



17 MAY 2004

Meeting No 1410

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.05pm on 17 May 2004 pursuant to Notice 8/1410 dated 13 May 2004.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes.....	45
2. Disclosures of Interest.....	46
3. Minutes by the Lord Mayor	46
4. Memoranda by the General Manager	46
5. Matters for Tabling.....	46

<u>Subject</u>	<u>Page No.</u>
Reports of Committees -	
6. Report of the Finance, Properties and Tenders Committee – 10 May 2004	47
7. Report of the Cultural and Community Care Committee – 10 May 2004	52
8. Report of the Planning Development and Transport Committee – 10 May 2004	55
Reports to Council -	
9. Development Application: 151-153 Macquarie Street, Sydney (Former Zurich Building)	65
10. Development Application: 91 Bathurst Street, Sydney (Former Belvedere Hotel)	92
11. Development Application: 611-613 George Street, Sydney – Former Bourke Hotel.....	121
12. Draft Corporate Plan 2005-2007 and Draft Budget 2004/2005	166
13. Questions -	
Questions On Notice	167
Questions Without Notice.....	171
14. Motions	188
6.3 Exemption to go to Tender – Waste Management Services for The Block and Caretaker Services for The Redfern Community Centre	189

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 6.05pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Welcome

The Lord Mayor welcomed the Deputy Lord Mayor of the City of Melbourne, Councillor Susan Riley, to the meeting.

In response, on behalf of the City of Melbourne and its Lord Mayor, Councillor John So, Councillor Riley congratulated the new Council, especially the Lord Mayor and Deputy Lord Mayor, and wished them every success in their term of office.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of Wednesday 10 March 2004 (the Administrators)**

Moved by Councillor Pooley, seconded by Councillor Lee –

That the minutes of the meeting of Council (the Administrators) of Wednesday 10 March 2004, as circulated to Councillors, be confirmed, subject to the deletion, on page 159, of all the words from the end of the motion (the end of clause B) up to but not including the words “Motion carried”.

Carried.

Minutes of Council Meeting of Monday 15 March 2004 (the Administrators)

Moved by the Chair (the Lord Mayor), seconded by Councillor Pooley –

That the minutes of the meeting of Council (the Administrators) of Monday 15 March 2004, as circulated to Councillors, be confirmed, subject to “Mr” Turnbull being corrected to read “Ms” Turnbull as the mover of the motion on Item 6 on page 202.

Carried.

Minutes of Extraordinary Meeting of Council of Monday 19 April 2004

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

That the minutes of the extraordinary meeting of Council of Monday 19 April 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 Chris Harris disclosed a possible pecuniary interest in Item 7.2(c), in that he has a commercial business relationship with the Griffin Theatre Company.

No other Councillors disclosed any interests in any matter on the agenda.

ITEM 3. MINUTES BY THE LORD MAYOR

There were no Minutes by the Lord Mayor for this meeting of Council.

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 Hoff –

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

Carried.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE

PRESENT

Councillor Robyn Kemmis
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Shayne Mallard, John McInerney and Tony Pooley.

At the commencement of business at 4.08pm those present were -

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

Apology

The Hon Councillor Michael Lee extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee due to a prior commitment.

Moved by Councillor Pooley, seconded by Councillor Firth -

That the apology from Councillor Lee be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.50pm.

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 10 May 2004 be received, and the recommendations set out below for Items 6.1 and 6.2 be adopted, with Item 6.4 being dealt with as shown immediately following that item. Item 6.3 was dealt with at a later stage of the meeting in closed session.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 31 MARCH 2004 (S02-0960)

6.1

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 10 May 2004, on Investments Held by Council as at 31 March 2004, including the consolidated report on Investments Held by Council for the period ending 29 February 2004 as shown at Attachment A to the subject report, it be resolved that the report be received and noted.

Carried.

Order of Business

The Finance, Properties and Tenders Committee agreed that the order of business be altered such that Item 6.4 be brought forward and dealt with before Item 6.2.

Closed Meeting

At 4.45pm, during discussion on Item 6.4, the Finance, Properties and Tenders Committee resolved -

That the meeting be closed in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993 to discuss Item 6.4 in relation to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;

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

Open Session

At 5.13pm the Finance, Properties and Tenders resumed in open session and discussion on Item 6.4 concluded while the meeting was open to the public.

PALINGS LANE, SYDNEY ADJACENT 330-338, 340-346 GEORGE STREET – REQUEST FOR OWNER’S CONSENT TO ENABLE LODGEMENT OF A DEVELOPMENT APPLICATION

6.4

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 10 May 2004, on Palings Lane, Sydney Adjacent 330-338, 340-346 George Street – Request for Owner’s Consent to Enable Lodgement of a Development Application, it be resolved that Council refuse to grant consent as owner of Palings Lane, Sydney to the lodgement of the development applications for the site 330-338, 340-346 George Street and Palings Lane.

Note - The Finance, Properties and Tenders Committee resolved to make this recommendation to Council on the following show of hands –

Ayes (7) The Chair (Councillor Kemmis), The Lord Mayor, Councillors Black, Harris, Hoff, Mallard and McInerney.

Noes (2) Councillors Firth and Pooley.

Amendment. At the meeting of Council, an amendment was moved by Councillor Kemmis, seconded by Councillor McInerney –

That the motion be amended by the addition of a further clause -

In light of the recent interim heritage order in respect of 340-346 George Street, Sydney, which was subsequently revoked, Council staff be asked to investigate whether that property, or any parts of it, warrants listing on the City of Sydney Heritage Local Environmental Plan.

The amendment was declared carried.

The motion was carried on the following show of hands –

Ayes (7) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis, Mallard and McInerney.

Noes (3) Councillors Firth, Lee and Pooley.

Motion carried.

Note - Mr Ron Finlay and Mr Justin Hemmes addressed the meeting of the Finance, Properties and Tenders Committee on Item 6.4.

Note – The report on this matter that had been submitted to the Finance, Properties and Tenders Committee was reproduced in the Council meeting business paper.

Closed Meeting

At 5.16pm the Finance, Properties and Tenders Committee resolved -

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

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 6.2 on the agenda as this matter comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 6.3 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.

Items 6.2 and 6.3 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and Item 6.2 was subsequently dealt with by Council in open session.

CUSTOMS HOUSE FOOD AND BEVERAGE OPERATIONS TENDER 0388 (SO23749)

6.2

That arising from consideration of a report by the Venue Manager, Town Hall Management to the Finance, Properties and Tenders Committee on 10 May 2004, on Customs House Food and Beverage Operations Tender 0388, it be resolved that:

- (A) Compass Group, trading as Restaurant Associates, be appointed as provider of food and beverage services to Customs House for a two year period with an option to extend, at Council's discretion, for a further period of two years based on satisfactory performance;
- (B) authority be delegated to the General Manager to enter into a contract for the service and to approve the exercise of the option;
- (C) Council's Attorney be authorised to execute all necessary documentation;
- (D) Council note that:
 - (i) the proposed contract with the successful tenderer proves the ability to appoint alternative caterers for up to 10 'stand asides' per year, and also for Lord Mayoral and civic related functions, and

- (ii) the use of Australian based alternative caterers be encouraged in those instances.

Carried.

