night time only: 2200-0700) 38dB
  - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
  - (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
  - (ii) The repeatable maximum  $L_{Aeq}$  (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
  - (iii) The  $L_{Aeq}$  (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

#### **FLOOR TO CEILING HEIGHT**

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

## **STORMWATER AND DRAINAGE**

(66)

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

## **UTILITY SERVICES**

(67) 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.

## **ALIGNMENT LEVELS**

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

- (a) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.
- (b) The following provisions apply to recycling areas:

- (i) 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.
- (ii) 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.
- (iii) 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.

### **SANITARY FACILITIES**

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

### **ALTERATIONS, ENLARGEMENT OR EXTENSION OF AN EXISTING BUILDING NOT INVOLVING CHANGE OF USE**

- (70) The certifying authority must not issue a construction certificate for the work unless it is satisfied that the fire protection and structural capacity of the existing elements of the building will not be reduced.

### **CAR PARK ENTRY FINISH**

- (71) Car park roller doors shall be designed and constructed for quiet operation.

### **GEOTECHNICAL REPORT AND CERTIFICATION**

- (72) 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.

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.

## 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**

- (73) 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).

## **GROUND WATER MANAGEMENT**

- (74) A Qualified hydrological engineer shall prepare a work methodology statement, to identify measures to be undertaken with the excavation on the site to ensure that the groundwater and watertable are not affected, nor direct subterranean aquifers to surrounding land. Appropriate testing shall be undertaken and a hydrological report shall be prepared prior to construction, a copy shall be submitted to the Certifying Authority and Council prior to works commencing.

## **DEMOLITION WORK METHOD STATEMENT**

- (75) 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.

The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
- (d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

- (e) Disconnection of Gas and Electrical Supply;

## (f) Fire Fighting:-

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

## (g) Access and egress:-

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

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

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

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

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

## (k) Confinement of demolished materials in transit;

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

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

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

### **OTHER DEMOLITION DETAILS**

(76) 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**

(77) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person and the suitably qualified project structural engineer must advise on the preparation of the excavation work method statement and 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 COMMENCEMENT OF EXCAVATION WORKS**

- (78) 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**

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

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

- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION AND/OR CONSTRUCTION**

- (80) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation and/or construction. 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 and/or construction period.

#### **WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (81) 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.

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.

The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-

- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
- (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
  - (i) Type and quantities of material expected from demolition and excavation;

- (ii) Name and address of transport company;
- (iii) Address of proposed site of disposal;
- (iv) Name/address of company/organisation accepting material;
- (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
- (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
- (vii) Material for disposal and justification of disposal;
- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

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

**Note:**

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

**APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (82) 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**

(83) 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).

Documents required with the Road Opening Permit application include:-

- (c) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (d) Evidence that public utility drawings have been inspected;
- (e) 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;
- (f) A Security Deposit for reinstatement of public way.

The Road Opening Permit will be subject to further conditions that shall be complied with.

#### **FOOTPATH DAMAGE BANK GUARANTEE**

(84) 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 for the sum of an amount to be notified by Council's Public Domain Manager, as security for any damage rectification.

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.

#### **APPLICATION FOR BARRICADE PERMIT**

- (85) 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.

#### **APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE**

- (86) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-
  - (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards 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 works on site.

#### **USE OF MOBILE CRANES**

- (87) 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**

- (88) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
  - (i) Supply Air Ducts, Shafts and Fans - Blue
  - (ii) Return Air Ducts, Shafts and Fans - Pink
  - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
  - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
  - (v) Mixing Boxes and Conditions - Yellow
  - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

## **STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS**

- (89) 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**

- (90) 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**

- (91) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
  - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
  - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.

- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
  - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
  - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
  - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

#### **HOURS OF WORK AND NOISE**

- (92) The hours of construction and work on the development shall be:
  - (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 1.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
  - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

#### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (93) 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 and construction certificate (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

#### **SITE CONTROLS**

- (94) Debris and rubbish must be hosed down and kept damp to prevent dust nuisance, and waste materials must not be burnt on the site.

Demolition must be carried out to AS2601-1991 Demolition Code.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (95) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
  - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a work zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
  - (d) 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.

- (e) 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.
- (96) All costs of traffic management measures associated with the development shall be borne by the developer.

#### **HAZARDOUS AND INDUSTRIAL WASTE**

- (97) 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.

#### **SOIL AND SEDIMENT PROSECUTION NOTE**

- (98) 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.

### **ENCROACHMENTS AND SURVEY CERTIFICATE**

- (99) No portion of the proposed structure shall encroach onto the adjoining properties.
- (100) All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a Survey and Report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

### **NO ENCROACHMENT ON COUNCIL PROPERTY**

- (101) No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

### **PROTECTION OF TREES**

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

### **CONTROL OF RUN-OFF DURING CONSTRUCTION**

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

### **NO OBSTRUCTION OF THE PUBLIC WAY**

- (104) 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.

**ACCESS DRIVEWAYS TO BE CONSTRUCTED**

- (105) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**CONSTRUCTION VEHICLES TO BE COVERED**

- (106) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

**Note:**

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

**Schedule 1E****Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority****NUMBERING**

- (107) 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.\

**SECURE ELECTRONIC ENTRY DEVICES**

- (108) Appropriate electronic secure entry devices shall be fitted to all entrances and residential units within the subject site prior to the issues of an occupation certificate.

**OCCUPATION CERTIFICATE TO BE SUBMITTED**

- (109) 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.

**FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

- (110) 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.

**MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (111) 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**

- (112) 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**

- (113) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
  - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

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

**Notes:**

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

**COMPLEMENTARY STRUCTURAL REPORT**

- (114) A Complementary Structural Report, prepared by an appropriately qualified structural engineer, shall demonstrate that the structure satisfies Australian Standards adopted by the BCA including Fire limit State requirements of AS1170 Part 1.

**CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (115) 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.

#### **COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY**

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

#### **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

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

#### **WASTE COLLECTION CONTRACTS**

- (118) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

#### **GLAZING TO COMPLY WITH THE CODE**

- (119) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

#### **TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**

- (120) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.

For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-

- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-

- (i) Dilapidation Report of adjoining buildings/structures.
  - (ii) Evidence that public utility services have been investigated.
  - (iii) If adjoining a Public Way:-
    - a. 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. The original document shall be submitted to Council.
    - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) **Prior to commencement of work:-**
- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
  - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
    - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
    - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
  - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
  - (iii) All timber shall be removed.
  - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).

- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

#### **STREET NAME PLATE**

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

## **Schedule 1F**

### **Conditions to be complied with during the use of Premises**

#### **CARE OF BUILDING SURROUNDS**

- (122) 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**

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

#### **NOISE - USE**

- (124) 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**

(125) 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.

#### **WINDOW CLEANING**

(126) 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.

## **Schedule 2**

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

Carried unanimously.

**ITEM 12. DEVELOPMENT APPLICATION: ST ANDREWS COLLEGE, 19  
CARILLON AVENUE, CAMPERDOWN (D2004/00603)**

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 8 November 2004, and to Council on 15 November 2004, in relation to Development Application D2004/00603 made by the Council of St Andrews College for the site at 19 Carillon Avenue, Camperdown, for construction of a new five storey student accommodation wing containing 34 rooms connecting the Main building and the Thyne building, and removal of 10 trees, it be resolved that, due to concerns with the siting of the current proposal, Council defer consideration of this application to enable discussion between St Andrew's College and Council officers with regard to an alternative location for the proposed accommodation, including investigation of the health of any trees proposed for removal.

The motion was carried on the following show of hands -

Ayes (9) The Chair (the Lord Mayor), Councillors Black, Firth, Harris, Hoff, Kemmis, Lee, Mallard and McInerney.

Noes (1) Councillor Pooley.

Motion carried.

**ITEM 4. MEMORANDA BY THE GENERAL MANAGER**

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

**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 - 8 NOVEMBER 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, Lee and McInerney.

Councillor Mallard arrived at the meeting of the Finance, Properties and Tenders Committee at 4.07pm during discussion on Item 6.3.

Councillor Mallard left the meeting of the Finance, Properties and Tenders Committee at 4.29pm during discussion on Item 6.5 and returned at 4.59pm at the conclusion of discussion on Item 6.6.

Councillor Chris Harris was also present for that part of the meeting when Items 6.2 and 6.6 were discussed.

**Order of Business**

The Finance, Properties and Tenders Committee agreed that the order of business be altered such that the agenda items be dealt with in the following order:

1. Disclosures of Interest
3. Refugee Support
5. 429-481 George Street, Sydney (Queen Victoria Building)
2. Investments Held by Council as at 31 October 2004
4. Proposed Name of Footbridge - Parramatta Road, Glebe
6. Supply and Delivery of Copy Paper for a Two Year Period – Acceptance of SSROC Tender
10. Part of Chapman Road, Johnston Street and the Crescent, Annandale Adjoining Lot 5, DP1033147 - Proposed Lease (Confidential)
7. Victoria Park Pool Upgrade (Confidential)
8. Panel for Valuation Services and Appointment of Part-Time Valuation Consultant (Confidential)
9. Tender for Sydney Town Hall Power Upgrade - Tender 0421 (Confidential)
11. Town Hall House Data Centre Upgrade - Tender (Confidential)

The meeting of the Finance, Properties and Tenders Committee concluded at 5.30pm.

Report of the Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 8 November 2004 be received, and the recommendations set out below for Items 6.2 to 6.5 and 6.7 to 6.9 inclusive and Item 6.11 be adopted, with Items 6.1 and 6.10 being noted, and Item 6.6 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

**DISCLOSURES OF INTEREST**

**6.1**

Councillor The Hon Michael Lee disclosed a non-pecuniary interest in Item 6.2 and took part in discussion and voting on this matter.

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

**INVESTMENTS HELD BY COUNCIL AS AT 31 OCTOBER 2004 (S03-4147)**

**6.2**

That arising from consideration of a report by the Senior Accounting Officer to the Finance, Properties and Tenders Committee on 8 November 2004, on Investments Held by Council as at 31 October 2004, it be resolved that the report be received and noted.

Carried unanimously.

**REFUGEE SUPPORT**

**6.3**

That arising from consideration of a report by the Manager Cultural and Community Affairs to the Finance, Properties and Tenders Committee on 8 November 2004, on Refugee Support, it be resolved that Council -

- (A) approve a one-off grant of \$15,000 to Leichhardt Council to be passed on to Balmain for Refugees and Bridge for Asylum Seekers for a Refugee Support Program as described in the subject report;

- (B) note that Council is regularly approached with requests for funding which fall outside Council's Community and Cultural Grants program or sponsorship guidelines; and
- (C) request that a report be prepared and presented to the Cultural and Community Services Committee which provides guidelines and criteria for assessing future funding requests.

Carried unanimously.

Note - Ms Frances Milne addressed the meeting of the Finance, Properties and Committee on Item 6.3.

#### **PROPOSED NAME OF FOOTBRIDGE – PARRAMATTA ROAD, GLEBE (2011371)**

##### **6.4**

That arising from consideration of a report by the Acting Place Manager – Glebe and Forest Lodge to the Finance, Properties and Tenders Committee on 8 November 2004, on Proposed Name of Footbridge – Parramatta Road, Glebe, it be resolved that -

- (A) Council endorse naming the Parramatta Road footbridge, connecting Glebe with the University of Sydney, as the "Sir Edmund Barton Footbridge"; and
- (B) Council, on behalf of the Glebe Society, make a submission to the Roads and Traffic Authority to request that the above name be given to the footbridge.

Carried unanimously.

#### **429-481 GEORGE STREET, SYDNEY (QUEEN VICTORIA BUILDING) - OWNER'S CONSENT**

##### **6.5**

That arising from consideration of a report by the City's Valuation Consultant to the Finance, Properties and Tenders Committee on 8 November 2004, on 429-481 George Street, Sydney (Queen Victoria Building) – Owner's Consent, it be resolved that Council:

- (A) acknowledge that the Queen Victoria Building is an iconic tourist and visitor destination, a heritage item of considerable significance, and a prominent and successful retail centre;
- (B) recognise the need to continually maintain and upgrade the Queen Victoria Building to ensure its ongoing success and popularity and support the objectives of the works proposed in the Master Plan as described in the subject report, including the need to improve circulation and access through the building and to the upper levels;

- (C) note that separate development applications would be required for the works included in the Master Plan and that no works are authorised by consenting to the Master Plan;
- (D) defer consideration of the request for owner's consent to the lodgement of a development application for a Master Plan by the lessee of the Queen Victoria Building, pending a review as to whether there is an alternative means of improving circulation to the upper levels of the building while minimising the impact on the internal spaces as well as the heritage fabric of the building;
- (E) establish a sub-committee for the purposes of undertaking the review identified in clause (D), the sub-committee to comprise the Lord Mayor or her representative, the Chair of the Finance, Properties and Tenders Committee, other interested Councillors and the General Manager or his representative; and
- (F) request that a report be presented at or prior to the final meeting of the Finance, Properties and Tenders Committee, scheduled for 13 December 2004, in order to facilitate a determination regarding the granting of owner's consent.

Carried unanimously.

Note - Mr David Sylvester addressed the meeting of the Finance, Properties and Tenders Committee on Item 6.5.

#### **SUPPLY AND DELIVERY OF COPY PAPER FOR A TWO YEAR PERIOD - ACCEPTANCE OF SSROC TENDER (S034520)**

##### **6.6**

That arising from consideration of a report by the Purchasing and Stores Manager to the Finance, Properties and Tenders Committee on 8 November 2004, on Supply and Delivery of Copy Paper for a Two Year Period - Acceptance of Sydney Regional Organisation of Councils (SSROC) Tender, it be resolved that (noting the SSROC Report to Participating Councils shown at Attachment A to the subject report):

- (A) Council accept the recommendation of the SSROC tender panel, identified in Attachment A to the subject report, for the Supply and Delivery of Copy Paper for a two year period commencing 1 November 2004;
- (B) pursuant to Section 11(3) of the Local Government Act 1993, Attachment A to the subject report be treated as confidential because it relates to a matter specified in Section 10A(2)(d)(i) of that Act;
- (C) Council undertake a trial of 100 percent recycled paper made from 100 percent post consumer waste to determine its suitability;
- (D) authority be delegated to the General Manager to enter into an agreement with the appropriate parties; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Amendment. At the meeting of Council, at the request of Councillor Harris, and by consent, the motion was amended by the addition of the words “and advise Councillors of the outcome of the trial” at the end of clause (C).

Motion, as amended by consent, carried unanimously.

### **Closed Meeting**

At 4.50pm, 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 6.7, 6.8, 6.9 and 6.11 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

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 6.10 on the agenda as this matter comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Carried.

Items 6.7 to 6.11 inclusive 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.

## **VICTORIA PARK POOL UPGRADE (C10200)**

### **6.7**

That arising from consideration of a report by the Project Manager to the Finance, Properties and Tenders Committee on 8 November 2004, on Victoria Park Pool Upgrade, it be resolved that:

- (A) Council proceed with option A (toddlers’ pool and plantroom only, as described in the subject report);
- (B) additional funding of up to \$150,000 be allocated for the project;

- (C) Council reject all tenders for the “Victoria Park Pool Upgrade”;
- (D) Council decline to invite fresh tenders as it is unlikely that a more satisfactory result would be achieved by inviting fresh tenders. It is doubtful that a new tender with the same specification would attract additional tenderers or achieve greater cost savings for the City;
- (E) the General Manager be authorised to negotiate with the tenderers identified in paragraph 12 of the subject report;
- (F) authority be delegated to the General Manager to finalise and enter into a contract for the works following negotiations;
- (G) the General Manager be authorised to review a possible alternative location for a program space, and the feasibility of improving crèche facilities, and to include such proposals in a future report to Council; and
- (H) Council’s attorney be authorised to execute all necessary documentation.

Carried unanimously.

#### **PANEL FOR VALUATION SERVICES AND APPOINTMENT OF PART-TIME VALUATION CONSULTANT (S01.5661)**

##### **6.8**

That arising from consideration of a report by the Manager Property to the Finance, Properties and Tenders Committee on 8 November 2004 on a Panel for Valuation Services and the Appointment of Part-Time Valuation Consultant, it be resolved that:

- (A) Council appoint the six valuation firms nominated in paragraph 16 in the subject report to a Valuation Panel for a period of three years;
- (B) Council appoint the valuation consultant nominated in paragraph 25 of the subject report for a period of three years on the terms outlined in paragraph 31 of the subject report, escalated by CPI annually;
- (C) authority be delegated to the General Manager to enter into contracts to give effect to the terms of this resolution; and
- (D) Council’s Attorney be authorised to execute all necessary or appropriate documentation to give effect to these proposals.

Carried unanimously.

**TENDER FOR SYDNEY TOWN HALL POWER UPGRADE - TENDER 0421 (15629)****6.9**

That arising from consideration of a report by the Manager, Project Management Unit to the Finance, Properties and Tenders Committee on 8 November 2004, on Tender for Sydney Town Hall Power Upgrade - Tender 0421, it be resolved that:

- (A) Council reject all tenders;
- (B) Council decline to invite fresh tenders as it is unlikely that a more satisfactory result would be achieved by inviting fresh tenders. It is doubtful that a new tender with the same specification would attract additional tenderers or achieve greater cost savings for the City;
- (C) the General Manager be authorised to negotiate with the contractors mentioned in paragraph 13(a) of the subject report;
- (D) authority be delegated to the General Manager to investigate whether the existing power supply from Druitt Street could be maintained as an alternative emergency power supply and that this or other alternatives be investigated and implemented, if practicable, within the existing budget;
- (E) authority be delegated to the General Manager to enter into a contract for the works; and
- (F) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

**PART OF CHAPMAN ROAD, JOHNSTON STREET AND THE CRESCENT, ANNANDALE ADJOINING LOT 5, DP1033147 - PROPOSED LEASE****6.10**

That consideration of this matter be deferred to the meeting of Council on 15 November 2004.

Carried.

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

**TOWN HALL HOUSE DATA CENTRE UPGRADE - TENDER (S032313)**

**6.11**

That arising from consideration of a report by the Facilities Manager, on behalf of the evaluation panel for the Town Hall House Data Centre Upgrade, to the Finance, Properties and Tenders Committee on 8 November 2004, on Town Hall House Data Centre Upgrade - Tender, it be resolved that:

- (A) the Tender submitted by Fredon be accepted;
- (B) authority be delegated to the General Manager to enter into a contract for the proposed Data Centre upgrade; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

**ITEM 7. REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE  
- 8 NOVEMBER 2004**

PRESENT

Councillor Phillip Black  
(Chair)

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

At the commencement of business at 4.03 pm those present were -

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

Councillor Harris left the meeting of the Environment and Heritage Committee at 4.08pm during discussion on Item 7.2 and returned at 4.12pm during discussion on Item 7.2.

The meeting of the Environment and Heritage Committee concluded at 4.22 pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor Harris -

That the Report of the Environment and Heritage Committee of its meeting of 8 November 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 Environment and Heritage Committee.

**STREET TREE POLICIES - DRAFT VOLUME 1 - URBAN TREE MANAGEMENT POLICY AND DRAFT VOLUME 3 – STREET TREE MASTER PLAN (S020209)**

**7.2**

That arising from consideration of a report by the Executive Director Design (City Architect) to the Environment and Heritage Committee on 8 November 2004, on Tree Management Policies, it be resolved that Council -

- (A) endorse the public exhibition of Volume 1 – Urban Tree Management Policy and Volume 3 - The Street Tree Master Plan, as shown at Attachments C and D to the subject report, as amended at the meeting of the Environment and Heritage Committee; and
- (B) investigate other City parks that have urgent needs in relation to tree management.

Carried unanimously.

Note - The Environment and Heritage Committee congratulated the tree co-ordination team, Ms Bridget Smyth, Mr Laurie Johnson, Ms Karen Sweeney and Ms Kathleen Ng on the work undertaken on this matter.

Note - Mr Andrew Woodhouse addressed the meeting of the Environment and Heritage Committee on Item 7.2.

**ITEM 8. REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 8 NOVEMBER 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 4.23 pm those present were -

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

Councillor Harris left the meeting of the Cultural and Community Services Committee at 4.54pm during discussion on Item 8.6 and returned at 4.59pm during discussion on Item 8.6.

Councillor Shayne Mallard was also present for that part of the meeting when Item 8.6 was discussed.

**Order of Business**

The Cultural and Community Services Committee agreed that the order of business be altered such that the agenda items be dealt with in the following order:

1. Disclosures of Interest
6. Alcohol Free Zones
2. Sydney Community Foundation
3. Community Festivals
4. Relationships Declaration Program
5. Submission to the Mental Health Council of Australia and the Human Rights and Equal Opportunity Commission
7. Aboriginal and Torres Strait Islander Protocols

The meeting of the Cultural and Community Services Committee concluded at 5.40 pm.

**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 8 November 2004 be received, and the recommendations set out below for Items 8.2, 8.5 and 8.7 be adopted, with Items 8.1 and 8.6 being noted, and Items 8.3 and 8.4 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following -

**DISCLOSURES OF INTEREST****8.1**

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.

**SYDNEY COMMUNITY FOUNDATION****8.2**

That arising from consideration of a report by the Manager Cultural and Community Affairs to the Cultural and Community Services Committee on 8 November 2004, on Sydney Community Foundation, it be resolved that:

- (A) Council approve sponsorship of \$50,000 per annum for three years, commencing in financial year 2004/2005 for the Sydney Community Foundation;
- (B) the \$50,000 for 2004/05 will be sourced from the General Manager's contingency, while an additional amount of \$50,000 will be included within the sponsorship budget for the 2005/06 and 2006/07 years;
- (C) Council approve sponsorship of up to \$10,000 per annum in kind through the provision of venues to the Sydney Community Foundation for the purposes of fundraising for three years, commencing in financial year 2004/2005;
- (D) Councillor Marcelle Hoff be nominated as Council's representative to sit on the Board of the Sydney Community Foundation; and
- (E) the Acting General Manager be authorised to negotiate and execute an appropriate sponsorship agreement with Sydney Community Foundation.

Carried unanimously.

Note - Ms Ingrid Aitken addressed the meeting of the Cultural and Community Services Committee on Item 8.2.

**COMMUNITY FESTIVALS (S030844)****8.3**

That arising from consideration of a report by the Manager Cultural and Community Affairs to the Cultural and Community Services Committee on 8 November 2004, on Community Festivals, it be resolved that:

- (A) Council approve an additional allocation of \$45,000 to bring the total allocation to \$120,500 within the Cultural and Community Affairs existing 2004/05 budget to Community Festivals as outlined in the subject report;

- (B) Council approve in principle an allocation to be adopted as part of the budget process to the Cultural and Community Affairs budget for Community Festivals to a value of \$150,000 in 2005/2006, 2006/2007 and 2007/2008;
- (C) Council notes that up to \$55,000 per annum will be allocated as part of the relevant budgets for the provision of cleaning and waste services for community festivals from 2004/2005 to 2007/2008;
- (D) Council approve three year sponsorship agreements with the organisers of Feastability, Newtown Festival, Glebe Street Fair, Woolloomooloo Festival, Surry Hills Festival and Ultimo/Pyrmont Festival as outlined in the subject report and that Council also support the Greek Festival held at Darling Harbour and a Rosebery Community Festival; and
- (E) the Acting General Manager be authorised to negotiate and execute an appropriate sponsorship agreement with the organisers of each of the Festivals mentioned in clause (D).

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

That the motion be amended by the substitution of a new clause (D) and the addition of a new Clause (E), as follows, with the existing clause (E) becoming clause (F) -

- (D) Council approve three year sponsorship agreements with the organisers of Feastability, Newtown Festival, Glebe Street Fair, Woolloomooloo Festival, Surry Hills Festival and Ultimo/Pyrmont Festival as outlined in the subject report; and
- (E) Council consult with the Greek Community and the City's southern most communities with a view to initiating and supporting appropriate community based festivals in the southern most area of the City.

The amendment was carried unanimously.

The substantive motion was carried unanimously.

## **RELATIONSHIPS DECLARATION PROGRAM (S034597)**

### **8.4**

That arising from consideration of a report by the Customer Service Manager to the Cultural and Community Care Committee on 8 November 2004, on Relationships Declaration Program, it be resolved that:

- (A) the Partnerships Register Program offered by the former South Sydney City Council be relaunched and offered by the City of Sydney;
- (B) the Partnerships Register be renamed the City of Sydney Relationships Declaration Program;

- (C) the Program operate in line with the Information Pack as shown at Attachment B to the subject report, and the Application Form as shown at Attachment A to the subject report;
- (D) applications for making a relationship declaration under the Program will be taken at the One Stop Shop and the Neighbourhood Service Centres;
- (E) Place Managers or persons authorised by the General Manager will be authorised to receive relationship declaration applications, to make private appointments with applicants for the making of relationship declarations and to officiate at the making of relationship declarations by private appointment;
- (F) Relationship Declarations will be conducted each year in the Sydney Town Hall with the Lord Mayor or her delegate officiating, on dates to be determined by her office;
- (G) the General Manager, the Manager Customer Services and the Customer Services Project Officer are the only persons authorised to have access to Relationship Declaration records;
- (H) the Customer Service Project officer is nominated as the officer responsible for the Relationships Declaration Program;
- (I) in addition to publishing the City of Sydney Relationships Declaration Program Information Pack, the City shall:
  - (i) prepare and publish a brochure summarising and explaining the Program, and this brochure shall be on display and available from the One Stop Shop, all Neighbourhood Service Centres, all City of Sydney libraries and such other premises as may be determined by the General Manager;
  - (ii) publish information about the Program on the City of Sydney website and shall make available for download the Information Kit, Application Form and brochure, with this information and these downloads being easily available from a link on the website homepage.

Amendment. At the meeting of Council, at the request of Councillor Pooley, and by consent, the motion was amended by the addition of clause (J) as follows:

- (J) Council review the success of the program in two years, with specific reference to the geographic location of applicants.

Motion, as amended by consent, carried unanimously.

Note - The Cultural and Community Services Committee congratulated Mr Larry Galbraith on the work undertaken on this matter.

**SUBMISSION TO THE MENTAL HEALTH COUNCIL OF AUSTRALIA AND THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION (S020441)**

**8.5**

That arising from consideration of a report by the Senior Project Coordinator - Homelessness Strategy to the Cultural and Community Services Committee on 8 November 2004, on Submission to the Mental Health Council of Australia (MHCA) and the Human Rights and Equal Opportunity Commission (HREOC), it be resolved that the Submission, as shown at Attachment A to the subject report, be sent to the MHCA and HREOC.

Carried unanimously.

**ALCOHOL FREE ZONES (1925546/DW/543669/SR)**

**8.6**

That consideration of this matter be deferred to the meeting of Council on 15 November 2004.

Carried.

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

Note - Mr John Franks and Ms De Brierley-Newton addressed the meeting of the Cultural and Community Services Committee on Item 8.6.

**ABORIGINAL AND TORRES STRAIT ISLANDER PROTOCOLS (S034436)**

**8.7**

That arising from consideration of a report by the Director Community Living to the Cultural and Community Services Committee on 8 November 2004, on Aboriginal and Torres Strait Islander Protocols, it be resolved that Council endorse the draft Aboriginal and Torres Strait Islander Protocols, as shown at Attachment A to the subject report, for public consultation for a period of two months.

Carried unanimously.

Note - The Cultural and Community Services Committee congratulated Ms Monica Barone and Ms Kay Mundine on the work undertaken on this matter.

**ITEM 9. 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 - 8 NOVEMBER 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 5.47 pm those present were:

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

Councillor Firth arrived at the meeting at 5.48 pm at the conclusion of discussion on Item 9.1, and Councillor Lee arrived at the meeting at 5.49 pm at the commencement of discussion on Item 9.2.

Councillor Kemmis, having declared a pecuniary interest in Item 9.7, left the meeting at 7.55 pm prior to discussion on that item and returned at 8.55 pm, at the commencement of discussion on the next item, Item 9.9, which had been brought forward.

Councillor Black left the meeting at 9.24 pm, at the conclusion of discussion on Item 9.8, and did not return.

**Sub-Committees**

Meetings of the following Sub-Committees of the Planning Development and Transport Committee commenced at the times shown to facilitate the discussion of Items of business on the agenda in the order shown below.

The Major Development Assessment Sub-Committee, chaired by Councillor Kemmis, commenced at 5.48 pm.

The Development Assessment Sub-Committee, chaired by Councillor Phillip Black, commenced at 7.55 pm.

The Planning Policy Sub-Committee, chaired by Councillor McInerney, commenced at 9.28 pm.

## **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
4. Development Application: 63-79 Miller Street, Pyrmont (Former Festival Records Building)
3. Development Application: St Andrews College, 19 Carillon Avenue, Camperdown
5. Development Application: 200 Goulburn Street, Sydney (Corner of Goulburn, Riley and Waine Streets)
2. Development Application: 367-373A George Street, (AKA 77 King Street) Sydney
6. Development Application: 3-5 Allen Street Waterloo
7. Development Application: 431 Glebe Point Road, Glebe (Max Factor Building)
9. Development Application: 429-481 George Street, Sydney (Queen Victoria Building)
8. Development Application: 5 Ward Avenue, Potts Point
11. Draft South Sydney Local Environmental Plan 1998 - Amendment No. 16 Local Environmental Plan: Report on Submissions
12. Green Square Town Centre Draft Masterplan and Local Environmental Plan and Related Matters - Information Report
13. Green Square Planning Principles - Public Domain Bonus Floorspace Works and Other Community Benefits Projects
15. On-Street Parking for Car Share Vehicles
16. Planning Policy - Phasing/Timing of Demolition and Excavation Within the City of Sydney
17. Planning Policy Sub-Committee - General Business Item
10. NSW Land and Environment Court Appeals - Summary of Current Matters and Appeal Outcomes
14. Health Carer Visitor Permit Parking Scheme - Proposal to Extend the Scheme to All Parking Precincts that were Part of the Former South Sydney Council

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 10.43 pm.

## **DISCLOSURES OF INTEREST**

### **9.1**

Pursuant to the provisions of Section 451 of the Local Government Act 1993, Councillor Robyn Kemmis disclosed a possible pecuniary interest in Item 9.7, in that she resides in the vicinity of the subject site and as a private citizen has lodged an objection to the proposal. Councillor Kemmis was absent from the Council Chamber for the duration of discussion and voting on Item 9.7.

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 8 November 2004 be received and the recommendations set out below for Item 9.6 be adopted, with Items 9.1, 9.3 and 9.4 being noted, and Items 9.2 and 9.5 being dealt with as immediately following those items.

Carried.

The Major Development Assessment Sub-Committee recommended the following -

**DEVELOPMENT APPLICATION: 367-373A GEORGE STREET, (AKA 77 KING STREET) SYDNEY (D04/00745)**

**9.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 November 2004, in relation to Development Application DA 04/745 made by Kingvest P/L for the site at 367-373A George Street, Sydney, for refurbishment and additions, including new retail premises, licensed function rooms to an existing building, 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:-

**DEFERRED COMMENCEMENT**

This consent shall not operate until such time as Conditions 1 – 3 listed below are complied with to the satisfaction of the Council. The information is to be formally submitted to Council within 6 months of the date of this determination, otherwise this consent will lapse:-

**FAÇADE CLADDING**

- (1) Samples of at least three (3) alternative colours and materials (approx 1m x 2m) are to be erected on the site that so that an acceptable colour/treatment to the existing columns/parapet/façade can be selected. These colours shall be arrived at in consultation with the Director City Planning and the City Architect. Such samples will be required to be temporarily installed at the base and tower of the building on the northern and eastern elevations to enable proper consideration of the colours selected and the materials response to the environment of the areas (i.e. reflections, sunlight and shadow response).

Once the samples are applied the Director City Planning – Northern Zone is to be notified and a site inspection/s carried out to determine the most appropriate scheme.

## **PODIUM DESIGN**

- (2) The proposed glazed retail podium infill to George Street is to be redesigned so that the glass is supported by a lightweight structural system to enable the addition to read as a more transparent from George Street and contemporary in design. The podium is not to be load bearing unless a considerable reduction in the extent of framing/support structure can be demonstrated.

## **LEVEL 4 FUNCTION ROOM TERRACE/BALCONY**

- (3) The proposed level 4 function room terrace is to be redesigned to be self supporting and to cantilever over the podium infill building. In this regard, the podium infill building shall not structurally support the terrace unless a considerable reduction in the extent of the framing/support structure can be achieved. Details are to be submitted with the revised podium infill proposal. In order to achieve this outcome a reduction in the size of the terrace may be required.

Note: The final size of the terrace will also be considered having regard to potential amenity impacts which may result from its use.

- (B) Upon satisfactory compliance with the requirements of the deferred commencement conditions to the satisfaction of the Director City Planning – Northern Zone, the consent shall operate subject to the following conditions, and any conditions reasonably arising from compliance with the conditions in Part A above.
- (C) Schedule 1 - Approved Development, Contributions and Covenants

## **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. DA 04/745 and:
- drawings numbered Z0101 D, Z1008 D to Z1025 D, Z2001 D, Z2002 E, Z2101 D, Z2102 E, Z2103D, Z2104 D, Z2301 D, Z2302 E, Z5001 D and Z5002 D, prepared by 'crone nation', dated 30.06.04;
  - the Statement of Environmental Effects for "77 King Street, Sydney", prepared by City Plan Services dated June 2004; and
  - the letter from 'cronepartners architecture studios', dated 11 August 2004 regarding egress and function room uses.

and as amended by the following conditions:

### **LEVEL 10 PLANT SCREENING**

- (2) The level 10 plant screening is to be finished in a colour which complements the final building façade cladding and shall be selected to increase the level of reflected light to neighbouring buildings. A sample of the colour is to be submitted for approval of the Director City Planning, prior to the issue of the Construction Certificate.

### **APPROVED DESIGN**

- (3) 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.

### **RELOCATION OF FLOWER KIOSK**

- (4) In order to facilitate Council's relocation of the existing flower kiosk prior to the commencement of works on the subject site, the applicant shall reimburse Council for all reasonable costs up to a maximum of \$50,000 for the relocation of the kiosk, for loss of income to the City of Sydney during the relocation process and incidental costs incurred by the City of Sydney arising from the relocation of the kiosk tenant. Prior to the release of the Construction Certificate, an unconditional bank guarantee is to be lodged with the City of Sydney in the amount of \$50,000 as security for the applicant's performance of its obligations in accordance with this condition.