EXEMPTION TO GO TO TENDER - WASTE MANAGEMENT SERVICES FOR THE BLOCK AND CARETAKER SERVICES FOR THE REDFERN COMMUNITY CENTRE (2030554/DW/543666/SR)

6.3

Note – this matter was dealt with by the Finance, Properties and Tenders Committee and by the Council in closed session. See page 189.

ITEM 7. REPORT OF THE CULTURAL AND COMMUNITY CARE COMMITTEE - 10 MAY 2004

FILE NO:

DATE: 11/5/04

PRESENT

Councillor Phillip Black
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors 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 5.51pm those present were -

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

Councillor Hoff arrived at the meeting of the Cultural and Community Care Committee at 5.54pm during discussion on Item 7.1.

Councillor Lee arrived at the meeting of the Cultural and Community Care Committee at 6.20pm during discussion on Item 7.3.

The meeting of the Cultural and Community Care Committee concluded at 6.22pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor Lee -

That the Report of the Cultural and Community Care Committee of its meeting of 10 May 2004 be received, and the recommendation set out below for Items 7.1 and 7.3 be adopted, with Item 7.2 being dealt with as shown immediately following that item.

Carried.

The Committee recommends the following:-

SYDNEY FESTIVAL (S017629)

7.1

That arising from consideration of a report by the Manager Cultural and Community Affairs to the Cultural and Community Care Committee on 10 May 2004, on Sydney Festival, it be resolved that -

- (A) the City provide sponsorship of \$1,000,000 cash and \$20,000 value in kind per annum commencing financial year 2004/2005 for the 2005, 2006 and 2007 Sydney Festivals;
- (B) the value in kind is not restricted to venues, but may be made up of any revenue foregone that the City is in a position to provide;
- (C) authority be delegated to the General Manager to negotiate and execute an appropriate sponsorship agreement with Sydney Festival; and
- (D) the City request the Festival of Sydney to give serious consideration to:
 - (i) ensuring that access for low income persons to paid events within the Festival program is enhanced; and
 - (ii) the Festival engaging in discussions with the City as to how the Festival may support the City's commitment to recast the City of Sydney as a City of Villages.

Carried.

Declaration of Pecuniary Interest

At the meeting of the Cultural and Community Care Committee, Councillor Harris declared a possible pecuniary interest in Item 7.2(c) in that he has a commercial business relationship with the Griffin Theatre Company. Councillor Harris left the meeting at 6.12pm and did not take part in voting on this matter.

At the meeting of Council, Councillor Harris similarly declared a possible pecuniary interest in that matter. Councillor Harris left the meeting of Council at 6.25pm during discussion on Item 7.2(c) and returned at 6.27pm and took part in voting on the remainder of that matter.

CULTURAL FUNDING (S031204)

7.2

That arising from consideration of a report by the Manager, Cultural and Community Affairs to the Cultural and Community Care Committee on 10 May 2004, on Cultural Funding, it be resolved that -

- (A) the Council sponsor the S. H. Ervin Gallery to a value of \$10,000 for the financial year 2004/2005;
- (B) the Council sponsor Pinchgut Opera up to a value of \$20,000 for the financial year 2004/2005, to be applied exclusively to Pinchgut Opera's use of the City Recital Hall;

- (C) the Council sponsor Griffin Theatre Company to the value of \$15,000 for the financial year 2004/2005;
- (D) the Council sponsor Historic Houses Trust for Sydney Open (or an event of a similar nature) for the financial year 2004/2005 to a value of \$20,000;
- (E) the Council consider including some of its own buildings in Historic Houses Trust Sydney Open event;
- (F) authority be delegated to General Manager to negotiate and execute an appropriate sponsorship agreement with each of these organisations; and
- (G) consideration be given to funding each of these organisations for a further two years following a report to Council addressing the matters raised at the meeting of the Cultural and Community Care Committee.

At the request of Councillor Mallard, and by consent, the motion was amended by the deletion of clause (G) and the substitution of the following new clause (G) –

- (G) consideration be given to funding each of these organisations for a further two years following a report to Council outlining all Council's cultural and community funding, including sponsorship commitments.

Motion, as amended by consent, carried.

SPANISH QUARTER STREET FESTIVAL (S029958)

7.3

That arising from consideration of a report by the Manager, Cultural and Community Affairs to the Cultural and Community Care Committee on 10 May 2004, on Spanish Quarter Festival, it be resolved that –

- (A) Council provide funds for the Spanish Quarter Street Festival for the financial year 2004/2005 at a net cost to the City of \$50,000; and
- (B) consideration be given to funding the Spanish Quarter Street Festival for a further two years following a report to Council addressing the matters raised at the meeting of the Cultural and Community Care Committee.

Carried.

Note – Mr Antonio Soria and Ms Eva Rodriguez Riestra addressed the meeting of the Cultural and Community Care Committee on Item 7.3.

**ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND
TRANSPORT COMMITTEE - 10 May 2004**

FILE NO:

DATE: 18/5/04

PRESENT

The Deputy Lord Mayor Councillor John McInerney
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors - Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Robyn Kemmis, The Hon Michael Lee, Shayne Mallard and Tony Pooley.

At the commencement of business at 6.30 pm those present were -

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

The meeting of the Planning Development and Transport Committee concluded at 10.35 pm.

Report of the Committee

Moved by Councillor McInerney, seconded by Councillor Harris -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 10 May 2004 be received, and the recommendations set out below for Items 8.4, 8.6 and 8.7 be adopted, with Items 8.2, 8.3 and 8.5 being noted, and Item 8.1 being dealt with as shown immediately following this item.

Carried.

The Committee recommended the following:-

DETERMINED BY COUNCIL

**CARLTON AND UNITED BREWERIES SITE CHIPPENDALE: PREPARATION
OF SITE SPECIFIC DRAFT LOCAL ENVIRONMENTAL PLAN (S024626)**

8.1

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 10 May 2004, in relation to the Carlton and United Breweries Site – Proposed Draft Local Environmental Plan, it be resolved that:-

- (A) pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan (draft LEP) be prepared for the site known as the “Carlton and United Brewery site” (including land on the eastern side of Kensington Street currently owned by Carlton United Breweries and other privately owned dispersed lots) at Chippendale, as indicated in the revised diagram circulated to Councillors at the meeting of the Planning Development and Transport Committee on 10 May 2004;
- (B) the Study Area include land to the East of the site to Regent Street (as shown as the darker area in Attachment A to the subject report) in order to consider adjoining land with similar controls;
- (C) the City investigate, with the Department of Infrastructure, Planning and Natural Resources, the potential to exercise functions under Sections 64 and 69 of the Environmental Planning and Assessment Act 1979;
- (D) Council staff notify all relevant government agencies of Council’s resolution pursuant to Section 62 of the Environmental Planning and Assessment Act 1979, and ensure the greater community of Chippendale is properly informed and consulted;
- (E) Council staff report back to Council on the design competition entries after the jury has completed its report, although Council acknowledges the shortcomings in consulting on the design brief, by only allowing 10 working days for public comments;
- (F) Council develop a comprehensive consultation strategy to involve the local community, site owners, developer and other relevant stakeholders;
- (G) the draft LEP be supported by a number of supporting studies including:
 - (i) a heritage conservation management plan undertaken by the City, which should also give adequate consideration to the objectives of Amendment No. 1 South Sydney (Heritage and Conservation) Development Control Plan (DCP) 1998, which impact on the immediate adjoining areas and were put in place for the rest of Chippendale previously under a separate Local Government Area;
 - (ii) traffic and transport study undertaken by the City;
 - (iii) site contamination audit undertaken by the proponent;
 - (iv) open space study for the whole of Chippendale undertaken by the City; and
 - (v) community facilities study for the whole of Chippendale undertaken by the City;
- (H) appropriate funds be made available from General Revenue for the purpose of funding the studies;
- (I) as a guide, any draft LEP must include provisions relating to the following:

- (i) appropriate built form controls for the site (such as height and floor space ratio controls), that achieve an appropriate scale, recognising the built form in the area (including providing adequate consideration to the objectives of the provisions under Amendment No. 1 to South Sydney (Heritage and Conservation) DCP 1998, and which seek to improve upon the existing controls applying to the site;
 - (ii) provisions to require a mix of appropriate uses;
 - (iii) traffic management to ensure the existing neighbourhood streets are not adversely effected by traffic generated by the site, and to facilitate the equitable distribution of traffic to the road network, appropriate to the role of such roads;
 - (iv) the effect of the development on the surrounding public transport networks;
 - (v) heritage controls to ensure new development respects the significance of certain buildings and places on the site;
 - (vi) appropriate public open space, for both a future population on the site and the local community;
 - (vii) leading practices in sustainable development, including: design measures; measures to reduce use, and encourage reuse, of resources such as water and energy; reduction in reliance on cars; appropriate use of landscaping; and orientation and separation of buildings to respond to the site's constraints and opportunities etc;
 - (viii) appropriate provision and design of the public domain, to encourage public use and maximise safety; and
 - (ix) measures to integrate the site with the neighbourhood such that it does not function as a "gated community" and provides full integration with the fabric and heritage of the existing community;
 - (x) any new planning controls provide adequate protection against overdevelopment of individual sites and maintain the integrity of any proposed planning controls for the entire site after any future and subsequent subdivision(s) of the site;
- (J) residents in the area be advised by letter of the role of the competition, and the opportunities for involvement and comment in the process ahead;
- (K) the owners and proposed developer of the site be advised of the resolution of Council.

Amendment. At the meeting of Council, at the request of Councillor McInerney and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following motion.

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 10 May 2004, in relation to the Carlton and United Breweries Site – Proposed Draft Local Environmental Plan, it be resolved that:-

- (A) pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan (draft LEP) be prepared for the site known as the “Carlton and United Brewery site” (including land on the eastern side of Kensington Street currently owned by Carlton United Breweries and other privately owned dispersed lots) at Chippendale, as indicated in the revised diagram circulated to Councillors at the meeting of the Planning Development and Transport Committee on 10 May 2004;
- (B) the Study Area include land to the East of the site to Regent Street (as shown as the darker area in Attachment A to the subject report) in order to consider adjoining land with similar controls;
- (C) the City investigate, with the Department of Infrastructure, Planning and Natural Resources, the potential to exercise functions under Sections 64 and 69 of the Environmental Planning and Assessment Act 1979;
- (D) Council staff notify all relevant government agencies of Council’s resolution pursuant to Section 62 of the Environmental Planning and Assessment Act 1979;
- (E) Council staff report back to Council on the design competition entries after the jury has completed its report, although Council acknowledges the shortcomings in consulting on the design brief, by only allowing 10 working days for public comments;
- (F) Council develop a comprehensive consultation strategy to involve the local community, site owners, developer and other relevant stakeholders and ensure the greater community of Chippendale is properly informed and consulted;
- (G) the draft LEP be supported by a number of supporting studies including:
 - (i) a heritage conservation management plan undertaken by the City, which should also give adequate consideration to the objectives of Amendment No. 1 South Sydney (Heritage and Conservation) Development Control Plan (DCP) 1998, which impact on the adjoining areas and were put in place for the rest of Chippendale previously under a separate Local Government Area;
 - (ii) traffic and transport study undertaken by the City;
 - (iii) site contamination audit undertaken by the proponent and independently reviewed by the City;
 - (iv) open space study for the whole of Chippendale undertaken by the City; and
 - (v) community facilities study for the whole of Chippendale undertaken by the City;

- (H) appropriate funds be made available from General Revenue for the purpose of funding the studies;
- (I) as a guide, any draft LEP, or draft Development Control Plan, where appropriate, must include provisions relating to the following:
 - (i) appropriate built form controls for the site (such as height and floor space ratio controls), that achieve an appropriate scale, recognising the built form in the area (including providing adequate consideration to the objectives of the provisions under Amendment No. 1 to South Sydney (Heritage and Conservation) DCP 1998), and which seek to improve upon the existing controls applying to the site;
 - (ii) provisions to require a mix of appropriate uses;
 - (iii) traffic management to ensure the existing neighbourhood streets are not adversely affected by traffic generated by the site, and to facilitate the equitable distribution of traffic to the road network, appropriate to the role of such roads;
 - (iv) the effect of the development on the surrounding public transport networks;
 - (v) heritage controls to ensure new development respects the significance of certain buildings and places on the site;
 - (vi) appropriate public open space, for both a future population on the site and the local community;
 - (vii) leading practices in sustainable development, including: design measures; measures to reduce use, and encourage reuse, of resources such as water and energy; reduction in reliance on cars; appropriate use of landscaping; and orientation and separation of buildings to respond to the site's constraints and opportunities etc;
 - (viii) appropriate provision and design of the public domain, to encourage public use and maximise safety; and
 - (ix) measures to integrate the site with the neighbourhood such that it does not function as a "gated community" and provides full integration with the fabric and heritage of the existing community;
 - (x) any new planning controls provide adequate protection against overdevelopment of individual sites and maintain the integrity of any proposed planning controls for the entire site after any future and subsequent subdivision(s) of the site;
- (J) residents in the area be advised by letter of the role of the competition, and the opportunities for involvement and comment in the process ahead;
- (K) the owners and proposed developer of the site be advised of the resolution of Council.

Motion, as amended by consent, carried.

Note - Mr David Poklington, Ms Jeanette Brokman, Mr Michael Irving, Mr Simon Flynn, Mr Andrew Woodhouse, Ms Lindsay Charles, Ms Jackie Stanton, Associate Professor Susan Quine and Mr Chris MacLean addressed the meeting of the Planning Development and Transport Committee on Item 8.1.

DEVELOPMENT APPLICATION: 151-153 MACQUARIE STREET, SYDNEY (FORMER ZURICH BUILDING) (D2003/01296)

8.2

That consideration of this matter be deferred to the meeting of Council on 17 May 2004.

Carried.

Note – This matter was dealt with by Council as Item 9 on the Business Paper.

Note - At the meeting of the Planning Development and Transport Committee it was agreed that an inspection of the subject site be held on Wednesday 12 May 2004.

Note - Mr Keith Woodward, Mr Ian Tucker, Mr Andrew Thomas, Mr Justin Kennedy, Mr Richard Francis and Mr Craig Patterson addressed the meeting of the Planning Development and Transport Committee on Item 8.2.

DEVELOPMENT APPLICATION: 91 BATHURST STREET, SYDNEY (FORMER BELVEDERE HOTEL) (D03/01028)

8.3

That consideration of this matter be deferred to the meeting of Council on 17 May 2004.

Carried.