**SIGNAGE STRATEGY**

- (5) This consent does not provide for approval for any signage or signage panels. 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. To this end a comprehensive signage strategy is required to be submitted detailing the location of signage and its design character for all name, retail and direction signage; such strategy to be submitted for the approval of the Director City Planning within six months from the date of consent.

**P.O.P.E**

- (6) The use of the premises as a “Place of Public Entertainment” is restricted to the following levels:
- (a) Rooftop levels 17 & 18; and
  - (b) Level 4 conference room.

These levels are only to be used for corporate functions, conferences, cocktail parties, board meetings and product launches and the form of entertainment in these areas is to be restricted to the following:

- (c) No live or recorded music shall be played or directed to the external spaces/function area terraces on levels 4 or 17 at any time to protect the amenity of neighbouring premises.

**PROHIBITED USES**

- (7) Approval is not given for the use of the licensed premises as a bar, nightclub, lounge or the like.

**HOURS OF OPERATION**

- (8) The hours of operation are regulated as follows (with closing hours being such that no customers remain in the premises):
- (a) The hours of operation of the premises (levels 4 and 17) shall be restricted to 8.00am to 12.00 midnight 7 days a week.
  - (b) Notwithstanding (a) above, the premises may operate between 12.00midnight to 2.00am 7 days a week for a trial period of 1 year from the date of commencement of these extended hours. The operator shall inform Council in writing of the date upon which these extended hours commenced and of any interruption to the continual operation of these hours

- (c) At no time is the use of the premises, as outlined in (b) above, to cause an adverse impact on the amenity of the neighbourhood and the quiet and good order of the locality. If, in the opinion of Council, the operation of the premises during the trial period causes such impact, Council may restrict the hours of operation other than as outlined in (a) above.
  - (d) A further development application may be lodged before the expiration of the trial period for Council's consideration of the continuation of the late trading hours as referred to in (b) above. Such consideration will be based, inter alia, on the performance of the operator in relation to compliance with development consent conditions, any complaints received and any views expressed by Police.
- (9) The operator/management must ensure that at the end of the permitted hours of operation no customers remain on the premises. The operator/management must ensure that sufficient time before the end of the permitted hours of operation, food/drink service and any approved entertainment cease, and warning is given to customers to prepare to leave the premises.

## **NOISE**

- (10) The use of the premises 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 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
  - (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.

- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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.

- (11) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant of other matters considered appropriate by Council have been satisfactorily implemented.
- (12) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (13) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.

#### **P.O.P.E LICENCE**

- (14) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by an application under Section 68 of the Local Government Act, 1993.
- (15) Where licensed premises holds, or obtains a Place of Public Entertainment Approval, each specific area to which the approval refers, shall display in a prominent position, a sign which states "This Area Is Approved for [xxx] Persons' in letters a minimum 25mm in height on a contrasting background. (With xxx being the number approved under s.68 of the Local Government Act.)

**APPROVED DESIGN ROOF-TOP PLANT**

- (16) 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**

- (17) 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<sup>(i)</sup> with SEDA, to deliver this star rating<sup>(ii)</sup> for the base building<sup>(iii)</sup>, being services traditionally supplied as 'common' to tenants<sup>(iv)</sup>, such as air conditioning, lifts and common area lighting) or for the whole building<sup>(v)</sup> 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).

### **BUILDING HEIGHT**

(18)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 96.5 (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).

### **FLOOR SPACE RATIO**

(19) The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the proposal must not exceed 11.15:1 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 14,304sqm.
- (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 396sqm of heritage floor space was allocated (purchased and transferred) to the development, being 50% of the additional floor space in excess of 8:1, as specified in the Central Sydney Local Environmental Plan 1996.

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

(20) 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.
- (21) 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.

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

## **PHYSICAL MODELS**

- (22) 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

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

**Note:**

- (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.

**PROJECT ARCHITECT**

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

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

- (24) 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](http://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.

### **LOADING BAY**

- (25) The existing loading dock must be maintained for use in connection with the proposed development.

### **EXTERNAL LIGHTING**

- (26) 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 APPROVALS**

- (27) A separate development application must be submitted at the appropriate time for the specific use of all retail/café uses.

### **LICENSED PREMISES**

- (28) The Licensee is encouraged to adopt the principles of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).

- (29) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.
- (30) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.
- (31) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (32) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (33) No umbrellas or other temporary/permanent structures are permitted to be placed on the podium roof terrace at any time without the prior approval of Council.
- (34) Gaming machines, amusement devices or the like are not permitted to be installed in the premises.

### **SIGNS**

- (35) No flashing signage visible from the public way shall be installed.
- (36) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

### **SPRUIKING**

- (37) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.

### **EXTERNAL RECEIVING DEVICES**

- (38) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

## **Schedule 1B**

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

#### **CONSTRUCTION CERTIFICATE**

- (39) 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.

#### **TELECOMMUNICATIONS PROVISIONS**

- (40) 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.

#### **INSTALLATION OF WATER EFFICIENT TAPS**

- (41) 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**

- (42) 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.

**SUSTAINABLE TIMBERS**

(43) To minimise the damage to the environment only timber from sustainable sources shall be used in the construction (structural timbers and floorboards) of the building(s). The information submitted with the construction certificate shall specify the timbers to be used. These are to be limited to plantation and regrowth timbers, recycled timbers or timbers sourced from other sustainable practices and shall be:-

- (a) Timber supplied from sustainable plantation sources, with Forest Stewardship Council (FSC) or Australian Forestry Standard (AFC) Certification.

OR

- (b) Timber specified by EcoSpecifier or the Wilderness Society's One Stop Timber Shop or Friends of the Earth's Good Wood Guide 9th Edition.

OR

- (c) Re-used/recycled timber.

**PUBLIC ART**

(44) 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.

**PUBLIC DOMAIN PLAN**

(45) 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, JCDecaux 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.
  - (x) Existing granite flagstones where cracked, misaligned or otherwise defected shall be replaced to the satisfaction of the City. A photographic record of existing paving condition shall be submitted with the Public Domain Plan.
- (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**

- (46) The owner must liaise with Energy Australia regarding the energy requirements for the building. The size and location of any substation, as appropriate, is to be submitted for Council approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**RECEPTACLES FOR CIGARETTE BUTTS**

- (47) 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.

**ACCESS**

- (48) 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.

**MATERIALS – LIGHT REFLECTIVITY**

- (49) 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.

**AWNINGS**

- (50) The awning/canopy must comply with the City of Sydney Awnings Policy 2000. Final details for the awning design are to be submitted for the approval of the Director of City Planning – Northern zone prior to the issue of Construction Certificate.

**UNDER AWNING LIGHTING**

- (51) 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 are to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

**UTILITY SERVICES**

- (52) 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.

**ALIGNMENT LEVELS**

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

**WASTE HANDLING**

- (55) 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 a Certificate.

**SANITARY FACILITIES**

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

**CERTIFICATION OF DESIGN OF FOOD PREMISES**

- (57) Prior to issue of a construction certificate under the Environmental Planning and Assessment Act 1979, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
  - (a) Plans and specifications of the design corresponding with and attached to a Design Certificate (see (b));

- (b) A Certificate for Design of Food Premises, submitted in the form of Attachment F1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), to certify compliance with the:-
    - (i) National Code for the Construction and Fitout of Food Premises;
    - (ii) Food Act 1989;
    - (iii) Food (General) Regulation 1997;
    - (iv) The relevant clauses of the Building Code of Australia; and
    - (v) Council's Ventilation Code; and
    - (vi) Relevant conditions of Development Consent.
  - (c) **Notes**
    - (i) An appropriately qualified person completing Attachment F1 must;
      - a. be appropriately qualified and experienced in the design, codes and legislative provisions for food premises;
      - b. provide evidence of relevant experience in the form of a CV/Resume;
      - c. have appropriate current professional indemnity insurance.
    - (ii) An appropriately qualified person issuing a Compliance Certificate must have accreditation in accordance with the Environmental Planning and Assessment Act 1979.
    - (iii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
    - (iv) Separate certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.
- (58) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.

## **STRUCTURAL CERTIFICATION**

- (59) 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).

## **FAÇADE PANELS**

- (60) 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.

## **BCA – ALTERNATE SOLUTIONS**

- (61) 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

- (62) 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

- (63) 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.

- (64) 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.
- (65) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

#### **OTHER DEMOLITION DETAILS**

- (66) 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.

**APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (67) 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.

**PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

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

- (d) Proposed route of construction vehicles to and from the site.

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

### **USE OF MOBILE CRANES**

- (69) 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**

- (70) 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.

- (71) 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**

- (72) 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.
- (73) The applicant must ensure that adequate precautions against fire are made on the site during construction works prior to the occupation of the building. In this regard the following measures must be implemented.
- (a) Fire services must be provided in accordance with E1.9 of the Building Code of Australia;
  - (b) An emergency response plan must be developed for the site that includes:-
    - (i) An emergency response point where emergency agencies (fire brigade, police, ambulance, gas and electricity authorities) should access the site;
    - (ii) Preparation of a floor plan showing the layout of the building, including the location of the electrical switchboard, installed fire services, and valve and control locations;

- (iii) Preparation of a contact list of Project Managers and a designated “Emergency Officer”;
  - (iv) Provision of a hardstand area where fire brigades or police can set up operations.
- (c) Prior to commencement of work the emergency response plan must be submitted to the police, ambulance and fire brigade for evaluation and assessment.

## **Schedule 1D**

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

#### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (74) 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**

- (75) 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.
- (76) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

### **HOURS OF WORK AND NOISE**

- (77) 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**

- (78) 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.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (79) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
  - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

### **CONSTRUCTION MANAGEMENT ISSUES**

- (80) 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.
- (81) 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.
- (82) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

#### **Note:**

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

## **Schedule 1E**

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

#### **OCCUPATION CERTIFICATE**

- (83) 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.

**FIRE SAFETY CERTIFICATE**

- (84) 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.

**MATERIALS COMPLIANCE WITH BCA**

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

**WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (87) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

- (88) 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.
- (89) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

**EITHER**

- (a) a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act,1979)

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

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

#### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (91) 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.
- (92) 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.

## **NUMBERING**

- (93) Prior to issue of an Occupation Certificate street names, 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

## **WASTE MANAGEMENT UPON COMPLETION**

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

# **Schedule 1F**

## **Conditions to be complied with during the use of Premises**

### **NOISE - MECHANICAL PLANT**

- (95) Noise associated with mechanical plant must not give rise to any one or more of the following:
  - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

#### **CARE OF BUILDING SURROUNDS**

- (96) 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**

- (97) 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**

- (98) 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.\

#### **INTRUDER ALARM**

- (99) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.

#### **PORTABLE SIGNS**

- (100) Portable signs or goods for sale or display must not be placed or carried, worn or otherwise displayed, on the footway or other public areas.

#### **NOISE AND VIBRATION**

- (101) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

## **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 Brad Harris addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 9.2.

**DEVELOPMENT APPLICATION: ST ANDREWS COLLEGE, 19 CARILLON AVENUE, CAMPERDOWN (D2004/00603)**

**9.3**

That -

- (A) consideration of this matter be deferred to the meeting of Council on 15 November 2004; and
- (B) a site inspection of the subject site be held on Saturday 13 November 2004.

Carried.

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

Note - Mr Hector Abrahams, Professor James Weirick and Ms Jaime Gardner addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 9.3.

**DEVELOPMENT APPLICATION: 63-79 MILLER STREET, PYRMONT (FORMER FESTIVAL RECORDS BUILDING) (D/2004/00656)**

**9.4**

That -

- (A) consideration of this matter be deferred to the meeting of Council on 15 November 2004; and
- (B) a site inspection of the subject site be held on Saturday 13 November 2004.

Carried.

Note - This matter was dealt with by Council as Item 13 on the Business Paper.

Note - Ms Fiona McFarlane, Mr Bruce Sugden, Ms Debra Berryman, Ms Kate Napier, Ms Ava Hubble, Ms Elizabeth Elenius, Mr Tim Greville, Mr Ron Keir, Mr Bill Hubble, Ms Margaret Wood and Mr Bill D'Anthes addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 9.4.

**DEVELOPMENT APPLICATION: 200 GOULBURN STREET, SYDNEY  
(CORNER OF GOULBURN, RILEY AND WAINE STREETS) (D/2004/00464)****9.5**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 8 November 2004, in relation to Development Application D/04/464 made by ANKA (Darlinghurst) Pty Ltd, for the site at 200-218 Goulburn Street, Sydney, for demolition of the existing building and construction of a new 14 level mixed use commercial residential building with 3 levels of basement car parking, it be resolved that:

- (A) The State Environmental Planning Policy (SEPP 1) objections to the maximum height and floorspace ratio (FSR) development standards within the Central Sydney Local Environmental Plan (CSLEP) 1996 be accepted as well founded and supported for the following reasons:
- (1) The height and FSR of the proposal does not result in any unacceptable environmental impacts to the adjoining and surrounding developments.
  - (2) The bulk and scale of the development is consistent with adjoining and surrounding development, particularly to the west, east and north of the site and the height and form of the podium is consistent with the context and built form of the surrounding area.
  - (3) Compliance with the 15m height limit is unreasonable as Council has specifically amended the height for the eastern part of the site to 18m in the Draft LEP 2002, and the variation to this control is minor.
  - (4) The increased height of the podium element provides a better outcome for the overall design and architectural balance of the building/relationship with the tower.
  - (5) The development will result in the provision of publicly accessible open space which results in a public benefit for the area.
  - (6) Notwithstanding the non-compliances, the proposal satisfies the design excellence provisions of the CSLEP 1996.
  - (7) The proposal meets the objectives of the development standards.
- (B) Deferred Commencement Consent be granted subject to the following conditions:-

**Part A****Conditions to be satisfied prior to consent operating**

The consent is not to operate until the following conditions are satisfied and approved by the Director of City Planning, within **6 months** of the date of this determination:

## **DESIGN MODIFICATIONS**

- (1) Amended plans shall be submitted showing modifications to the design of the building as follows:
  - (a) A minimum one (1) metre wide setback must be provided adjacent to the northern boundary of Waine Street, linking with the public open space area at the north east of the site and extending to the north western boundary of the site to provide for pedestrian use.
  - (b) The unit mix must be redesigned to provide for more 3 bedroom apartments at the expense of 1 bedroom apartments, to comply with the maximum 45% studio/1 bedroom apartment mix in Clause 6.1 of the Central Sydney Development Control Plan 1996. This redesign shall not be at the expense of solar access, cross ventilation or through apartments.
  - (c) Adaptable housing units and accessible car parking spaces must be provided in accordance with Council's Access Development Control Plan 2004.
  - (d) The planter bed wall along Waine Street and the walls provided in the publicly accessible forecourt area shall be redesigned to provide visual interest and be finished with high quality materials.
  - (e) The façade of the Goulburn Street podium wall near the corner of Riley Street shall be enhanced by the provision of artwork/mural.

## **Part B**

### **Conditions of Consent (once the consent is in operation)**

- (C) Upon compliance with the conditions contained in Part A, the consent will become operative subject to the following conditions, as may be amended by such other conditions that may arise as a result of compliance with conditions/information required in Part A.

## **Schedule 1A**

### **Development, Contributions and Covenants**

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D/04/00464 dated 3 May 2004 and Statement of Environmental Effects prepared by Ingham Planning dated April 2004 and the following amended drawings prepared by Allen Jack & Cottier Architects:

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Drawing Date</b>
DA04 - Issue C	Car Park 3	27-9-04
DA05 - Issue C	Car Park 2	27-9-04
DA06 - Issue C	Car Park 1	27-9-04
DA07 - Issue D	Ground	27-9-04
DA08 - Issue B	Level 1	27-9-04
DA09 - Issue B	Level 2	27-9-04
DA10 - Issue B	Level 3	27-9-04
DA11 - Issue B	Level 4	27-9-04
DA12 - Issue B	Level 5	27-9-04
DA13 - Issue B	Level 6	27-9-04
DA14 - Issue B	Level 7	27-9-04
DA15 - Issue B	Level 8	27-9-04
DA16 - Issue B	Level 9	27-9-04
DA17 - Issue B	Level 10	27-9-04
DA18 - Issue B	Level 11	27-9-04
DA19 - Issue B	Level 12	27-9-04
DA20 - Issue D	Level 13	27-9-04
DA22 - Issue D	Roof Level	27-9-04
DA30 - Issue E	North and South Elevations	18-10-04
DA31 - Issue F	East Elevation/Facade	18-10-04
DA32 - Issue C	Contextual Elevation	27-9-04
DA40 - Issue C	Section	27-9-04
DA22 - Issue D	Roof Level	27-9-04

and as amended by the following conditions:

**DESIGN DETAILS**

- (2) Final details and samples of the finishing details to be used in the construction of the external facades and publicly accessible areas of the building, including colours and samples of glazing, and including an A4 size colour photograph of the sample board, shall be submitted to and approved by the Director City Planning prior to the issue of a Construction Certificate.

**FLOOR SPACE RATIO**

- (3) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 6.277: 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 8,988sqm.
  - (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).

**BUILDING HEIGHT**

- (4)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed:-
    - (i) RL 81.75 for the upper most parapet of the tower portion of the building;
    - (ii) RL 82.74 for the top of the stairway structure providing access to the roof top communal open space;
    - (iii) RL 56.12 for the parapet of the lower podium structure (as shown in facade section 1 on plan number DA331 Issue F).
    - (iv) RL 57.32 for the top of the architectural roof feature structure (as shown in facade section 1 on plan number DA331 Issue F).
  - (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).

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

- (5) 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](http://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.

#### **GYMNASIUM USE**

- (6) The use of the gymnasium space on the Goulburn Street frontage is not approved and must be changed to a general commercial/retail use.

#### **PUBLIC DOMAIN**

- (7) The public domain adjacent to the development site shall be upgraded in accordance with the City's requirements.
  - (a) The submission of a Public Domain Plan is required. It shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996, Council's Specifications, and Central Sydney Street Tree Policy 1994, adapted to suit the specific site requirements as advised by the Public Domain Section 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.

The following requirements apply:-

- (b) 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 Section) 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.
- (c) 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) Include in the paving proposal at least a 1 metre wide area along the northern boundary of Waine Street, from the public open space area to the north western boundary of the site.
  - (iv) Include in the public domain plans all proposed treatments for the publicly accessible forecourt piazza area.
  - (v) 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 Decaux 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).

- (vi) 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.
- (vii) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (viii) Include specifications of the proposed works.
- (d) 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.
- (e) 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.

### **SMARTPOLES**

- (8) The applicant shall pay the cost of installation of Smartpoles in the public way adjacent to the development, to the requirements of the City. Details of the location and specifications of the Smartpoles shall be included in the Public Domain submission for approval by the City.

### **ANNUAL FIRE SAFETY STATEMENT**

- (9) 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.

### **DEMOLITION/SITE RECTIFICATION**

- (10) 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 \$358,000.00 dollars as security for the costs of such works provided that:-
- a. the maximum liability under the Deed shall not exceed \$358,000.00 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 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.

#### **ACOUSTIC REPORT TO BE COMPLIED WITH**

- (11) The development shall be in accordance with the recommendations contained in the Acoustic Assessment Report (10-2735-R1 Revision 1) prepared by Richard Heggie Associates dated 8 April 2004.

#### **WIND AND REFLECTIVITY REPORT TO BE COMPLIED WITH**

- (12) The development shall be in accordance with the recommendations contained in the Wind and Reflectivity Impact Assessment Report (10-2735-R3 Revision O) prepared by Richard Heggie Associates dated 21 April 2004.

#### **CONSISTENCY OF DRAWINGS**

- (13) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

#### **APPROVED DESIGN ROOF-TOP PLANT**

- (14) 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.

**PHYSICAL MODELS**

- (15) 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
- (a) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

**Note:**

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

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

- (16) 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.
- (17) 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.

#### **SEPARATE APPLICATIONS REQUIRED**

- (18) A separate development application must be submitted for the specific use of any of the ground floor commercial/retail premises (including signage) and approval obtained prior to use.
- (19) A separate application is to be made to Council's Civil Engineering Services-Roads and Footways unit for the construction of the new concrete vehicle footway crossing in Waine Street and the removal of any vehicle kerb and footpath crossings and reinstatement of the footpath formation where such crossings are no longer required as a consequence of the development.
- (20) Any proposal to Strata Subdivide the building and site will require separate applications to obtain Development Consent from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 from Council or an accredited certifier.

#### **PUBLIC ART**

- (21) 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**

- (22) The site 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.

## **VEHICULAR SPACES**

- (23) Vehicle car parking (including residential spaces, commercial spaces, service vehicle spaces, motor cycle spaces, bicycle storage with a minimum area of 11.6sqm, including a room containing a shower and change area close to the cycle racks, car wash bays with appropriate plumbing and drainage), shall be provided in accordance with the provisions of the Central Sydney LEP 1996, Central Sydney DCP 1996 and City of Sydney Access DCP 2004. In this regard, the precise number of spaces required may need to be modified to take account of the final unit mix as required by Condition 2(b) above and requirements for adaptable housing units as required by Condition 2 (c) above.

All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

- (24) 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.

## **PARKING ON COMMON PROPERTY AREAS**

- (25) No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

**RESTRICTION ON CAR PARKING SPACES**

(26) The following conditions apply to car parking:-

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

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

**RESTRICTION ON RESIDENTIAL DEVELOPMENT**

(27) The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels Ground to 13) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.

## **ARCHAEOLOGICAL INVESTIGATION**

(28)

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

## **Schedule 1B**

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

- (29) 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.

## **GEOTECHNICAL REPORT AND CERTIFICATION**

- (30) 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.
- (31) 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.

### **ROOFTOP OPEN SPACE**

- (32) Prior to issue of a Construction Certificate, a detailed plan of the rooftop open space must be submitted to Council for approval.

### **ELECTRICITY SUBSTATION**

- (33) The applicant shall provide certification from Energy Australia that the substation proposed for the development is sufficient for the site prior to the issue of a Construction Certificate.
- (34) The doors to the electricity substation must not encroach over the boundary onto Waine Street and should be replaced with an approved alternative, such as a panel lift door or the like.

### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

- (35) 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).
- (36) 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).
  - (a) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
  - (b) 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).
  - (c) **Note:** 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](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132 092.

- (d) 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.
- (e) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

#### **TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**

- (37) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.
- (38) For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-
  - (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
    - (i) Dilapidation Report of adjoining buildings/structures.
    - (ii) Evidence that public utility services have been investigated.
    - (iii) If adjoining a Public Way:-
      - a. 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. The original document shall be submitted to Council.
      - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
  - (b) **Prior to commencement of work:-**
    - (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
    - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
      - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
      - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.

- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
  - (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
  - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
  - (iii) All timber shall be removed.
  - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).
- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

### **STORMWATER AND DRAINAGE**

(39) 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**

- (40) 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.

### **BUILDING WASTE MANAGEMENT PLAN**

- (41) Prior to issue of a Construction Certificate for the development a Building Waste Management Plan is to be submitted to Council and approved by the Director City Development and Projects. Such plan must address compliance with Council’s Code for Waste Handling in Buildings 1994 and include details of the following:
  - (a) The location, design and construction specifications for garbage rooms, recycling rooms, bin washing and collection areas and collection vehicle standing areas.
  - (b) Calculations of the volumes of waste generated by the uses of the development and verification of garbage room sizes.
  - (c) The natural and mechanical ventilation of garbage rooms and service areas in accordance with the Waste Code and Australian Standard 1668.
  - (d) The location and design of garbage chutes and compaction systems required by the Waste Code.
  - (e) The proximity of waste handling facilities to any commercial food areas or loading docks, with a view to avoiding cross contamination.

- (f) The design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimization within individual units and offices, on each floor of the building and within the garbage storage and recycling areas.

All requirements of the Building Waste Management Plan must be implemented during the construction of the development and subsequent occupation and use of the building.

#### **WASTE MANAGEMENT COMPLETION VERIFICATION**

- (42) Upon completion of construction of the development and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) or part thereof, compliance of all the building's waste management facilities with the requirements set out in the approved Building Waste Management Plan and in accordance with Council's Code for Waste handling in Buildings 1994 is to be verified and approved by Council's manager Contracts and Asset Maintenance.

#### **WASTE SEPARATION**

- (43) 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.

#### **NOISE REDUCTION**

- (44) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
  - (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable  $L_{Aeq}$  (1 hour) level will not exceed the following levels:-

- (i) In a naturally ventilated - windows closed condition:
    - a. Sleeping areas (night time only: 2200-0700) 35dB
    - b. Living areas (24 hours) 45dB
  - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
    - a. Sleeping areas (night time only: 2200-0700) 45dB
    - b. Living areas (24 hours) 55dB
  - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
  - (iv) The following repeatable maximum  $L_{Aeq}$  (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
    - a. Sleeping areas (night time only: 2200-0700) 38dB
    - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
  - (ii) The repeatable maximum  $L_{Aeq}$  (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
  - (iii) The  $L_{Aeq}$  (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

### **ACOUSTIC PRIVACY BETWEEN UNITS**

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

### **FLOOR TO CEILING HEIGHT**

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

**ACCESS FOR PEOPLE WITH DISABILITIES**

- (47) 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 DCP 2004. 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.

**PROVISION FOR LATER FITOUT FOR PERSONS WITH DISABILITY**

- (48) The units designated for persons with disabilities provided in accordance with Condition 2(c) above, shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility" and details approved prior to issue of Construction Certificate.

**PARKING SPACES FOR PERSONS WITH A DISABILITY**

- (49) Parking spaces designed for persons with a disability must be available for use in conjunction with the units designated for persons with a disability. Such units shall be linked in any future strata subdivision of the building.

**VENTILATION**

- (50) 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).

**CAR WASH BAYS**

- (51) All proposed car wash bays shall be graded and drained to the sewer in accordance with the requirements of Sydney Water Corporation.

**CAR PARK AND SERVICE VEHICLE LAYOUT**

- (52)
- (a) 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". All parking spaces are to be linemarked.
  - (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Park 2 - Commercial Vehicles Facilities".
  - (c) 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.

**PAVING MATERIALS**

- (53) 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.

**INSTALLATION OF DUAL-FLUSH TOILETS**

- (54) 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.

**TELECOMMUNICATIONS PROVISIONS**

- (55) 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.

**INSTALLATION OF WATER EFFICIENT TAPS**

- (56) 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.

**SUSTAINABLE TIMBERS**

- (57) To minimise the damage to the environment only timber from sustainable sources shall be used in the construction (structural timbers and floorboards) of the building(s). The information submitted with the construction certificate shall specify the timbers to be used. These are to be limited to plantation and regrowth timbers, recycled timbers or timbers sourced from other sustainable practices and shall be:-

- (a) Timber supplied from sustainable plantation sources, with Forest Stewardship Council (FSC) or Australian Forestry Standard (AFC) Certification.

OR

- (b) Timber specified by EcoSpecifier or the Wilderness Society's One Stop Timber Shop or Friends of the Earth's Good Wood Guide 9th Edition.

OR

- (c) Re-used/recycled timber.

### **RECEPTACLES FOR CIGARETTE BUTTS**

(58) 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.

## **Schedule 1C**

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

#### **STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS**

(59) 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.

### **DEMOLITION DETAILS**

- (60) 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**

- (61) 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.
- (62) 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.
- (63) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

#### **OTHER DEMOLITION DETAILS**

- (64) 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**

(65) 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.

**WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION**

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

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

**WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

(67) 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.

- (68) 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.
- (69) 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.
- (70) 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.

**PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION**

- (71) 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.

**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).

Documents required with the Road Opening Permit application include:-

- (c) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (d) Evidence that public utility drawings have been inspected;
- (e) 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;
- (f) A Security Deposit for reinstatement of public way.

The Road Opening Permit will be subject to further conditions that shall be complied with.

#### **BARRICADE PERMIT**

- (74) 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.

### **FOOTPATH DAMAGE BANK GUARANTEE**

- (75) 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 for an amount to be assessed by Council, as security for any damage rectification for any footway adjacent to the development.

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**

- (76) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### **ENVIRONMENTAL MANAGEMENT PLAN**

- (77) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site;

- (b) Measures to suppress odours and dust emissions;
- (c) Selection of traffic routes to minimise residential noise intrusions;
- (d) Soil and sediment control measures;
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;

#### **EXEMPTION FOR FIRE CONTROL ROOM**

- (78) An exemption under Clause 188 of the Environmental Planning and Assessment Regulation must be obtained for the proposed fire control room prior to the issue of the Construction Certificate.

#### **CERTIFICATION OF MECHANICAL VENTILATION**

- (79) 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.
- (80) 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.

#### **DETAILS OF HEALTH ASPECTS**

- (81) 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);
  - (b) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).

### **Schedule 1D**

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

##### **HOURS OF WORK AND NOISE**

- (82) 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 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00am on work days 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'.

**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 PROJECT'S DETAILS AND APPROVALS**

- (83) 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**

- (84) 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.

#### **CONSTRUCTION NOISE**

- (85) 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:
  - (i) 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.
- (b) Construction periods greater than 4 weeks and not exceeding 26 weeks:
  - (i) 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.

**Note:** the above noise levels are applicable for construction hours of:

Monday to Friday, 7.30am to 5.00pm

Saturday, 7.30am to 3.00pm

#### **CLASSIFICATION OF WASTE**

- (86) Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken.

#### **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.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

(89) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

## **STREET TREE PROTECTION**

(90) 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.

## **STORMWATER RUNOFF**

(91) 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.

### **PUBLIC WAY**

- (92) 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.

### **CONSTRUCTION ACCESS DRIVEWAYS**

- (93) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

### **CONSTRUCTION VEHICLE LOADS TO BE COVERED**

- (94) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

#### **Note:**

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

### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

- (95) 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.

#### **SOIL AND SEDIMENT PROSECUTION NOTE**

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.

## **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**

- (96) 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.

- (97) 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.

### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (98) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
  - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

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

#### **Notes:**

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

## **CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (99) 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.

## **TRAFFIC MANAGEMENT**

- (100) A traffic signal system shall be installed to operate the ramp between Levels 2 and 3 for two way traffic. Priority shall be given to in-coming traffic.
- (101) All vehicles from the basement car park shall enter and leave the site in a forward direction.
- (102) A "Stop" sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (103) All costs of traffic management measures associated with the development shall be borne by the developer.

### **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.

### **PERFORMANCE CERTIFICATES - VENTILATION**

(105) 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) Fire precautions
- (b) Ventilation
- (c) Acoustics
- (d) Vibration
- (e) Stair pressurisation

### **COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY**

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

### **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

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

**STREET NAME PLATE**

(108) 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).

**NUMBERING**

(109) 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. Shop numbers must also be clearly displayed in accordance with the above mentioned Policy.

**RAINWATER TANK**

(110) The rainwater tank shall be installed and maintained in accordance with "Guidelines on use of Rainwater Tanks (National Environmental Health Forum monographs 2004)".

**CAR PARK ENTRY FINISH**

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

## **Schedule 1F**

### **Conditions to be complied with during the use of Premises**

**NOISE - USE**

(112) 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**

(113) 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.

### **PARKING PERMIT SCHEME**

(114) 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.

### **CARE OF BUILDING SURROUNDS**

(115) 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**

(116) 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**

(117) 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.

**Schedule 2**

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

1.

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
- (b) This condition does not apply to:
  - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
  - (ii) the erection of a temporary building.

Carried unanimously.

Note - Mr Neil Ingham and Mr Lindsay Hunt addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 9.5.

**DEVELOPMENT APPLICATION: 3 - 5 ALLEN STREET, WATERLOO (U03-00727)****9.6**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 8 November 2004, in relation to Development Application 727/2003 made by Brenchley Architects for the site at 3-5 Allen Street Waterloo, for demolition of existing industrial buildings and the erection of a Mixed Use Development providing for 22 residential units providing for 4 x 3 bedroom units, 13 x 2 bedroom units, 5 x 1 bedroom units and ground floor commercial units totalling 489sqm and the creation of a through site link and basement car parking 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) For above ground works not directly ancillary to the remediation process, a Site Audit Statement prepared by an EPA Accredited Site Auditor is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under consent. In circumstances where the site audit statement conditions (if applicable) are not consistent, the consent shall prevail to the extent of inconsistency and a S.96 Application pursuant to the Environmental Planning and Assessment Act 1979 will be required;
  - (2) 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;
  - (3) In accordance with the BCA and DCP 1997, provision of at least one unit of accessible housing in every 50, or part thereof, is to be made in accordance with AS 1428. Details are to be provided to Council clearly demonstrating this provision in the architectural plans. Details are to be clearly indicated on the Construction Certificate plans.
  - (4) In accordance with the BCA, provision of at least one adaptable housing in every 50, or part thereof, is to be made in accordance with AS 4299. Details are to be provided to Council clearly demonstrating this provision in the architectural plans. Details are to be clearly indicated on the Construction Certificate plans.
  - (5) The owner shall enter into a Deed of Agreement prepared by the Council that the owner shall design, construct and meet all costs associated with public domain works associated with the development, as outlined in that Deed of Agreement. The owner shall bear the cost of design and construction of public domain and construction of public domain improvements to a value of \$280,960 determined by the following equation:
    - (a) Site Area (1280sqm) x Bonus (0.5) x Percentage of Residential Floor space (0.82) at \$475/sqm plus
    - (b) Site Area (1280sqm) x Bonus (0.5) x Percentage of Non Residential Floor Space (0.18) at \$275/sqm.

This amount shall be indexed in a similar fashion to Section 94 contributions.