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

Note - Mr Paul Kapetas, Mr Mark Payne, Mr Michael Cambridge and Mr John Thacker addressed the meeting of the Planning Development and Transport Committee on Item 8.3.

**DEVELOPMENT APPLICATION: 12 BROUGHTON STREET,
WOOLLOOMOOLOO (D/03/00660)**

8.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 10 May 2004, in relation to Development Application D/03/00660 made by Mrs A Doran for the site at 12 Broughton Street, Woolloomooloo, for the demolition of the existing dwelling and erection of a new 3-storey dwelling with garaging for one car, it be resolved that consent be refused for the following reasons:-

- (1) The proposal fails to satisfy the objectives contained in Clause 28 of the South Sydney Local Environmental Plan 1998 – Built Environment Design Principles.
- (2) The proposal fails to comply with Part F, Section 1.2 of the South Sydney Development Control Plan 1997 and Part 4.2 of the South Sydney (Heritage Conservation) Development Control Plan 1998. The height and scale of the proposed building is not in keeping with the predominant scale and character of the streetscape along the northern side of Broughton Street, Woolloomooloo.
- (3) The proposed dwelling does not positively contribute to the character of the street or the surrounding area as per the requirements of Part E, Section 3 of the South Sydney Development Control Plan 1997 and Part 4.2 of the South Sydney (Heritage Conservation) Development Control Plan 1998. A replacement structure on this site must positively contribute to the streetscape and the Woolloomooloo Conservation Area.
- (4) The proposal exceeds the permissible floor space ratio for the site of 1.75:1 as stipulated in Part E, Section 2.2 of the South Sydney Development Control Plan 1997. The proposed development seeks to increase the FSR to 2.36:1 and as such it is considered to be an overdevelopment of the site, which also does not meet the performance criteria of the control.
- (5) The demolition of the significant sandstone wall along the Broughton Street frontage of the site is not supported as it would have an adverse impact upon the character of the Conservation Area, and the significance of the existing site (which is a heritage item).
- (6) The proposed garage and driveway crossing is considered to be inappropriate in the context of the existing streetscape along the northern side of Broughton Street and inappropriate in relation to the relevant controls for the Conservation Area. Furthermore, the proposed materials and finishes of the garage door are considered to be inappropriate in the context of the Conservation Area.

- (7) The proposed dormer window does not comply with the required proportional ratio of 1.5:1 as stipulated in Part F, Section 1.4.1 of the South Sydney Development Control Plan 1997. Furthermore, the proposed materials and finishes of the dormer window and other windows are considered to be inappropriate in the context of the Conservation Area.

Carried.

Note - Mr John Doran and Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee on Item 8.4.

DEVELOPMENT APPLICATION: 611-613 GEORGE STREET, SYDNEY - FORMER BOURKE HOTEL (D2003/00715)

8.5

That consideration of this matter be deferred to the meeting of Council on 17 May 2004.

Carried.

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

Note - Pastor Steve Turner, Mr Peter Wager and Mr Trevor Dixon addressed the meeting of the Planning Development and Transport Committee on Item 8.5.

DEVELOPMENT APPLICATION: 65-67 BOURKE ROAD, ALEXANDRIA (U03-00861)

8.6

That arising from consideration of a report by the Assessment Officer to the Planning Development and Transport Committee on 10 May 2004, in relation to Development Application U03-00861 made by Thiessen Architects for the site at 65-67 Bourke Road, Alexandria, for integrated development application to carry out staged demolition of existing buildings on the site and erection of a new industrial development comprising 181 strata industrial units for industrial purposes with dwellings used in conjunction with those uses, basement car parking, and kiosk, it be resolved that consent be refused for the following reasons:-

- (1) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 in that it does not comply with the Industrial 4 zone objectives in Clause 14(1)(a)-(f) of South Sydney Local Environmental Plan, 1998;

- (2) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Clause 10 of South Sydney Local Environmental Plan 1998, because it is not consistent with the zone objectives;
- (3) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 in that the proposal does not comply with Clause 23B of South Sydney Local Environmental Plan, 1998;
- (4) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 in that the proposal does not comply with Clause 49(2) and (3) of South Sydney Local Environmental Plan, 1998;
- (5) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 in that it does not comply with Clause 28(1)(a-h) of South Sydney Local Environmental Plan, 1998;
- (6) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 in that it does not comply with Clause 28(2) of South Sydney Local Environmental Plan, 1998;
- (7) The proposal is unsatisfactory having regard to Section 79(c)(1)(b) of the Environmental Planning and Assessment Act, 1979 in that the proposal will adversely impact on the provision of industrial activities on the site and will unreasonably inhibit the future operation of adjoining and surrounding sites by virtue of land use incompatibility;
- (8) The proposal is unsatisfactory having regard to Section 79(c)(1)(c) of the Environmental Planning and Assessment Act, 1979 in that the site is not suitable for the proposed range of land uses; and
- (9) The proposal is unsatisfactory having regard to Section 79(c)(1)(e) of the Environmental Planning and Assessment Act, 1979 in that the proposal is not in the public interest.

Carried.

**DEVELOPMENT APPLICATION: 328-342 KING STREET NEWTOWN
(U03-00572)**

8.7

That arising from consideration of a report by the Assessments Planner to the Planning Development and Transport Committee on 10 May 2004, in relation to Development Application U03-00572 made by Metro Plaza Pty Ltd for the site at 328-342 King Street Newtown, for the demolition of existing two storey commercial building and erection of a mixed use building comprising ground floor commercial area including a supermarket, three levels of residential use (38 residential units) and two levels of basement carpark, it be resolved that consideration of this matter be deferred, after consideration of a request by the applicant, to the next meeting of the Planning Development and Transport Committee.

Carried.

Note - Mr Angelo Candalepas addressed the meeting of the Planning Development and Transport Committee on Item 8.7.

ITEM 9: DEVELOPMENT APPLICATION: 151-153 MACQUARIE STREET, SYDNEY (FORMER ZURICH BUILDING) (D2003/01296)

Moved by Councillor McInerney, seconded by Councillor Hoff -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 10 May 2004, and to Council on 17 May 2004, in relation to Development Application DA 2003/01296 made by Crown Project for the site at 151-153 Macquarie Street Sydney, for excavation of basement level and use of the lower levels as a bar/restaurant/Place of Public Entertainment and associated building works and fitout, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/01296 dated 26 November 2003 and Statement of Environmental Effects prepared by Design Collaborative Pty Ltd, dated November 2003 and drawings numbered 0.01 issue C, 0.02 issue C, 0.03 issue C, 0.04 issue C, all dated 18.11.03 and 0.05 issue B, 0.06 issue B and 0.07 issue B all dated 17.11.03, all prepared by Landini Associates and drawings numbered VA02 & VA04 dated 11/02/2004 and sketch noted 'south elevation', dated 10.12.03 prepared by Scott Carver and as amended by the following conditions:

ACCORD WITH LICENSED PREMISES

- (2) 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).

SECURITY MANAGEMENT PLAN

- (3) The Licensee shall prepare and submit a comprehensive 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 the issue of the occupation certificate. Evidence that owners of neighbouring properties have been invited to contribute and comment on the Plan, as well as comments received, is required to be submitted with the final version of the Plan. A minimum of two appropriately trained and uniformed security staff are to be employed from 9.00pm Thursday, Friday and Saturday evenings until all patrons have left the vicinity of the site. The Plan is to be reviewed and resubmitted with the Place of Public Entertainment renewal.