The elements with the public domain improvement package include, but are not limited to, the following and are to be undertaken in the following order of priority (and as detailed in Council's letter regarding the floor space bonus package and the Deed of Agreement signed by Council) and in accordance with the conditions of consent:-

- (a) Land Dedication for new laneway to the value of \$166,100;
- (b) Land Dedication along Allen Street to the value of \$12,960;

- (c) Through site link publicly assessable to the value of \$38,000;
  - (d) Green Square Town Centre Infrastructure Development to the value of \$63,900;
- (B) the applicant must provide to Council evidence sufficient to enable it to be satisfied of the matters in Clause (a) within 12 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 Clause (a) 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 Job Drawing No's A02 Revision C, A03 revision D, A04 revision B, A05 revision D, A07 revision A prepared by Brenchley Architects, and subject to compliance with the conditions below;
- (2) That details submitted to Council as part of the development application on plans identified as Finishes Board 3-5 Allen Street Waterloo April 2004 prepared by Brenchley Architects including the proposed materials, colours and finishes and materials shall be not be altered in the construction of the building. Any changes to the external treatment to the buildings will require the submission of Section 96 Modification application.

#### **MONETARY CONTRIBUTIONS**

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$11,220 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;
- (4) 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 \$6,800 (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;

## (5) 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 Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space/LGA Works Programme	\$ 13,662.00
Open Space/Green Square	\$ 169,939.00
Accessibility And Transport	\$ 221.00
New Roads Lands/Embellishment	\$ 67,359.00
Community Recreation Facilities	\$ 57,544.00
Public Art Program	\$ 4,629.00
Library Resources	\$ 4,900.00
Management	\$ 2,940.00
<b>Total</b>	<b>\$ 321,194.00</b>

The above payments, with the exception of the land acquisition components 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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

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 March Quarter 2003/2004.

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 offices located at Tower 2, 1 Lawson Square, Redfern;

- (6) 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 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	\$15,975.00

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

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

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 March Quarter 2003/2004 .

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 offices located at Tower 2, 1 Lawson Square, Redfern;

#### **AFFORDABLE HOUSING CONTRIBUTION**

(7)

- (a) In accordance with Clause 27P of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Infrastructure, Planning and Natural Resources (DIPNR) 20 Lee Street, Sydney or a bank guarantee in favour of DIPNR to the value of the required contribution has been lodged. The contribution shall be \$258784.23 based on the in lieu monetary contribution rate for non-residential development at \$38.61 per square metre of total floor area 489 square metres and for residential development at \$115.84 per square metre of total floor area 2071 square metres. Contributions will be indexed in accordance with the formula set out below.
- (b) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

#### **NOTES:**

If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

Forms A, B and C must be obtained from the City of Sydney. Form A - Bank Guarantees must be lodged with the Housing Market Team, DIPNR, 20 Lee Street, Sydney. All Form's B & C – Bank Cheques to be lodged with cashier at DIPNR.

The contributions will be adjusted accordingly on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

Contributions at Time of Payment =  $C \times \text{HPI } 2 / \text{HPI } 1$ , where:

- C is the original contribution amount as shown above;
- HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
- HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being the 1 March 2004.

## **Schedule 1B**

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

#### **FLOOR SPACE RATIO**

- (8) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 2:1 and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;

#### **ENGINEERING CONDITIONS**

- (9) That the stormwater management system for the site be designed in accordance with drawing No's: 03MB1056/D01 to 03MB1056/D04 rev A prepared by United Consulting Engineers Pty Ltd. Detailed engineering calculations and plans with levels reduced to Australian Height Datum shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.
- (10) A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information: -

- A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Runoff, 1987 Edition;
  - A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit;
  - A plan depicting the separate catchment areas within the site, draining to each collection point or surface pit are, with each area classified into the roof, paved and grassed area categories;
  - Proposed finished surface levels and grades of car parks, internal driveways and access aisles that are related to Council's footpath design alignment levels and the public road design alignment levels;
- (11) That stormwater leaving the site be discharged by gravity to the underground drainage system in Allen Street via a standard double grated gully pit with a 2.4 metre wide extended kerb inlet in front of the development site. The applicant shall submit to Council for approval detailed plans and longitudinal sections for the proposed private drainage connection, gully pit and pipeline system in Allen Street. These plans shall be approved prior to the construction certificate being issued.
- (12) That the applicant shall make all necessary adjustments as required by Council to the existing stormwater pit in Allen Street to incorporate the proposed driveway crossing, include adjustments to the grated pit, lintel and surrounds. The applicant shall submit to Council for approval detailed plans for these works. These plans shall be approved prior to the construction certificate being issued.
- (13) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee in accordance with Council's fees and charges for the stormwater connection to Council's system and no work shall be commenced until the fee is paid.
- (14) 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. Details shall include the provision and maintenance of overland flow-paths and shall be approved together with the Construction Certificate. Such approval may, wholly or in part, rely on a certificate issued by a Council-registered stormwater certifier. 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";

(15) That the applicant shall submit an Overland Flowpath Plan for approval by the Director of City Works prior to the release of the Construction Certificate. 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 car parks 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;

(16) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(17) That three copies of construction issue plans for the public domain works on James and Allen Streets shall be prepared by an appropriately qualified landscape architect and/or civil engineer and shall be approved by Council prior to the issue of a construction certificate. The public domain plans shall be as follows: -

- Drawn at a scale of 1:100;
- Depict the entire scope of works on Council property including intersection treatments with the proposed public road;
- Nominate the location, type and material of all existing and proposed public pavement elements including street trees, paving, kerb and gutter, road restoration, pram ramps, vehicle crossings, street furniture, utility poles, and service pits;
- 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. The longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 vertical scale;
- Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings;
- Include specifications for the proposed works;

- Ensure maximum footpath crossfalls of 2.5% from building line to top of kerb.
- (18) That pursuant to Part 9 Division 3 of the Roads Act 1993, all detail design and construction documentation for works on James and Allen Streets shall be submitted to and approved by Council prior to the issue of a construction certificate.
- (19) 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;
- (20) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a Construction Certificate.

#### **LANDSCAPING CONDITIONS**

- (21) The Certifying Authority shall then submit a copy of the approved Landscape Plan and Specification to Council's Landscape Architect prior to issue of Construction Certificate.
- (22) The Landscape Plan shall nominate:
- (a) Materials and Finishes -Plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.
  - (b) Levels and Drainage- Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.
  - (c) Planting Plan- Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/tree guards. Mulch to be hardwood chip at 75mm depth. Planting

layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting to be as follows:

Material	Mature Height	Min. Spacing	Min. Size
Trees			75L (min. 2.0m tall)
Shrubs	>3.0m	1/4m <sup>2</sup>	10L
Shrubs	1.0-3.0m	1/2m <sup>2</sup>	5L or 200mm pot
Groundcovers	<1.0m	6/ per m <sup>2</sup>	150mm pot

- (23) 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, water proofing, irrigation system, 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;
- (24) That the walls of the raised planters surrounding the deep soil planting zone shall be to a height no greater than 1.0 metres.
- (25) That the design of the raised planter bed is revised to incorporate pedestrian traffic access with a minimum width of 2.0 metres between the retail use on the western side of the raised planter and retail/commercial use on the western side of the raised planter and the retail/commercial use on the eastern side of the raised planter.

## WASTE MANAGEMENT

- (26) That the applicant 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;
- (27) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (28) That the applicant shall enter into a commercial contract for the daily collection of trade waste. A copy of the agreement shall be lodged at Council's One Stop Shop for referral to the Health Services Manager, prior to the issue of a Construction Certificate;

### **PUBLIC DOMAIN**

- (29) That pursuant to Part 9 Division 3 of the Roads Act 1993, all detail design and construction documentation for works within the public domain shall be submitted to and approved by Council prior to the release of the Construction Certificate, regardless of who is nominated as the certifier for on-site work.

### **CAR PARKING DESIGN**

- (30) That the level of the car park ventilation grate be set at no less than 300mm above the determined 1 in 100 year ARI flood level. A certificate to this effect shall be submitted to the principal certifying authority prior to the issue of a construction certificate.

### **BUILDING REQUIREMENTS**

- (31) That no building or excavations work shall be commenced, continued or carried out until a relevant construction certificate has been issued and at least two days written notice of intention to commence work (the subject of such construction certificate) has been given to Council;

## **Schedule C Conditions**

### **Conditions to be compiled with during work on the site to the satisfaction of the Principal Certifying Authority**

#### **SITE OPERATIONS**

- (32) 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;
- (33) That the applicant shall submit a Construction Traffic Management Plan detailing staging, estimates of construction traffic movements and access management to Council's Traffic Committee for approval prior to the commencement of any works.
- (34) That the construction of any public domain works shall not commence until the applicant has had construction plans and specifications approved by Council, and at least two days written notice of the intention to commence work has been provided to Council. All works within the public domain shall be constructed strictly in accordance with the approved plans and any instructions, written or verbal, issued by Council.

- (35) 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;
- (36) 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;
- (37) 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;
- (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 City Works;
- (39) That the applicant shall liaise with Council's Tree Management Officer and obtain all necessary permits to prune, relocate, remove or replace any existing tree in the footway, as a result of construction works and is responsible for all such costs. A report shall be submitted by a suitably qualified arborist, outlining a methodology for branch or root pruning, relocation or removal and any other necessary mitigation measures required to protect and maintain the tree's ongoing health and amenity value. The approval of this report by Council shall be taken to be an approval under Part 9 Division 3 of the Roads Act, 1993;

- (40) 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.
- (41) 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.
- (42) The applicant is strongly encouraged to link the employment and training opportunities associated with the development to local people.
- The developer is encouraged to contact local employment providers and provide traineeships for both the construction and operation phases of the development. The contact details of three local employment service providers are:
- Naamoro Aboriginal Employment Services Inc  
104 Lawson St Redfern ph 02 9318 2159
  - Redfern Aboriginal Corporation  
11 Gibbons Street  
Redfern ph 02 83990187
  - Workventures Employment Services  
Level 1 Suite 105a  
100 William Street  
Woolloomooloo ph 02 9360 1566
- (43) That all servicing (with the exception of residential and retail / commercial waste collection) shall be carried out fully on-site, and that the maximum size service vehicle permitted on the site is a B99 vehicle with a maximum height of 2200mm.

## **BUILDING REQUIREMENTS**

- (44) That all relevant sections of the BCA shall be complied with.
- (45) 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;
- (46) 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;
- (47) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;

- (48) 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;
- (49) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part.
- (50) That the requirements of the Work Cover Authority shall be complied with.
- (51) 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.
- (52) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of City Works Department;
- (53) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (54) That new work including footings shall not project beyond the street alignment or boundaries of the allotment.
- (55) 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.

- (56) 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.

- (57) 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.
- (58) That the demolition work shall comply with Australian Standard 2601-1991.
- (59) 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;
- (60) 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;

That if the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

- (61) That the applicant shall note that this application has not been assessed for compliance with the Building Code of Australia.

## **Schedule 1D**

### **Conditions to be complied with prior to the occupation of the Premises**

#### **SITE FACILITIES**

- (62) That any letterboxes are to be constructed shall be designed to be accessible and in accordance with Sydney City Council's Exempt and Complying Development provisions;
- (63) 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;
- (64) 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 80m<sup>2</sup> 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;
- (65) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. Landscape works undertaken on Council owned land are subject to final approval by Council's Landscape Architect. Landscape works, both on private and Council owned land, are to be fully completed prior to the issue of an Occupation Certificate;
- (66) That the applicant shall submit to the Certifying Authority and Council's Landscape Architect an annual maintenance program for landscape works, prior to the issue of Occupation Certificate. A copy is to be supplied to the Owner/Body Corporate for ongoing maintenance of the site. The Owner/Body Corporate shall be responsible for a defect liability and maintenance period of 12 months for landscape works undertaken on Council owned land, to the satisfaction of Council's Landscape Architect;
- (67) That the lighting of the through site link that joins Allen and James Street complies with AS 1158.
- (68) That the wall on the northern edge of the retail use that is proposed to be a café, is constructed as columns and provides for visual permeability.
- (69) That signage stating "Access to James Street" and "Access to Allen Street". Plans detailing the design of the signage shall be submitted to Council for approval prior to installation.

- (70) That detailed design of the roof top communal open space provide for the following functions:-
- Play opportunities (not necessarily formal play equipment, may be sculptural play elements, or spaces that allow for informal play), for pre-school aged children that are safe and secure;
  - Play opportunities (not necessarily formal play equipment, may be sculptural play elements, or spaces that allow for informal play), for school aged children that are interactive and diverse;
  - Passive recreation opportunities, ie formal seating, areas of turf for informal seating/relaxing.

### **ACCESS FOR PERSONS WITH DISABILITIES**

- (71) That the development complies with Australian Standards for Design for Access and Mobility AS 1428.1 – 2001 General Requirements for Access - New Building Work, AS 1428.2 – 1992 Enhanced and Additional Requirements – Buildings and Facilities, AS 1428.3 – 1992 Requirements for Children and Adolescents with Physical Disabilities and AS/NZS 1428.4 – 2002 Tactile Indicators.
- (72) 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;

### **STORMWATER MANAGEMENT**

- (73) 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.
- (74) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (75) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (76) The detailed design and construction of the proposed stormwater drainage system in Allen Street shall comply with Council's Development Specification for Civil Works and with the following design criteria: -
- The proposed pipelines in Allen Street shall be minimum 375mm diameter, reinforced concrete spigot and socket with rubber ring joints, laid at minimum 1% fall or as specified by Council;

- All stormwater pipes connecting to the existing stormwater pit shall be demolished and reconstructed to Council's satisfaction;
- The longitudinal sections of proposed pipelines in the road reserve shall include all relevant invert levels, pipe diameters as well as the depth and location of all existing utility services;
- The applicant shall liaise with, and obtain all approvals for, stormwater pipeline connections to Sydney Water Corporations' system in Allen Street;
- The plans shall incorporate all road and footpath pavement reinstatement details to Council's specification.

### **PUBLIC DOMAIN**

(77) That the applicant shall construct public domain works to James Street in accordance with drawing no. 020408/01 prepared by Brenchley Architects Pty Ltd. The works shall include the undergrounding of electricity and telecommunications cabling and the installation of new streetlights to Council and other authority standards. The detailed design and construction documentation for the public domain works to James Street shall be prepared in accordance with the following specifications: -

- Development Specification for Civil Works (Version 1) – Design;
- Development Specification for Civil Works (Version 1) – Construction;
- South Sydney Streetscape Masterplan – Technical Manual.

(78) That the applicant shall construct the following public domain works along the Allen Street frontage of the site prior to the issue of an occupation certificate: -

- New six metre wide footpaths to be reconstructed to Type D – reconstituted stone banding with asphalt infill to South Sydney Streetscape Masterplan detail;
- Reconstruct kerb and gutter and undertake road restoration detail;
- Install street trees of minimum size 100L and species type Eucalyptus sideroxylon at regular 10 metre centres;
- Stormwater drainage works including new pit and pipe systems and adjustments to existing pits;
- Undertake all adjustments to underground services and pit lids, restoration of disturbed road pavement, removal of redundant vehicle crossings and sub-soil drainage lines.

- (79) That the construction of any public domain works shall not commence until the applicant has had construction plans and specifications approved by Council, and at least two days written notice of the intention to commence work has been provided to Council. All works within the public domain shall be constructed strictly in accordance with the approved plans and any other instructions, written or verbal, issued by Council.
- (80) That all public domain works shall be fully constructed, and the constructed works approved by Council prior to the release of any occupancy certificate for the site

### **STREET TREES**

- (81) That street trees of minimum size 75L and species type *Tristaniopsis laurina* shall be installed at regular 10 metre centres on both sides of James Street in accordance with the street tree planting specifications provided in the South Sydney Streetscape Masterplan – Technical Manual.
- (82) That tree root barriers shall be installed along James Street and the Allen Street frontage of the site at a minimum distance of 300mm from the building alignment to a minimum depth of 600mm.
- (83) The applicant shall be responsible for liaison and co-ordination with all relevant service authorities as required to facilitate planting and shall position street trees within the footway to accommodate Council's clearance requirements from street intersections, telegraph poles, stormwater inlets, major underground service junctions, bus stops and traffic lights. Planting shall be completed prior to the issuing of an Occupation Certificate.
- (84) That all proposed public domain works, including the public road, footpath and verge works shall be protected from damage during site construction work. Any public domain works damaged during site construction work shall be made good at no expense to Council.
- (85) That the applicant shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by construction works associated with the development, including works within the public domain.
- (86) That the public domain works shall be completed to the satisfaction of Council prior to the acceptance of dedication to Council (Council completion) in accordance with the Deed of Agreement between Council and the applicant.

NOTE 1: Council completion means the time in the execution of the public domain works or a stage thereof, when after the applicant notifies the Council that the public domain works or a stage thereof, has reached practical completion; and

- Council has undertaken its own inspections and/or reviewed documents supplied by the applicant to its successors in relation to the works; and
  - Council is satisfied with the public domain works or a stage thereof; and
  - Council issues its written advice of the acceptance of the public domain works or a stage thereof.
- (87) That before erecting any hoarding, an application must be made to the Director of City 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 City Works;
- (88) 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);
- (89) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

#### **CARPARKING REQUIREMENTS**

- (90) That car space number 19 on the basement plan drawing no. A02 Rev C Sep 04 be deleted as it does not meet the blind aisle requirements of Australian Standard AS/NZS 2890.1 – 2890 – 2004 Parking Facilities Part 1: Off-Street Parking.
- (91) That the design layout, signage, line marking, lighting and physical controls of all off street parking facilities, access driveways and queuing areas comply with the minimum requirements of Australian Standard AS/NZS 2890.1 – 2004 Parking Facilities Part 1: Off Street car parking, and Australian Standard AS 2890.2-2002 Off-street parking Part 2: Commercial vehicle facilities.
- (92) That the design and layout of car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking.

- (93) That a maximum of 26 car parking spaces shall be provided. Each space (except for disabled spaces) shall be a minimum of 2.4m x 5.5m with minimum headroom of 2.2m, unless stated otherwise within these conditions.
- (94) That, of the 26 car parking spaces provided, the spaces shall be allocated on the basis of (appropriately line marked and labelled prior to issuing an occupation certificate) :
- 2 residential occupant spaces @ 0.5 per unit for 5 x 1 bedroom units;
  - 10 residential occupant spaces @ 0.8 per unit for 13 x 2 bedroom units;
  - 5 residential occupant spaces @ 1.2 per unit for 4 x 3 bedroom units;
  - 3 residential visitor spaces;
  - 3 commercial occupant space @ 1 per 125sqm for 386sqm;
  - 2 café/retail space @ 1 per 50sqm for 112sqm; and
  - 1 dedicated loading space.
- (95) That of the 26 spaces provided, a minimum of 1 space shall be provided for the exclusive use of people with disabilities, and this space shall be designed, dimensioned and marked in accordance with AS 2890.1 Section 2.4.5 and AS 1428.1, with a minimum headroom of 2.5m and minimum width of 3.8m.
- (96) That the space provided for the exclusive use of people with disabilities shall be clearly marked and located close to an accessible entrance or lift.
- (97) That spaces provided for the exclusive use of people with disabilities shall only be allocated to adaptable units, or to visitor parking.
- (98) That there shall be no stacked parking.
- (99) That a minimum of 11 bicycle parking spaces be provided.
- (100) That of the 11 off-street bicycle spaces provided, the spaces shall be allocated on the basis of:
- 7 residential bicycle parking spaces;
  - 2 residential visitor bicycle parking spaces; and
  - 2 café bicycle parking spaces.
- (101) That, of the bicycle parking spaces provided, at least 50% of all residential bicycle parking should be Class 1 as specified in AS 2890.3 Bicycle Parking Facilities. Other areas should be Class 2 or 3, with minimum Class 3. All bicycle parking areas shall have clear access from parked vehicles.
- (102) That the 2 residential visitor bicycle parking spaces shall be located outside at grade, and clearly signposted from external roads.
- (103) That the 2 café bicycle spaces shall be located at grade near the shop/café within the site boundary.

- (104) That the visitor parking spaces shall not at any time be allocated sold or leased to an individual owner/occupier and shall be strictly retained as common property by the Owners Corporation of the site.
- (105) 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.
- (106) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation.
- (107) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate).
- (108) 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);
- (109) 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.
- (110) That all vehicles shall always be driven onto and off the site in a forward direction.
- (111) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way.
- (112) 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 buildings prior to release of an occupancy certificate or prior to council issuing final strata subdivision approval (whichever occurs first) and shall be maintained in good order at all times.

That no part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

Carried unanimously.

Note - At the meeting of Council, Councillor McInerney commended Council staff for the work done on this application. This commendation was supported by the Chair (the Lord Mayor).

Note - Mr Julian Brenchley addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 9.6.

#### Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor Hoff -

That the Report of the Development Assessment Sub-Committee of its meeting of 8 November 2004 be received and the recommendations set out below for Item 9.9 be adopted, with Items 9.7 and 9.8 being noted.

Carried.

The Development Assessment Sub-Committee recommended the following -

#### **DEVELOPMENT APPLICATION: 431 GLEBE POINT ROAD, GLEBE (MAX FACTOR BUILDING)**

##### **9.7**

That consideration of this matter be deferred to the meeting of Council on 15 November 2004.

Carried.

Note - This matter was dealt with by Council as Item 14 on the Business Paper.

Note - Mr Neil Macindoe, Mr Bob Armstrong, Ms Pam Grinter, Mr John Sleeman, Mr Alexander Ehrlich, Ms Christina Davidson, Mr Grant Simmons and Mr David Bastian addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 9.7.

**DEVELOPMENT APPLICATION: 5 WARD AVENUE, POTTS POINT  
(D2004/01002)**

**9.8**

That consideration of this matter be deferred to the meeting of Council on 15 November 2004.

Carried.

Note - This matter was dealt with by Council as Item 15 on the Business Paper.

Note - Mr Andrew Woodhouse and Ms Heather Hillam addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 9.8.

**DEVELOPMENT APPLICATION: 429-481 GEORGE STREET, SYDNEY  
(QUEEN VICTORIA BUILDING) (D2004/00015)**

**9.9**

That arising from consideration of a report by Planning Workshop Australia to the Planning Development and Transport Committee on 8 November 2004, in relation to Development Application D/2004/00015 made by IPOH Pty Ltd for the site at 429-481 George Street, Sydney (Queen Victoria Building), for the staged upgrade of the existing building, it be resolved that -

- (A) Council note the recommendation of the Finance, Properties and Tenders Committee of its meeting of 8 November 2004 on 429-481 George Street, Sydney (Queen Victoria Building) - Owner's Consent; and
- (B) consideration of this matter be deferred until the Sub-Committee referred to in Clause (E) of the recommendation of the Finance, Properties and Tenders Committee has completed its investigation.

Carried unanimously.

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Black -

That the Report of the Planning Policy Sub-Committee of its meeting of 8 November 2004 be received and the recommendations set out for Items 9.10, 9.13, 9.15 and 9.17 be adopted, with Items 9.12 and 9.14 being noted, and Items 9.11 and 9.16 being dealt with as immediately following those items.

Carried.

The Planning Policy Sub-Committee recommended the following -

**NSW LAND AND ENVIRONMENT COURT APPEALS - SUMMARY OF CURRENT MATTERS AND APPEAL OUTCOMES (D2003/01372, D2003/01403 AND D2004/00142)**

**9.10**

That arising from consideration of a report by the Specialist Planners to the Planning Development and Transport Committee on 8 November 2004, in relation to the Summary of Current Matters and Appeal Outcomes in the NSW Land and Environment Court, it be resolved that the report and the Summary of Appeals provided at Attachment A to the subject report be received and noted.

Carried unanimously.

**DRAFT SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 - AMENDMENT NO. 16 LOCAL ENVIRONMENTAL PLAN: REPORT ON SUBMISSIONS (2029465)**

**9.11.**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 8 November 2004, in relation to the exhibition of Draft South Sydney Local Environmental Plan 1998 - Amendment No. 16, it be resolved that:-

- (A) Council adopt the amended Draft South Sydney Local Environmental Plan 1998 - Amendment No. 16, as circulated to Councillors prior to the meeting of the Planning Development and Transport Committee;
- (B) Council forward Draft South Sydney Local Environmental Plan 1998 - Amendment No. 16 to the Department of Infrastructure, Planning and Natural Resources under Section 69 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the General Manager to make any minor drafting changes required to Draft South Sydney Local Environmental Plan 1998 - Amendment No. 16 as a result of consideration by Council and the Central Sydney Planning Committee, and any further amendments made by the Parliamentary Counsel in finalising the plan.

Amendment. At the meeting of Council, at the request of Councillor McInerney, and by consent, the motion was amended by the addition of the following words at the end of clause (A) -

and as amended as follows:

In Schedule 2 Heritage Items, the entry in the "Name and Description" column against Item 935A, 238-250 Riley Street, Surry Hills, is to read:

"Row of terraces (circa 1856-1857)".

Motion, as amended by consent, carried unanimously.

Note - Mr Andrew Woodhouse and Mr Graham Brooks addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.11.

**GREEN SQUARE TOWN CENTRE DRAFT MASTERPLAN AND LOCAL ENVIRONMENTAL PLAN AND RELATED MATTERS - INFORMATION REPORT (2029203)**

**9.12**

That consideration of this matter be deferred to the meeting of Council on 15 November 2004.

Carried.

Note - This matter was dealt with by Council as Item 16 on the Business Paper.

Note - Mr Paul Anderson addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.12.

**GREEN SQUARE PLANNING PRINCIPLES - PUBLIC DOMAIN BONUS FLOORSFACE WORKS AND OTHER COMMUNITY BENEFITS PROJECTS (S035014)**

**9.13**

That arising from consideration of a report by the Green Square Project Manager to the Planning Development and Transport Committee on 8 November 2004, on Green Square Planning Principles - Public Domain Bonus Floorspace Works and Other Community Benefits Projects, it be resolved that Council:

- (A) recognise and allow continuation of the Bonus Floorspace Policy as a significant means of achieving public domain infrastructure and other community benefit projects in the Green Square Redevelopment Area, until such time as a review of funding mechanisms for public infrastructure is undertaken by the City, within the context of its staged City-wide review and integration of the various planning controls and strategies that currently apply to the area;
- (B) allow continuation of the application of monetary contributions to fund and deliver area-wide projects within the Green Square Redevelopment Area (including towards the Green Square Town Centre infrastructure from outside that area), and that these contributions be collected into financial accounts set up by the City for the purpose for which the monetary contributions were received and be used for the purpose; and

- (C) further examine indexation of the February 2003 monetary rates applied to benchmark the minimum value of bonus floorspace works in the Green Square Redevelopment Area, on the basis of movements in the Sydney median house price index, and that a report on this matter be presented for Council's consideration prior to the end of 2004.

Carried unanimously.

**HEALTH CARER VISITOR PERMIT PARKING SCHEME - PROPOSAL TO EXTEND THE SCHEME TO ALL PARKING PRECINCTS THAT WERE PART OF THE FORMER SOUTH SYDNEY CITY COUNCIL (S019468)**

**9.14**

That consideration of this matter be deferred to the meeting of Council on 15 November 2004.

Carried.

Note - This matter was dealt with by Council as Item 17 on the Business Paper.

**ON-STREET PARKING FOR CAR SHARE VEHICLES (S034333)**

**9.15**

That arising from consideration of a report by the Senior Transport Planner to the Planning Development and Transport Committee on 8 November 2004, in relation to On-Street Parking for Car Share Vehicles, it be resolved that:

- (A) Council agree in principle to trial the allocation of on-street parking for Car Share vehicles, subject to the satisfactory outcome of community consultation on the proposal together with the following:
- (i) that the trial be limited to a period of 2 years, and be reviewed after 12 months;
  - (ii) that the trial be for a maximum of say 10 vehicles, to be determined by the General Manager;
- (B) Car Share vehicles to be parked on-street in the City of Sydney to be strictly limited to low emission vehicles such as LPG, CNG, Electric or hybrid vehicles, or petrol driven cars of 1.8 litre engine capacity or less;
- (C) on-street parking be allocated to Car Share companies whose members are strictly limited to residents or businesses located within the City of Sydney;
- (D) Car Share vehicles be excluded from parking in the CBD Resident Parking Precinct as there is ample off-street car parking within the CBD;

- (E) authority be delegated to the Traffic Committee to determine the location of parking spaces;
- (F) Council refer the proposal to the Sydney Traffic Committee for consideration and agreement;
- (G) Council place the proposal on public exhibition for a minimum of 28 days to seek comments from the public;
- (H) following the completion of public consultation a further report be referred to Council on the outcome; and
- (I) Council consider reducing the car parking provisions for Development Applications that incorporate a car share scheme proposal.

Carried unanimously.

Note - Mr Bruce Jeffreys addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.15.

#### **PLANNING POLICY - PHASING/TIMING OF DEMOLITION AND EXCAVATION WITHIN THE CITY OF SYDNEY (S001158)**

##### **9.16**

That arising from consideration of a report by the Acting Manager - Development Assessment (City North) to the Planning Development and Transport Committee on 8 November 2004, on Planning Policy - Phasing/Timing of Demolition and Excavation Within the City of Sydney, it be resolved that -

- (A) consideration of this matter be deferred to enable further discussions to be held with all interested parties and additional input from the Central Sydney Planning Committee; and
- (B) upon completion of the actions identified in clause (A), a further report be submitted to Council on this matter.

Amendment. At the meeting of Council, at the request of Councillor McInerney, and by consent, the motion was amended by the deletion of clauses (A) and (B) and the substitution of the following new clauses -

- (A) consideration of this matter be deferred to enable further advice to be provided on how site rectification measures could be improved, with particular reference to the provisions of section 59 of the City of Sydney Act 1988; and
- (B) in the interim, the current practice of disallowing staging of demolition and excavation until the issue of a construction certificate for a replacement building shall continue.

Motion, as amended by consent, carried unanimously.

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.16.

## **PLANNING POLICY SUB-COMMITTEE - GENERAL BUSINESS ITEM**

### **9.17**

That arising from consideration of a report by the Manager Secretariat to the Planning Development and Transport Committee on 8 November 2004, on Planning Policy Sub-Committee - General Business Item, it be resolved that -

- (A) a heading entitled "General Business" be listed on the agenda for Planning Policy Sub-Committee meetings on a regular basis;
- (B) the Planning Development and Transport Committee adopt procedures for General Business at meetings of the Planning Policy Sub-Committee that are not inconsistent with the Local Government (Meetings) Regulation 1999 or the Code of Meeting Practice;
- (C) the Code of Meeting Practice be amended by the addition of the following clause:

Without in any way limiting the ability of Councillors to lodge Notices of Motion in accordance with Part B, Clause 11, at meetings of Council no motions or amendments are to be put or resolutions passed in respect to discussion items listed under General Business on reports of meetings of the Planning Policy Sub-Committee of the Planning Development and Transport Committee.

- (D) this amendment to the Code of Meeting Practice not be publicly exhibited as Council is of the opinion that the amendment is not substantial.

Carried unanimously.

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.17.

**ITEM 10. PART OF CHAPMAN ROAD, JOHNSTON STREET AND THE CRESCENT, ANNANDALE ADJOINING LOT 5, DP1033147 - PROPOSED LEASE**

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 8 November 2004. and to Council on 15 November 2004, on Part of Chapman Road, Johnston Street and the Crescent, Annandale adjoining Lot 5 DP 1033147 - Proposed Lease, it be resolved that -

- (A) approval be given to the granting of a lease pursuant to section 153 of the Roads Act 1993 to the lessee of the adjoining premises Lot 5 DP 1033147, currently Crescent Timber and Hardware Pty Ltd, on one year tenancies renewable annually at the option of Council for a term of up to five years or the expiration of the lease this company has with the State Rail Authority, whichever is the lesser, of that part of Chapman Road, Johnston Street and The Crescent shown stippled on S4-130/1267;
- (B) authority be delegated to the Acting General Manager to finalise the terms of, and enter into, a lease as shown in confidential Attachment C to the subject report, and subject to the conditions in the schedule shown at Attachment D to the subject report; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

**ITEM 11. ALCOHOL FREE ZONES (1925546/DW/543669/SR)**

Moved by Councillor Hoff, seconded by Councillor Black -

That arising from consideration of a report by the Director Community Living to the Cultural and Community Services Committee on 8 November 2004, and to Council on 15 November 2004, on Alcohol Free Zones, it be resolved that Council -

- (A) note the City's commitment to the continued public enjoyment of outdoor and footpath restaurants, cafes and pubs by encouraging responsible drinking behaviour and promoting a safer inner city environment;
- (B) note the City's commitment to the NSW State Government Protocol for Homeless People in Public Places, which affirms the right of all the community to access public space in a responsible, safe and peaceful way, while offering outreach and support options;
- (C) note that the proposed Alcohol Free Zones, developed by Council staff in association with Local Area Commands and listed in paragraph 6 of the subject report, are an increase in the number of zones established in the former South Sydney, Leichhardt and City of Sydney Local Government Areas;

- (D) request Council staff to prepare a report for the Cultural and Community Services Committee addressing the appropriateness of the proposed zones and other alternatives in relation to the potential impact on commercial activity, policing practice, social effects, evidence of past benefit from Alcohol Free Zones, and information on how they are implemented in practice.

Carried unanimously.

### **Extension of Time**

During discussion on Item 11, pursuant to the provisions of Clause 23(3) of the Local Government (Meetings) Regulation 1999, it was -

Moved by Councillor Firth, seconded by Councillor McInerney -

That Councillor Harris be granted an extension of time to speak on this matter.

Carried.

Moved by Councillor Lee, seconded by Councillor McInerney -

That Councillor Firth be granted an extension of time to speak on this matter.

Carried.

### **ITEM 12. DEVELOPMENT APPLICATION: ST ANDREWS COLLEGE, 19 CARILLON AVENUE, CAMPERDOWN**

### **ITEM 13. DEVELOPMENT APPLICATION: 63-79 MILLER STREET, PYRMONT (FORMER FESTIVAL RECORDS BUILDING)**

### **ITEM 14. DEVELOPMENT APPLICATION: 431 GLEBE POINT ROAD, GLEBE (MAX FACTOR BUILDING)**

Note - Items 12, 13 and 14 were dealt with at an earlier stage of the meeting.