USE OF MACQUARIE STREET ENTRANCE/EXIT

- (4) All patrons must only leave and enter the premises via Macquarie Street after 10.00pm.

SEPARATE P.O.P.E APPROVAL

- (5) Public Entertainment is limited to soloists, musical groups of no more than two (2) persons or a disc jockey. A separate application is required under the Local Government Act for a Place of Public Entertainment License. Such application shall be submitted and approved by Council prior to the use of the premises as a Place of Public Entertainment.

PLACE OF PUBLIC ENTERTAINMENT TIME LIMIT

- (6) The Place of Public Entertainment must cease after a period of twelve months from the date of commencement of the Place of Public Entertainment use (or twelve months from occupation certificate where this is unclear). The applicant shall advise the Council in writing at least two days prior to the commencement of the Place of Public Entertainment use. A further development application may be lodged before the expiration of the consent for Council's consideration of the continuation of the use. Any such further development application shall be accompanied by a management plan detailing, amongst other things, patron management, noise, security, monitoring of population numbers, communication and any submissions in relation to management during the trial period etc within the premises. Access arrangements to and from the premises are also required to be reviewed with any review of the Place of Public Entertainment Licence.

- (7) Where the licensed premises 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 in letters a minimum 25mm in height on a contrasting background.

INSTALLATION OF DUAL-FLUSH TOILETS

- (8) 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 CCTV

- (9) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and building surrounds. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

BEHAVIOUR OF PATRONS

- (10) 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 including Aurora Place Piazza 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.
- (11) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.

OPERATING HOURS

- (12) 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 shall be restricted to 7.00am to 12.00 midnight Monday to Saturday;
 - (b) 10.00am to 11.00pm Sunday;

LOADING AND UNLOADING

- (13) Delivery hours (excluding removal of recycled glass) to Phillip Lane are regulated as follows:
- (a) All weekday deliveries or collections are to occur between 7.00am to 8.30am & 5.30pm to 8.00pm; and

- (b) No deliveries should occur prior to 10.00am or after 5.00pm Saturday, Sunday or public holidays.

REMOVAL OF RECYCLED GLASS

- (14) The removal of recycled bottles and glasses shall only occur between 7.30am to 8.30am & 5.30pm to 8.00pm weekdays, and 10.00am to 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

INSTALLATION OF NEW BOLLARDS TO PHILLIP LANE

- (14A) Additional retractable bollards are to be installed in Phillip Lane, aligning with the southern property boundary of 145-147 and the northern property boundary of 149 Macquarie Street. The bollards are permitted to be retracted between:

- (a) 7.00am to 8.30am and 5.30pm to 8.00pm Monday to Friday; and
- (b) 10.00am to 5.00pm, Saturday, Sunday or public holidays only.

The bollards are to be provided at the applicant's cost. Details regarding the location and installation are to be submitted for approval of Council prior to the issue of the Construction Certificate. The bollards are to be installed to the satisfaction of Council prior to the issue of the Occupation Certificate. The owners of 147, 149 and 151-153 Macquarie Street are to be issued a set of keys able to retract the bollards at above times.

PHILLIP LANE STAKEHOLDERS FORUM

- (14B) The applicant is to facilitate a meeting/s as required of all stakeholders in the southern end of Phillip Lane within 30 days of having operations commenced at the site in order to provide a forum to discuss any matters arising regarding loading/unloading in Phillip Lane.

Minutes of the meetings, including detailed resolution of issues, are to be forwarded to Council within seven (7) days of the meeting.

SIGNAGE

- (15) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
- (16) No flashing signage or lights are to be visible from the public way.
- (17) Appropriate 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.
- (18) No signage visible from the public way shall be installed that advertises directly or indirectly, the gaming machines on site.

SPRUIKERS

- (19) 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.

NOISE - USE

- (20) 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.

- (21) 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.

NOISE - MECHANICAL PLANT

- (22) 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.

NOISE LIMITATIONS/ CLOSURE OF BI-FOLD DOORS TO PHILLIP LANE

- (23) The following are required to limit noise transmission:
- (a) The retractable glazed doors to the Phillip Lane elevation are to closed from 10.00 pm to 7.00 am;
 - (b) Installation of acoustic louvres to the proposed plant rooms;
 - (c) Internal acoustic lining of the proposed plant rooms;
 - (d) A noise limiter is to be connected to the in-house sound system and set to be activated if set noise limits are exceeded; and
 - (e) No amplification system is to be installed on the terrace of the lower ground floor or the verandah at ground floor level.

These matters are to be verified to be installed to the acoustic consultants satisfaction and checked by the Certifying Authority prior to the issue of an Occupation Certificate.

LICENSEE'S IDENTIFICATION

- (24) 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.
- (25) Due to the availability of cash dispensing facilities in the surrounding area, the negative social impacts of gaming (noting the weaknesses of those addicted to gambling and the desirability of leaving the premises if excess gambling occurs), no Automatic Teller Machines, EFTPOS, or the like to enable the dispensing of cash be allowed on the premises.

PROVISION OF PUBLIC TELEPHONES

- (26) The owner/s must provide, free of cost, an area for the installation of a public telephone. The area must be furnished with a public telephone (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider. The telephone should be accessible for use by persons with a disability and be available for public use during the normal opening hours of the premises. Details shall be approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 or prior to commencement of the use.

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

- (27) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 1997" in accordance with the following:-
- (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

MECHANICAL EXHAUST

- (28) Plans and specifications of the proposed mechanical exhaust ventilation shall be submitted to Council's Health Specialist for approval prior to the release of the Construction Certificate under the Environmental Planning & Assessment Act 1979.

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.
- (30) 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.

- (31) 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.
- (32) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (33) 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.

RECEPTACLES FOR CIGARETTE BUTTS

- (34) 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.

VENTILATION/HEATING/COOLING SYSTEMS

- (35) The proposed restaurant must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (36) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT

- (37)
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

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

Note:

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

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

RECYCLING

(38) 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.

SANITARY FACILITIES

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

EXCAVATION WORK METHOD STATEMENT

(40) 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.

GEOTECHNICAL REPORT AND CERTIFICATION

- (41) 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.
- (42) 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.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (43) 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.

DILAPIDATION REPORTS

- (44) Prior to commencement of site excavation works, dilapidation reports shall be undertaken of neighbouring properties. Copies of these reports are to be submitted to Council 48 hours prior to any excavation, shoring or underpinning works.

STRUCTURAL ADEQUACY

- (45) 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).

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 WORKS

- (46) 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.
- (47) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (48) 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.
- (49) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

USE OF MOBILE CRANES

- (50) 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

- (51) 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 - MINOR WORKS

- (52) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume.
- (e) Appropriate current professional indemnity insurance.
 - (i) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

- (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

ARCHAEOLOGICAL INVESTIGATION

(53)

- (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.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

(54) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (55) 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.

PUBLIC WAY TO BE KEPT CLEAR

- (56) 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.
- (57) 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.

HOURS OF WORK AND NOISE

- (58) The hours of construction and work on the development shall be as follows:
 - (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application

in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

LOADING AND UNLOADING DURING CONSTRUCTION

(59) 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.

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

- (60) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (61) 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.
- (62) The following requirements for the concealment of pipes, condensates and vermin proofing apply:-
- (a) All service pipes, electrical conduits and refrigeration condensate pipes shall be chased into walls, floor or plinths.
 - (b) All openings in walls, floors and ceilings through which service pipes pass shall be made proof against the access of vermin.
 - (c) The premises shall be made proof against the access of rats and vermin.
- (63) Clothes lockers for male and female staff shall be provided in the premises separate from food handling and storage areas.
- (64) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1 °C and able to be easily read from outside the appliance.
- (65) All joints formed by the butting together of fittings shall be sealed in such a manner as to eliminate any cavity or crevice or alternatively, a clear space of at least 75mm is to be provided between fittings.
- (66) The wash hand basin, shall be provided in a convenient position.
- (67) The wash hand basin shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40°C.
- (68) A double bowl sink or two compartment tub shall be provided in the food preparation area.
- (69) A dish washing machine and double bowl sink or two compartment tub shall be provided in the food preparation area.
- (70) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

- (71) 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.
- (72) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (73) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

COOLROOMS

- (74) Coolroom(s), refrigerated chambers, strong-rooms and vaults are to be constructed in accordance with G 1.2 of the Building Code of Australia.
 - (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
 - (b) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - (c) The coolroom being capable of storing food at a temperature of 5°C or below. A thermometer shall be provided which indicates temperature, displayed externally.
 - (d) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - (e) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

GREASE TRAPS

- (75) A permanent waste line from the grease trap room with a connection at the boundary of the premises shall be provided to enable the removal of waste from the grease arrestor. A grease arrestor (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area.

(76)

- (a) Prior to commencement of the use a Food Management Plan must be submitted to the Principal Certifying Authority for the total site complex detailing the design of the premises and the methods proposed to protect food from contamination or spoilage in accordance with the National Code for the Construction and Fitout of Food Premises, and the Food Regulation 2001.
- (b) The Food Management Plan must address the following issues:-
 - (i) The design, location and ventilation of all areas and rooms proposed for use in connection with food delivery.
 - (ii) The design of the delivery dock areas including the need for vermin proofing, storage, and refrigeration of food.
 - (iii) The proposed system of transportation and protection of food until delivered to the various outlets.
 - (iv) The need for specific food modules, dumb waiters or dedicated lifts designed for the carriage of food.
 - (v) The physical separation of the Food transfer areas from the Waste transfer areas.
 - (vi) The need for refrigerated rooms for Waste Handling.
- (c) Prior to commencement of the use a copy of the Food Management Plan and Certification in the form of Attachment F3 must be submitted. Such Certification must be given by an appropriately qualified and experienced Architect or other person appropriately qualified and experienced in Public Health or Food Technology.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (77) 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

- (78) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

GAMING MACHINES

- (80) The premises are restricted to a maximum of four (4) gaming machines to protect the amenity of the area.

WINDOW CLEANING

- (81) 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 six monthly.

REMOVAL OF GRAFFITI

- (82) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (83) 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.
- (84) No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.
- (85) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (86) 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.

1.

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

2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried.

ITEM 10. DEVELOPMENT APPLICATION: 91 BATHURST STREET, SYDNEY (FORMER BELVEDERE HOTEL) (D03/01028)

Moved by Councillor McInerney, seconded by Councillor Black -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 10 May 2004, and to Council on 17 May 2004, in relation to Development Application D03/01028 made by Mr Dimitrios Nanitsos for the site at 91 Bathurst Street, Sydney, for external alterations to the existing building on the subject site, and the internal fitout and use of the premises as a hotel (licensed premises) and restaurant, with hours of operation from 8:00am until midnight Monday to Saturday and 8:00am until 11:00pm on Sundays, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

- (1) Development must be in accordance with Development Application No. D/03/01028 dated 29 September 2003 and Statement of Environmental Effects prepared by Legal Services Group dated October 2003 information and drawings numbered DA07c, DA08d, DA09c, DA10c, DA11d and DA12 dated 16 February 2004 prepared by Kennedy Associates Architects and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Kennedy Associates Architects dated February 2004, as amended by condition 45(a).

Note:

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

APPROVED DESIGN ROOF-TOP PLANT

- (4) 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.
- (5) The screen enclosure and additional ducts located on the roof are to be consistent in colour with the existing roofscape.
- (6) The existing face brick areas of the façade above awning level shall not be rendered, painted or coated in any way.

BALCONY

- (7) The existing balcony at first floor level on the Kent Street façade shall be retained and not enclosed.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (8) 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.
- (9) The form of recording is to be as follows:-
 - (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-

- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
- (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

CONSERVATION ARCHITECT

- (10) 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.
- (11) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

INTERPRETATION STRATEGY

- (12) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Planning – Northern Zone.

- (a) 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.
- (b) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Planning – Northern Zone prior to the registration of an Occupation Certificate.

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.

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

- (14) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the “City of Sydney Section 61 Contributions Plan 1997” in accordance with the following:-
 - (a) Prior to the release of the construction certificate, evidence must be provided of Council’s written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the “City of Sydney - Cost Summary Report” indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the “City of Sydney - Cost Summary Report” may be obtained from the City of Sydney One Stop Shop and the City of Sydney’s website (www.cityofsydney.nsw.gov.au).
 - (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.

- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

REPORT TO BE COMPLIED WITH

- (15) The development shall be in accordance with the recommendations of the Mechanical Services Report prepared by Sansom Mechanical Services Pty Ltd dated 12 February 2003.

EXTERNAL LIGHTING

- (16) 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.

SIGNS

- (17) 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.

BUILDING NAME

- (18) Any change to the name of the building is to be subject to the approval of Council.

LICENSED PREMISES

- (19) The premises shall always be operated/managed in accordance with a signed and dated Code of Practice for the premises which has been approved Council prior to commencement of the use.

- (20) 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).
- (21) 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, and which has been prepared in consultation with the Glebe Administration Board (the proprietor of St Andrew's House and Sydney Square) and St Andrew's Cathedral School, for approval of Council prior to commencement of the-use.
- (22) The Plan shall include the employment of a minimum of two appropriately trained and uniformed security staff from 6.00pm Thursday, Friday and Saturday evenings until all patrons have left the vicinity of the site.
- (23) 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.
- (24) 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.
- (25) The Management/Licensee shall prevent patrons removing glasses, cans, bottles or alcohol from the premises.
- (26) The hours of operation are regulated as follows:
 - (a) The hours of operation of the premises shall be restricted to 9.00am to midnight Mondays to Saturdays and 11.00am to 11.00pm Sundays, with the exception of the outdoor courtyard area at Level 2.
 - (b) The outdoor courtyard area at Level 2 shall be restricted to 9.00am to 11.00pm Mondays to Fridays and 11.00am to 10.00pm on Saturdays and Sundays.
 - (c) Access to the premises shall be restricted to the Kent Street entry between the hours of 6.00pm and 8.00pm on Sundays.
- (27) At no time is the use of the outdoor courtyard area at Level 2 to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is likely to be caused, the hours of operation must be varied to the approval of Council.
- (28) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm Saturdays, to avoid noise disruption to the surrounding area.