### **ITEM 15. DEVELOPMENT APPLICATION: 5 WARD AVENUE, POTTS POINT (D2004/01002)**

Moved by Councillor Black, seconded by Councillor Mallard -

That arising from consideration of a report by the Planner to the Planning Development and Transport Committee on 8 November 2004, and to Council on 15 November 2004, in relation to Development Application D2004/01002 made by Dominos Pizza Australia for the site at 5 Ward Avenue, Potts Point, for the fitout and use as a "Dominos" pizza delivery and takeaway store, it be resolved that the application be refused for the following reasons:

- (1) The proposed development fails to comply with the objectives of the Mixed Uses 10 Zone under South Sydney Local Environmental Plan 1997 and specifically (h) which requires that “the nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area”.
- (2) The proposed development will impact upon residential amenity in the immediate area by reason of excessive noise, traffic and odour, which is contrary to the Principal Objectives (Clause 7) of South Sydney Local Environmental Plan 1998.
- (3) The proposed use would have a detrimental impact on the amenity of the nearby residential uses contrary to the Operational Controls contained in Part E of the South Sydney Development Control Plan 1997.
- (4) The proposed signage fails to comply with the City of Sydney Signage and Advertising Structures Development Control Plan 2003 and Draft Development Control Plan 2004 due to the excessive number of signs and non-compliance with the numeric controls relating to size and location.
- (5) The proposed development is more appropriately located within the Kings Cross Entertainment Precinct as defined by Part F (page 139) of South Sydney Development Control Plan 1997, amongst more compatible commercial and late night land uses.
- (6) The principal use of the site as a base for evening food deliveries by motorcycles in tandem with the proposed servery window facing Ward Avenue, are likely to cause disruption to footpath use by pedestrians.
- (7) The development is not considered to be in the public interest.

Carried unanimously.

**ITEM 16. GREEN SQUARE TOWN CENTRE DRAFT MASTERPLAN AND LOCAL ENVIRONMENTAL PLAN AND RELATED MATTERS - INFORMATION REPORT**

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Green Square Manager to the Planning Development and Transport Committee on 8 November 2004, and to Council on 15 November 2004, on Green Square Town Centre Draft Masterplan and Local Environmental Plan and Related Matters - Information Report, it be resolved that;

- (A) the subject report be received and noted;
- (B) Council and the Central Sydney Planning Committee review the planning objectives and principles for the Green Square Town Centre (GSTC) and the wider Green Square Redevelopment Area, and review the mechanisms for delivery of infrastructure;

- (C) Council officers continue issue-specific briefings of Council and Central Sydney Planning Committee; and
- (D) Council and the Central Sydney Planning Committee establish a Green Square Taskforce, with membership and terms of reference as follows:
- (i) - Councillor John McInerney, as joint chair
  - Ms Jennifer Westacott, as joint chair
  - Councillor Chris Harris
  - Councillor Tony Pooley
  - Mr Chris Johnson
  
  - with Mr Neil Bird to be invited as appropriate
  
  - the City's General Manager to be invited to attend and advise the Taskforce,
  
  - Ms Petula Samios to be alternate for Ms Jennifer Westacott,
  
  - Mr Peter Mould to be alternate for Mr Chris Johnson.
- (ii) that the Taskforce consider and make recommendations to Council and the Central Sydney Planning Committee on the following -
- (a) necessary actions to achieve a coalition of effort and commitment to ensure development of the GSTC occurs in a holistic, integrated and coordinated way;
  - (b) the roles and responsibilities of the relevant organisations in supporting delivery of the GSTC and engage these organisations and land owners in the review process;
  - (c) whether or not Green Square Town Centre will be undertaken as a 'stand-alone' exercise, related to, but independent of, the broader Green Square area;
  - (d) the ongoing responsibility of planning for the GSTC and reviewing the relevant documents and draft planning controls;
  - (e) the infrastructure funding and delivery model proposed for the GSTC, examining options and, in consultation with stakeholders, including Landcom, a preferred approach;
  - (f) the entire budget and expenditure on the planning process to date.

Carried unanimously.

**ITEM 17. HEALTH CARER VISITOR PERMIT PARKING SCHEME – PROPOSAL TO EXTEND THE SCHEME TO ALL PARKING PRECINCTS THAT WERE PART OF THE FORMER SOUTH SYDNEY CITY COUNCIL (S019468)**

Moved by Councillor McInerney, seconded by Councillor Hoff -

That arising from consideration of a report by the Senior Transport Planner to the Planning Development and Transport Committee on 8 November 2004, and to Council on 15 November 2004, in relation to the Health Carer Visitor Permit Parking Scheme being extended to all parking precincts that were part of the former South Sydney Council, it be resolved that:

- (A) Council extend the Health Carer Visitor Permit Parking Scheme to include those precincts that were part of the former South Sydney Council before 8 May 2003 and the CBD parking precinct as shown in Attachment C to the subject report;
- (B) the conditions of operation of the resident parking schemes covering resident, visitor (long term), visitor (short term) and health carer visitor permit parking permit schemes be amended throughout the Local Government Area to the following:
  - (i) the resident needs to provide two (2) forms of identification,
  - (ii) temporary residents are not eligible to apply for the permits, and
  - (iii) occupants of serviced apartments be excluded from the permit parking schemes;
- (C) permanent residents that may have a resident parking permit or on-site parking available at the residence for their vehicle also be eligible to apply for a health carer visitor parking permit;
- (D) the conditions of operation of the Health Carer Visitor Permit Parking Scheme be amended to include the following definitions:
  - (i) Health Carer - A person recognised by an appropriate Sydney Area Health Service as providing home-based health care services, and
  - (ii) Long-term Health Care - Health care requiring treatment over a continuous period of at least three months or more; and
- (E) in applying for a Health Carer Visitor Permit, applicants must include a letter from the Area Health Service verifying the need for long-term health care and list all the vehicles used to give health care services, including registration numbers of those vehicles.

Carried unanimously.

**ITEM 18. PUBLIC PRESENTATION OF THE 2004 ANNUAL FINANCIAL REPORTS AND AUDITORS REPORTS (S035122)**

Moved by Councillor Kemmis, seconded by Councillor Mallard -

That arising from consideration of a report by the Finance Manager to Council on 15 November 2004, on Public Presentation of the 2004 Annual Financial Reports and Auditors Reports, it be resolved that Council -

- (A) present the 2004 Annual Financial Reports and auditor's reports to the public; and
- (B) adopt the 2004 Annual Financial Reports, as shown at Attachment A to the subject report, subject to the receipt of any submissions over the ensuing seven day period.

Carried unanimously.

**ITEM 19. IPOH LTD AND ASSIGNMENT OF 977.6 SQUARE METRES OF TRANSFERABLE FLOOR SPACE (S022034)**

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Senior Property Manager to Council on 15 November 2004, on Ipoh Ltd and Assignment of 977.6 square metres of Transferable Floor Space, it be resolved that:

- (A) in accordance with clause 23.3 of the Agreement to Lease of the Capitol Theatre dated 3 March 1992, Council consent to the sale to Ipoh and Abroccona of 977.6 square metres of transferable floor space as set out in the subject report for the price set out in confidential Attachment B to the subject report;
- (B) the Deed of Transfer and any relevant documentation be executed by Council's Attorney; and
- (C) the funds received by Council be placed in the Property Reserve.

Carried unanimously.

**ITEM 20. QUESTIONS ON NOTICE**

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

**Adjournment**

At 9.36pm the meeting of Council was adjourned for five minutes.

At 9.41pm, at the resumption of the Council meeting, those present were -

The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

Councillor Firth returned to the Council meeting at 9.45pm.

**QUESTIONS WITHOUT NOTICE****BICYCLE STRATEGY (S032442)**

1. By Councillor Harris

**Question**

Lord Mayor, I would just like to ask a Question of either yourself or the Deputy Lord Mayor - I'm not sure who should answer it. My understanding is that on 2 August 2004 we committed to developing a five year strategy for bicycles and my understanding is - unfortunately, I wasn't at Council that night - my understanding is that part of that was that we would engage a consultant or tender people to do that.

I just wondered about the progress of that and whether we have, in fact, engaged somebody and has that project started yet?

**Answer by the Lord Mayor**

Thank you Councillor Harris. I invite the Acting Director City Development to respond.

**Acting Director City Development**

Lord Mayor, a project definition plan has actually gone to all of the group who have been working on the bicycle plan. There has also been a memo asking for approval of funding for a consultant to be brought on board to carry out those works.

As part of the project definition plan there is a proposal for a team of consultants to be engaged so that we cover the urban design and traffic side of the bicycle plan.

That is where we are at the moment. There is also a detailed program within that draft definition plan.

**OXFORD STREET UPGRADE (S032446)**

2. By Councillor Mallard

**Question**

Lord Mayor, I think that most of us would accept that the Kings Cross upgrade has not been without difficulties and pain for the local business stakeholders and community. I want to make sure that we can improve the process with the imminent Oxford Street upgrade.

Could the next meeting of Council's Finance, Properties and Tenders Committee have a report outlining in detail the construction plans and timetable for the Oxford Street upgrade and the communications strategy involving stakeholders, community and Councillors?

**Answer by the Lord Mayor**

Councillor Mallard, I will invite the Acting Director City Development to respond.

**Acting Director City Development**

Lord Mayor, we have actually sent out detailed programs to the Darlinghurst Business Partnership. Those programs obviously are based on a best case scenario with no rain.

We will be quite happy to put that to the next Finance, Properties and Tenders Committee with a report on where we are at and also the communications strategy which involves the builder and ourselves.

**Answer by the Lord Mayor (continued)**

I ask that that report be brought to the next meeting of the Finance, Properties and Tenders Committee.

**INTEGRATED TRAFFIC AND TRANSPORT PLAN (S032441)**

3. By Councillor Black

**Question**

Lord Mayor, could you please inform Council what progress is being made in developing an integrated traffic and transport plan?

**Answer by the Lord Mayor**

Thank you Councillor Black. Councillors would know that last week I held a briefing for the Sydney Business Forum in order for the City to discuss with the business community our long term plans for developing a mass transit system and I think that was a very worthwhile interaction between Councillors and the City community.

As a next step I am writing to the Mayors of the Councils in inner Sydney to offer a similar briefing.

I think it is very important that we work, not only with the business community in the City, but also with our neighbouring councils, to develop a co-operative strategy that we put to government and work co-operatively with government in terms of developing an effective and efficient transport system for the future.

In discussions with the business community, it was stressed how important this is, how important Sydney is to Australia's economy. At the forum last week we acknowledged that Sydney is Australia's only global city, that we are the economic engine room of the nation, that we alone account for \$60 billion in economic activity, and we produce eight per cent of Australia's GDP.

During the 1990s, central business district (CBD) employment rose by 30 per cent, visitors to Australia doubled and we had 50 per cent coming through Sydney. This was the information that I presented to the business community and I think we are putting together a very compelling scenario to call upon government to respond in terms of providing us with a mass transit system.

Added to that, we also had the fastest rate of growth in terms of population in the whole country during the 1990s and the population in the suburbs surrounding the City has, in fact, doubled as a result of government's urban consolidation policies. As a result -

- traffic in the inner suburbs grew by 20 per cent, not counting the traffic on the new roads, such as the Eastern Distributor;
- State Transit bus patronage rose by 20,000 trips per day;
- City Rail peak hour exits at CBD stations rose from 108,000 to 130,000.

All the transport systems are close to capacity and will only get worse if action isn't taken. Forecasts show:

- at least 20 per cent growth in CBD jobs and inner suburbs population by 2021;
- 32 per cent growth in internal and 22 per cent growth in external CBD trips by 2021;
- the Sydney region is going to grow by 44 per cent by 2050;
- current systems are inefficient and seriously impact on amenity for workers, visitors and residents;
- 7,400 STA buses, plus hundreds of private buses move through the CBD daily.

Simply incrementally increasing bus transport isn't the answer. I think that the information that we have gathered in order to present to the business community, as well as neighbouring councils, shows that we are going to need a mass transit system for Sydney in order to ensure capacity, efficiency and amenity and I think working with the business community and with neighbouring councils is a very effective way of putting a very compelling case to government.

Thank you for the question, Councillor Black.

#### **REDFERN STREET, REDFERN (S032445)**

4. By Councillor Pooley

#### **Question**

Lord Mayor, I am just wondering if you could advise whether you think the announcement of the somewhat mysterious Redfern-Waterloo Authority will delay the upgrade of Redfern Street and on a directly related matter whether you can advise on the status of the review of the cost of parking meters on Redfern Street?

**Answer by the Lord Mayor**

Councillor Pooley, the Redfern-Waterloo Authority legislation was introduced into Parliament by Minister Sartor last week, during the lunch break, actually. I understand that it is going to come to Parliament this week.

I would very much appreciate your comments on that legislation. Certainly the staff are assessing what it means and also my own staff at Bligh are assessing what it means.

I think we have to look very carefully at what that legislation means, what the Authority means, what its powers will be. I really can't answer that question at this stage, because we really need to know what the legislation is doing.

Perhaps I could ask the Acting Deputy General Manager to comment further.

**Acting Deputy General Manager**

Lord Mayor, the only thing that I could add is that we haven't seen any infrastructure plans. We have always referred the Redfern Street plans to the Redfern-Waterloo Partnership for consultation. We haven't seen any of what were essentially the RED Strategy plans.

**Answer by the Lord Mayor (continued)**

As to the parking meters, Councillor Pooley, I think it is very difficult to give you an update on anything until the legislation goes through and we get more information about the Board and the Authority and what it is going to do.

I ask the Acting General Manager if he is able to provide any more information on the current status of the parking meters for Redfern Street?

**Acting General Manager**

Lord Mayor, the Manager Transport Management Unit or the Manager Asset Management may be able to provide some information.

**Manager Asset Management**

Lord Mayor, we are preparing a report to Council reviewing the pricing of the meters on Redfern Street. They are currently at \$5.50 per hour in comparison to Surry Hills, which is at \$3.30 per hour, and other locations which are at \$2.20 per hour.

We are working on a report to Council which will recommend a consistent pricing strategy across the local government area. That should occur within the next four weeks or so.

**LORD MAYORAL FEE (S032440)**

5. By Councillor Hoff

**Question**

Lord Mayor, during the Council elections earlier this year you gave a public commitment that if you were elected you would not take the Lord Mayoral salary.

I know you said at that time you would set up a trust and I was wondering where that is up to and if you could please update Council on the progress you have made?

**Answer by the Lord Mayor**

Councillor Hoff, the trust has been established. It has certainly taken longer than I would have liked. It has been established. It will direct the fees to charities that operate wholly or partly within the geographic boundaries of the City.

I am seeking expressions of interest and the aim of that is to find innovative projects which will help people rebuild their lives or relate to animal welfare. These projects could target the disadvantaged people, homeless people, young people at risk, or people suffering from alcohol and drug dependency and/or mental illness.

If any Councillors have any suggestions about worthwhile or innovative projects I would welcome them. We are placing advertisements for expressions of interest at the moment.

**POWERHOUSE MUSEUM - OPEN SPACE (S032444)**

6. By Councillor Firth

**Question**

Lord Mayor, at the Pymont/Ultimo meeting the other night, one of the residents got up and explained that the courtyard in front of the Powerhouse Museum is actually classified as part of the open space requirement for Pymont/Ultimo, which is ironic considering that it is in no way public really. It is just a courtyard in front of the Powerhouse Museum.

Because the Powerhouse Museum is now actually wanting to change that, can Council investigate exactly what the status of that open space is? If it is in fact a part of Pymont/Ultimo open space then we have to investigate ways that we can make sure that if it gets roped off to the public, there is other compensation.

**Answer by the Lord Mayor**

Councillor Firth, certainly I would think so. I invite the Director City Planning (Northern Zone) to respond.

**Director City Planning (Northern Zone)**

Lord Mayor, I couldn't give an accurate answer to that now. I don't know that it is in Council ownership, but I will certainly follow this up.

People at the community meeting were concerned about the general loss of open space and it is a relevant issue in any development proposal. We don't have a proposal before us at the moment. The Powerhouse Museum is reviewing its options. It is a question I will have to take on notice in terms of who owns the space and what it is designated for.

**Answer by the Lord Mayor (continued)**

I request that a report on the status of this matter be submitted to a meeting of the Environment and Heritage Committee.

**GLEBE SAFETY AUDIT (S032439)**

7. By Councillor Kemmis

**Question**

Lord Mayor, I have a concern about community security and safety in Glebe and wondered if you could advise us of action being taken in that regard, particularly the possibility of a safety audit in Glebe? As I understand it, they have been conducted in other parts of the City.

**Answer by the Lord Mayor**

Councillor Kemmis, there has been a lighting upgrade which followed a lighting audit that was undertaken by the City when Glebe was transferred to the City in May last year.

Earlier this year Council completed lighting upgrading in several streets. It has been an issue that was raised at the meeting I attended with you, Councillor Kemmis. The public tenants were particularly concerned about it.

We have had upgrades in Bay Street, Arundel Street, Mitchell Street between Glebe Point Road and Wentworth Park Road, Mount Vernon Street, St Johns Road and Glebe Street, and also lighting has been repaired at the major pedestrian crossing in Mitchell Street.

Council has also been working with licensees to set up liquor accords, which I know have been welcomed in discussions I have had with businesses, and the aim of that is to reduce the impact of licensed premises and crime on the residential areas and local communities, which is something that was requested by public tenants.

I understand that in relation to an audit that there are plans underway to conduct that and I will invite the Acting Director Community Living to update Council on this issue.

**Acting Director Community Living**

Lord Mayor, we are planning to undertake an audit in February and we are actually consulting with Police now. Safe City staff will be involved, the Place Manager, Glebe Neighbourhood Service Centre will be involved, and obviously the Police.