- (29) No flashing signage visible from the public way shall be installed.
- (30) The gaming machines, or lights / signage that directly or indirectly advertises the machines, shall not be visible from the public way.
- (31) No automatic teller machines (ATM) shall be installed in the premises.
- (32) 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.
- (33) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.
- (34) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (35) Lighting shall be provided along Bathurst and Kent Streets for the full frontage of the site. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane. Wall mounted sconce lighting is recommended, to avoid damage to the pressed metal soffit of the awning. Details of the lighting are to be submitted for the approval of the Director City Planning – Northern Zone prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (36) 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.
- (37) 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.

- (38) The owner/s must provide, free of cost, an area for the installation of (a) public telephone(s). The area must be furnished with 1 public telephone(s) (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider. At least one telephone should be accessible for use by persons with a disability and be available for public use during the normal opening hours of the premises. Details shall be approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 or prior to commencement of the use.
- (39) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a development application under the Environmental Planning and Assessment Act, 1979 and an application under Section 68 of the Local Government Act, 1993.
- (40) 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.
- (41) The doors to Kent Street shall be kept shut at all times, except where required for direct ingress/egress (to limit noise) and mechanical ventilation, if required, shall be provided to meet BCA requirements.
- (42) 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.
- (43) 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 [X] Persons' in letters a minimum 25mm in height on a contrasting background.

Schedule 1B

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

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

DESIGN MODIFICATIONS

- (45) The design of the building shall be modified as follows:
- (a) Amendment of the Sample Board such that 'Paint Type 1' is indicated as the detail colour (eg. cornices, brackets, etc.), and a new lighter colour which complements the adjoining heritage items is nominated for the main rendered bands at the upper level spandrels and parapet.
 - (b) The amended colour scheme shall be illustrated by way of a colour photomontage which includes the adjoining properties, and is to be submitted with the amended Sample Board.
 - (c) Amendment of plans to indicate that all external glazing in the development is clear and untinted, including the glazing along Kent Street.
 - (d) Details of door to enclose gaming room, the design of which is to allow surveillance into the room from within the premises, but also to restrict views towards the gaming room from the public way and the potential light spill from the machines.
 - (e) Provision of wall mounted under awning lighting together with the photometric data, in accordance with condition 35 and Council's Exterior Lighting Strategy.

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.

PUBLIC DOMAIN PLAN

- (46) 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, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-

- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
- (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
- (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
- (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
- (vi) The retention and repair of any existing pavement lights.
- (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
- (x) The provision of smart pole(s), (to be provided at the applicants cost).

- (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.

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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (48)
 - (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).

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

Note:

- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

STORMWATER AND DRAINAGE

(49)

- (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.

DISABLED ACCESS

- (50) Access and facilities for people with disabilities shall be provided to the premises 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.

SIGNAGE STRATEGY

- (51) A signage strategy which identifies the number, type, size, location and lighting of signs required to ensure appropriate way finding within the development shall be approved by Council prior to the issue of the Construction Certificate.

GLAZING

- (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.

VENTILATION/HEATING/COOLING SYSTEMS

- (53) The proposed restaurant must not be used for cooking or heating of food unless a system of mechanical ventilation is installed to the cooking or heating appliances. Certified Plans and specifications showing details of any proposed mechanical ventilation system must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (54) The exhaust vents shall be positioned in accordance with the requirements of Australian Standard 1668 parts 1 & 2.

WASTE AND RECYCLING

(55)

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

The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

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

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

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

- (56) 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.
- (57) 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).

SANITARY FACILITIES

- (58) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (59) An airlock ventilated to the outside air must be provided to toilet compartments in accordance with the Building Code of Australia and AS 1668. The doors of the water closet compartment and airlocks shall be close fitting and self-closing.

INSTALLATION OF DUAL-FLUSH TOILETS

- (60) 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

- (61) 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.

PLANTATION OR RECYCLED TIMBERS

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

FITOUT OF FOOD PREMISES

- (63) 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.
- (64) A free standing wash hand basin shall be provided to all bars and food preparation areas. All wash hand basins shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40oC.
- (65) Adequate washing facilities shall be provided to the food premises in accordance with the National Code for the Construction and Fit out of Food Premises.
- (66) The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

- (67) Construction, containerisation and handling of waste arising from the development shall be in accordance with Council's Code for Waste Handling in Buildings.

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 WORK METHOD STATEMENT

- (68) 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.
- (69) 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.
- (70) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

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

WASTE MANAGEMENT DURING DEMOLITION

- (72) A Waste Management Plan for the demolition 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.
- (73) 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.

- (74) The Waste Management Plan must address demolition, 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;
 - (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.
- (75) 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.

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

- (77) Wastewater arising from the food premises shall be directed to sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporation's requirements should be obtained prior to the commencement of work.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (78) 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.
- (79) 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

- (80) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee in the sum to be determined by Council as security for any damage rectification (the sum being dependent on the coverage of the structure and the paving type).
- (81) 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.

CERTIFICATION OF MECHANICAL VENTILATION

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

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

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

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

Notes:

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

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

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

- (85) Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to “certify” works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A on the basis of documentary evidence of the person’s qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to “certify” the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.
- (86) Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems (Building Code of Australia and Australian Standard 1668 Parts 1 and 2).
 - (b) the commercial garbage and recycling storage rooms (Council’s Code for Waste Handling in Buildings).

- (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation areas, storage areas, including cellar: STANDARD REQUIREMENT – National Code for the Construction and Fit out of food Premises and the Food Act 1989 and Regulations there under.

Note:

The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning and 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, storm water 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 storm water system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position.

Schedule 1D

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

DEMOLITION WORKS

- (87) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
- (a) The approved Demolition Work Method Statement;
 - (b) Australian Standard AS2601-1991- Demolition of Structures;
 - (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
 - (d) The Construction Safety Act 1912 and Demolitions Regulations;
 - (e) The Occupational Health and Safety Act 1983; and
 - (f) All other relevant Acts and Regulations.
- (88) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (89) The hours of construction and work on the development shall be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

- (90) 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.

- (91) 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.
- (92) 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

- (93) 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.
- (94) 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.
- (95) 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. Prior to the issue of the Construction Certificate the certifying authority must ensure that the building design incorporates the required upgrading works.
 - (a) A sprinkler system must be installed throughout the building in accordance with Specification E1.5 of the Building Code of Australia;

- (b) Hydrant and hose reels must be provided to comply with E1.3 and E1.4 of the Building Code of Australia;
- (c) Openings in the external walls must be protected in accordance with C3 of the Building Code of Australia;
- (d) Emergency lighting and exit signs in accordance with Part E4 of the Building Code of Australia;
- (e) Portable fire extinguishers in accordance with E1.6 of the Building Code of Australia;
- (f) The doorways to the fire stair must be protected by self closing-/6-/30 self closing fire doors; and
- (g) The fire indices of finishes and materials in the fire stair must comply with Specification C1.10 of the Building Code of Australia.

MATERIALS TO COMPLY

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

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.
- (99) 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.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (100) 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.

- (101) 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.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (102) 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.

NUMBERING

- (103) 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.

FOOD PREMISES

- (104) Prior to issue of an Occupation Certificate, Council's Health & Building Compliance Unit (Health Section) shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.
- (105) Prior to the commencement of food handling operations, the proprietor of the café must notify the NSW Health Department of the following information:
- (a) Contact details of the food business including the name of the food business and the name and address of the proprietor;
 - (b) The nature of the food business; and
 - (c) The location of all food premises of the food business within the jurisdiction of NSW Health.