We will work with residents to identify three hot spots for this first round of safety auditing in Glebe and then about six months later there will be another three hot spots identified. Again, there will be consultation with the residents to identify which areas those will be.

**PITT STREET MALL - PARKING (S032443)**

8. By Councillor Lee

**Question**

Lord Mayor, why are delivery trucks and delivery vans allowed to park in Pitt Street Mall on weekday mornings and will Council give consideration to preparing a report to examine a proposal to charge delivery vans and trucks for parking in Pitt Street Mall and consider directing the funds raised to improving public spaces in the City?

Secondly, would you also look at whether we should be introducing a charge for use of loading zones for more than a minimum period, given the large number of people who are using loading zones throughout the City for normal commercial parking?

**Answer by the Lord Mayor**

Councillor Lee, the Inner City Transport Group that the City is involved in with the State Government is addressing a whole range of these issues, like delivery times through the City and shopping hours. They are all part of our desire to reduce one of your favourite topics, Councillor Lee, congestion in the City.

I invite the Acting General Manager to comment specifically about Pitt Street Mall and any information that we can't give you now, Councillor Lee, we will bring to Committee because it is a very important issue.

**Acting General Manager**

Lord Mayor, I am aware that some time ago considerable efforts were taken to control and reduce the impact of vehicle parking in Pitt Street Mall for delivery purposes. I wasn't involved in that in detail. My understanding is that the current use complies with what was proposed and I think it was signposted.

As to whether it is possible to charge for parking in loading zones and, specifically, in the Mall there would be some difficulty with placing the signage which complies with the requirement to be able to charge. That is something we can look at and report on.

**Councillor Lee (Supplementary Question)**

Lord Mayor, I would just like to ask a supplementary question and I am more than happy for this to be considered as part of the report at a later date. I would just simply like to make the point that you could simply charge a flat fee as people entered Pitt Street Mall and, obviously, as you walk down Pitt Street Mall you can see a lot of the paving is getting broken, and I'm sure it's not the pedestrians, I suspect it is more the delivery vans and the trucks.

Whatever has been agreed in the past, it might be the time for us to have a look at whether we could earn a little bit of income and redirect that into doing good things in public spaces around the City.

**Answer by the Lord Mayor**

Councillor Lee, it is actually being discussed in relation to the Centrepunkt proposals, too. That whole issue is very much a work in progress at the moment. The principle that you are raising is an important one and it is one that we are consciously addressing at that transport committee level. As well, the Director City Planning (Northern Zone) would be considering it in relation to any proposals for development in Pitt Street Mall.

There is a real desire, and there has been for a number of years now, to take that through traffic out of Pitt Street Mall permanently and to provide access by other routes and the Centrepunkt developments may provide an opportunity to do that.

**CITY OF SYDNEY SOCIAL PLAN (S032438)**

9. By Councillor McInerney

**Question**

Lord Mayor, you have mentioned several times tonight the need for a future social plan, which is clearly one of the more important plans that we will have to prepare as a Council. I was wondering where that is and if you could let us know projected completion times? I think it is the Local Government Act that requires the preparation of a social plan.

**Answer by the Lord Mayor**

Councillor McInerney, it does, and it is a very important task for us, given the nature of the community we represent. The social plan will help us identify particular needs, particularly of the expanded City.

A number of those issues have been raised tonight in other debates. We certainly do include in the City the most disadvantaged and vulnerable within our community. We do have the largest number of homeless people and our social plan will enable us to find compassionate and progressive solutions to tough social problems, such as homelessness, mental illness, and drug and alcohol dependence.

I invite the Acting Deputy General Manager to provide Council with a specific update on when that plan will be coming to Council.

### **Acting Deputy General Manager**

Lord Mayor, what we are required to do under the social planning guidelines is to undertake a demographic overview of the whole new City of Sydney area, which has almost been completed, bringing the two areas together.

Out of that merges higher level needs, so that information gives some sense of what it is that efforts have to be focused on. A draft of that document has been completed and both the Acting Director Community Living and I are looking at it.

The policy that sits above it has also been completed and what sits underneath is the detail that recommends to Council the actions that we are going to undertake.

Just to give Council a quick update on that, the child care needs study brief has just been approved to go out, so that will give you the detail on child care; the affordable housing strategy has been completed for South Sydney and is being amended now to take in the whole of the City; the drug and alcohol strategy has gone out - we are getting some consultants to help us - essentially just to identify what we ought to put in a drug and alcohol strategy, because that is such a big task, and also we really need to understand our role. So that chapter is under way.

In relation to the youth strategy, the last workshop we hold is on 18 November, where we are working with all the different groups that provide youth services and then developing what I hope will be the action plan. So that will be one of the first strategies that comes up to Council.

With the homeless strategy, we signed off on the principles and the staff are working on that. One of the main projects is the working out of the new model for the homeless services and that is something that we will need to continue to discuss in advance, even though that is a project that will sit in that strategy as something that is urgent and needed to be done.

With regard to the boarding house strategy, which fits in with affordable housing, that action plan of course has already been completed also, so we are actually completing quite a number of those actions already, like the Boarding House DCP and the Child Care DCP. That sort of thing might normally happen at the end but there are a number of things that are happening that would be actions in those strategies.

They are the main chapters that we are working on now. Of course, the Aboriginal Strategy will commence with the Protocols going out for consultation, so there will be a process of consultation with the Protocols.

The aged services review is underway and that report has also come up, reviewing our services and looking at the future, and that just leaves disability which we will also address in the future.

**Answer by the Lord Mayor (continued)**

Thank you, that is really very informative and very comprehensive. Can I just add to that too?

We are having a follow up meeting with the Minister for Housing, Mr Scully, this week to formalise the work between the City and the State in terms of our homeless outreach program. As you know, previously, there was a South Sydney and Department of Housing program and then there was a City one, and what we want to do is have a combined City working co-operatively with the Department on that.

At our first meeting, which was about six weeks ago, the Minister agreed to do that and in the interim his officers have been working with our officers and we are having a follow up meeting on Thursday morning.

**LIVERPOOL STREET (S032442)**

**10.** By Councillor Harris

**Question**

Lord Mayor, can Council have an explanation as to exactly which traffic studies are proposed or being done in relation to the closure of Liverpool Street and Whitlam Square.

**Answer by the Lord Mayor**

Councillor Harris, yes I can give you some background and historical information to that.

I am not sure if you know, Councillor Harris, that that proposal was part of the community consultation during the development of the public domain works for the Eastern Distributor. It was something that was supported by the former South Sydney Council, by me as the Member for Bligh, and by the local community, and it was opposed by the former Lord Mayor, Frank Sartor. It didn't ever happen. We are now revisiting it and the proposal is about to go on public exhibition.

I invite the Manager Transport Management to respond also.

**Manager Transport Management**

Lord Mayor, we have collected traffic counts at the intersections where traffic is proposed to be diverted - Liverpool and College Streets, Francis and College Streets, and Stanley and College Streets - as well as locations where the traffic would be diverted to should any closures occur. We are also reviewing a number of traffic counts done by the Roads and Traffic Authority as part of the Cross City Tunnel.

We have been attempting to gather as much information as we can as well as reviewing previous work undertaken, including the Eastern Distributor Local Area Improvement Program, which had a comprehensive local area traffic management plan for that whole area, and the catchment area for the Liverpool Street closure and Whitlam Square forms part of that.

**PATRICK WHITE'S HOUSE, CENTENNIAL PARK (S032446)**

**11.** By Councillor Mallard

**Question**

Lord Mayor, as you would be aware, the long time home of Australia's only Nobel Laureate, Patrick White, in Centennial Park, is to be auctioned on 24 November 2004.

Do you support retention of this social and literary important historic home as a public place and museum resource and, if so, could you organise an urgent meeting between the City of Sydney, the Historic Houses Trust, executors of the estate and other appropriate bodies as a last minute attempt to broker a suitable outcome for the people of the City of Sydney?

One such outcome could be a delay in the auction whilst a public appeal is launched which the City of Sydney could organise.

**Answer by the Lord Mayor**

Thank you Councillor Mallard. I have been reading the "Letters" column with interest about which of Patrick White's houses was the most important and which was the one that should be preserved, whether it was his Centennial Park house or his house at Castlecrag.

I actually door knocked Patrick White when he was living in that house and he came to a number of public meetings I had in relation to attempting to save the Showground. He was very supportive of all those community actions and he played a very important role in stopping the dogs going into Centennial Park at one time.

Could I ask the Director City Planning (Northern Zone) to advise if there is any information available about the City's historical position in relation to the Patrick White house? I have a personal position on it but I would like to know if the City or South Sydney Council had a position on that house.

**Director City Planning (Northern Zone)**

Lord Mayor, not that I am aware of, but I could look into it.

**Answer by the Lord Mayor (continued)**

I will undertake to have this matter investigated and see if it is possible to follow up on what you are suggesting, Councillor Mallard, which I think is a very worthwhile suggestion. It would be a real loss.

**SYDNEY TOWN HALL - HERITAGE LISTING (S032441)**

**12.** By Councillor Black

**Question**

Lord Mayor, I think a number of us have been quite surprised to find that iconic buildings in Sydney, such as Sydney Town Hall, are not listed on the State Heritage Register. I understand there are some moves to have Town Hall appropriately listed on the State Heritage Register.

I am wondering if you are able to provide some information in that regard?

**Answer by the Lord Mayor**

Thank you Councillor Black. I was quite shocked, as I am sure many of you were, to find that this wonderful building wasn't on the Heritage Register. Certainly, not only the building is very significant for Sydney, but the site is significant too. It was the principal cemetery for the colony and this is recognised in the Heritage Council's Statement of Significance.

In fact the Heritage Council states that:

“Sydney Town Hall is significant for its continuing use as offices of the Council of the City of Sydney and as the city's civic and cultural centre. It is the centre of city politics and the place where decisions are made about the city.

Major civic events are celebrated here and the hall acts as the venue for major cultural events, benefit concerts and rituals.

It has high social value for all sections of the community and is used regularly as the meeting place for political protests and rallies. The building with its clock tower and steps is a city landmark and symbol of the city, both historically and today.”

The Statement of Significance acknowledges that the Town Hall “exhibits the highest level of craftsmanship, quality of materials and incorporates technological advances.”

I am therefore pleased to report that the Heritage Council has recommended the listing of Sydney Town Hall on the State Heritage Register.

In recommending this listing the Heritage Council has invited public comment. It is considering submissions after which the Heritage Council will make a recommendation to Diane Beamer, the Assistant Minister for Planning.

Once the Town Hall is listed on the State Heritage Register, the Heritage Council, along with the City of Sydney, will become the consent authority for changes affecting its heritage significance.

All that is not a day too soon, I would think. I am very pleased to give you that information.

## **ITEM 21. NOTICES OF MOTION**

### **AN END TO CONSTRUCTION WORK ON LONG WEEKENDS (S032462)**

**1. Moved by Councillor Firth, seconded by Councillor Lee -**

That the City of Sydney require as a condition of development consent that there be a prohibition on all construction works on the Saturday and Sunday adjacent to public holiday weekends, on the public holiday itself and on the adjacent industry Rostered Day Off, as agreed by the CFMEU and the Master Builders Association of NSW.

This condition will not apply to minor renovations or refurbishments to a single dwelling construction. This condition does not apply to owner-occupier renovations or refurbishments.

This motion addresses serious concerns raised by the local community regarding excessive noise pollution from construction sites, especially on weekends.

This provision restores long weekends not only to local residents but to construction workers. It will improve workplace safety and allow workers to spend quality time with their families and be involved in community activities.

The motion was lost on the following show of hands -

Ayes (4) Councillors Firth, Harris, Lee and Pooley.

Noes (6) The Chair (the Lord Mayor), Councillors Black, Hoff, Kemmis, Mallard and McInerney.

Motion lost.

### **‘FASHION GETS FAIR’**

**2. Moved by Councillor Firth, seconded by Councillor McInerney -**

That the Council requests council officers to meet with ‘Fashion Gets Fair’ organisers and prepare a report outlining the ways the City of Sydney can support the ‘Fashion Gets Fair’ initiative.

Such assistance could take the form of ‘in-kind’ donations such as supplying the use of the Sydney Town Hall free of charge and by assisting with the events promotion.

‘Fashion Gets Fair’ seeks to showcase the work of Australian Designers who are committed to the ethical and accountable manufacture of fashion.

The event will involve guests from the entertainment industry modelling the ethically made fashion created by Australian designers. 'Fashion Gets Fair' will also be targeting current and future young designers to play an essential role in the event and program as a whole.

'Fashion Gets Fair' will be actively encouraging young members of the community to engage with the project. Opportunities will be available for budding designers, stage directors, make-up artists, lighting designers and more to gain valuable work experience in the industry.

The 10<sup>th</sup> anniversary of Fashion Week provides an opportunity for the City of Sydney to encourage young Australians into the industry and support our designers of ethically made fashion.

Carried unanimously.

### **THE LATE CLIFF NOBLE**

#### **3. Moved by Councillor Pooley, seconded by Councillor Black -**

That Sydney City Council acknowledges and pays tribute to the enormous contribution made to this community by Mr Cliff Noble, a former Deputy Lord Mayor. It expresses its profound sorrow at his passing and extends its sincerest sympathy to all his relatives and friends.

Amendment. At the request of Councillor Black, and by consent, the motion was amended by the addition of the following sentence -

A letter expressing Council's condolences, under signature of the Lord Mayor, be sent to the Noble family.

Motion, as amended by consent, carried unanimously.

### **CROSS CITY TUNNEL FILTRATION**

#### **4. Moved by Councillor Kemmis, seconded by Councillor McInerney -**

That this Council, noting that:

- unfiltered vehicle emissions from the Cross City Tunnel and Eastern Distributor have the potential to adversely affect the health and wellbeing of City of Sydney residents, workers and visitors;
- tunnel filtration technology is available and being used effectively in road tunnels overseas; and
- the Roads and Traffic Authority are engaging in a trial of tunnel filtration technology

Resolves to work with the NSW Government and affected communities to achieve:

- a comprehensive study of the health impacts of unfiltered tunnel emissions from the City Tunnel and Eastern Distributor; and
- a comprehensive strategy for installing filtration systems into the Cross City Tunnel and Eastern Distributor.

Carried unanimously.

### **THE LATE NORMA CHAPMAN**

5. Moved by Councillor Black, seconded Councillor Mallard -

That Council:

- note with regret the passing of the late Norma Chapman,
- acknowledge that, as a longtime Kings Cross identity and owner of Clays Bookshop, Miss Chapman made an immeasurable contribution to cultural, literary and intellectual life of the Kings Cross and wider Sydney community;

and that Council's condolences be conveyed to late Norma Chapman's family in a letter, under the signature of the Lord Mayor.

Carried unanimously.

### **LOSS OF DIRECT PEDESTRIAN ROUTE FROM ULTIMO TO THE CITY**

6. Moved by Councillor Hoff, seconded by Councillor Kemmis -

Given that:

- the Ultimo community is justifiably angered by the loss of the pedestrian walkway from Fig Street Ultimo to the City;
- the replacement route to the City via Darling Harbour is an unsatisfactory, inadequate, and potentially unsafe alternative;
- the loss of the direct pedestrian route from Fig Street Ultimo to the City is inimical to this Council's goal of making the City pedestrian friendly;

And, notwithstanding that the NSW Government is responsible for restoring a direct pedestrian link between Ultimo and the City, Council resolves to work cooperatively with the Ultimo community, the Roads and Traffic Authority, the Sydney Harbour Foreshore Authority and other relevant NSW government agencies to restore such a direct pedestrian link.

Carried unanimously.

## ASBESTOS

### 7. Moved by Councillor Harris, seconded by Councillor Lee -

That the City Council develop a comprehensive asbestos policy which addresses the following issues :

- A clear response and follow up procedure for reports of asbestos within COS boundaries.
- Procedures for collection and disposal of asbestos material.
- Required procedures for contractors and homeowners who engage in demolition.
- Allowable times to be specified for demolition works in premises containing asbestos
- Notification requirements for nearby residents and occupiers when demolition is planned.
- The feasibility of employing suitably qualified people within the COS workforce to be used for collection and disposal.
- As a starting point that the Holroyd Council Policy be consulted in order to develop a COS policy

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

That Council request:

- (A) that a report be prepared for the Planning Development and Transport Committee addressing the issues presented by the likelihood of buildings within the City of Sydney containing asbestos products;
- (B) that the report address the following issues:
- response and follow up procedures for reports of asbestos;
  - procedures for collection and disposal of asbestos material;
  - procedures for the removal of asbestos from buildings;
  - procedures for contractors and homeowners who engage in demolition;
  - specification of times for demolition works in premises containing asbestos;
  - notification requirements for nearby residents and occupiers when demolition is planned;
  - the feasibility of employing suitably qualified people within the City of Sydney workforce to be used for collection and disposal;
  - any legislative change that may be required to enable Council to more effectively address asbestos related issues; and

- (C) the report have regard to actions taken by other Councils, including Holroyd and Ashfield Councils, to deal with this issue.

Motion, as amended by consent, carried unanimously.

At 10.50pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on 6 December 2004 at which meeting the signature herein was subscribed.