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE - MECHANICAL PLANT

- (106) 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.

(107) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

WINDOW CLEANING

(108) 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.

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

(110) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council's Service Planning Unit as to the position, time and manner of placement of waste on the public way.

(111) 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.

Note – Councillor Mallard requested that his name be recorded as voting against the motion.

Motion carried.

ITEM 11. DEVELOPMENT APPLICATION: 611-613 GEORGE STREET, SYDNEY- FORMER BOURKE HOTEL (D2003/00715)

Moved by Councillor McInerney, seconded by Councillor Black -

That arising from consideration of a report by the Area Planning Manager- City Centre to the Planning Development and Transport Committee on 10 May 2004, and to Council on 17 May 2004, in relation to Development Application D2003/000715 by Davenport Campbell Pty Ltd for the site at 611-613 George Street Sydney, for conservation works and the fit-out and use the premises for the purpose of a pub and restaurant operating 8.00 am until midnight seven days per week with a one year trial of extended trading until 2.00 am seven days it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
 - (a) Development Application No. D2003/00715 dated 24 July 2003;
 - (b) Statement of Environmental Effects prepared by Design Collaborative Pty Limited dated July 2003 and titled "Statement of Environmental Effects- prepared to accompany a development application seeking consent to undertake alterations and additions at 611-613 George Street, Sydney";
 - (c) Heritage Impact Assessment prepared by Rod Howard Heritage Conservation Pty Ltd and dated July 2003;
 - (d) drawings numbered A6-LB Issue A; A6-L0 Issue A to A6-L4 Issue A; A6-E1 & A6-E2 Issue A; A6-X1 Issue A and all dated 28.01.04; DA-LB Issue A dated 23.07.03; DA-L0 Issue A dated 28.01.04; DA-11 Issue B dated 28.01.04; DA-L2 & DA-L3 Issue B dated 28.01.04; DA-X1 & DA-X2 Issue A dated 23.01.04; DA-L4 Issue B dated 28.01.04; DA-E1 Issue B and DA-E2 Issue A dated 28.01.04; DR-01 to DR-03 Issue A dated 28.01.04.

as amended by the following conditions:

USE OF THE PREMISES

- (1A) The use of the premises is restricted as follows:
 - (a) Ground Floor: a bar area for the sale of liquor and other beverages and meals together with ancillary facilities which may only include tables and chairs in keeping with what would normally be associated with bar use, TAB area, television sets, and non-intrusive background music, and sanitary facilities.
 - (b) First Floor: a bar for the sale of liquor and other beverages and meals together with ancillary facilities which may only include tables and chairs in keeping with what would normally be associated with bar use, a TAB area, television sets, and non-intrusive background music.

- (c) Second and third floors: restaurant only together with commercial kitchen and associated services and facilities and dining tables and chairs.
- (d) Roof level: store room, life room, condenser units and hot water plant only.

APPROVED DESIGN

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

REMOVAL OF STUD WALLS- Ground floor

- (3) The stud walls proposed to define the lounge at the ground floor level of the building are to be removed to ensure that the spatial quality of the ground floor level of the pub is not diminished.
- (3A) No area within the premises is to be partitioned in any way including the erection of any walls, screens, partitions etcetera other than those shown on the plans approved pursuant to this consent. Condition (3) above requires the removal of the stud walls on the ground floor level.

APPROVED DESIGN ROOF-TOP PLANT

- (4) 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.

FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 3.51:1 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 667sqm.

BUILDING HEIGHT

- (6)
 - (a) The height of the new lift over-run is not to exceed building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 17.180 (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).

CONSISTENCY OF DRAWINGS

- (7) 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.

COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE

- (8) Concurrent with the release of the Construction Certificate, the “City of Sydney - Cost Summary Report” shall be completed in full and submitted to Council by the CERTIFYING AUTHORITY indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney’s website (www.cityofsydney.nsw.gov.au).
- (a) Should the total cost of the development exceed \$200,000, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the City of Sydney Act 1988 and the “City of Sydney Contributions Plan 1997” must be paid prior to the release of the construction certificate. Such payment must be verified by the CERTIFYING AUTHORITY. Payment if applicable shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
- (b) 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 (c) below.

- (c) 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 & 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.

BUILDING NAME

- (9) Any change to the name of the building is to be subject to the approval of Council.

ACCORD WITH LICENSED PREMISES

- (10) 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).

SECURITY MANAGEMENT PLAN

- (11) The Licensee shall prepare and submit a revised comprehensive 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, and addresses each of the following issues:
 - (a) a minimum of two appropriately trained and uniformed security staff are to be employed from 9.00pm Thursday to Sunday evenings until all patrons have left the vicinity of the site;
 - (b) the public safety aspects of the proposal including the location and opening hours of licensed premises in the vicinity and method of managing patrons moving between premises, and any cumulative impact that may arise as a result of the proposal;
 - (c) the location and intensity of all residential development existing and under construction in the locality and a method community consultation/feedback and of addressing concerns and complaints raised by residents, business operators and church goers in a timely and effective manner;
 - (d) the number of staff and patrons permitted in each area (floor) of the premises at any time and method of ensuring compliance with such requirements, opening hours and details of food service available during all operating hours;

- (e) A Code of Conduct for management, staff and security including the provision of an appropriate number and adequately trained security personnel, details of locations and proposed monitoring by CCTV cameras on site, and an adequate policy for addressing anti-social behaviour within the premises and surrounds and means of liaison between operators and managers of licensed premises in the locality and the NSW Police when necessary;
- (f) Interaction with the nearby places of Worship and means of directly addressing any potential effect on these places;
- (g) Traffic Management Plan including details of number, nature and timing of all necessary deliveries, and means of addressing potential adverse impact on local land uses and traffic;
- (h) Means of maintaining safety, security and cleanliness on the street frontages of the premises and in the nearby vicinity, during operating hours and after closing time.

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

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (12) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
 - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (13) The form of recording is to be as follows:-
 - (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-

- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (14) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

ARCHAEOLOGICAL INVESTIGATION

- (15)
- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
 - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
 - (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.

- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then 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.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

- (16) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (17) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (18) The new installations on the roof are to be consistent in colour with the existing roofscape.
- (19) The existing face brick areas of the façade above awning level shall not be rendered, painted or coated in any way.

INTERPRETATIVE STRATEGY

- (20) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Planning-North.
- (21) 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.
- (22) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Planning-North prior to the issue of an Occupation Certificate.

PAVEMENT LIGHTS

- (23) All pavement lights and vaults connected with the property are to be considered part of the property for the purposes of use and on-going maintenance. A notation to this effect must be included in the strata plan submitted for certification.

Details for the repair of the existing pavement lights are to be submitted for the approval of Council prior to the issue of a Construction Certificate.

HERITAGE CONDITIONS

- (24) 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 including in relation to the following:
- (a) All surviving early to mid 20th century doors, joinery, decorative ventilators etc. displaced by the works are to be labelled and stored on-site to facilitate future reinstatement. An inventory of the proposed stored items and storage location/s is to be submitted for the approval Council's Heritage Specialist prior to the issue of a Construction Certificate.
 - (b) All existing marble and cast iron fireplace and chimney pieces are to be restored and left in their original locations.
 - (c) The location of the Level 1 chimney breast demolished to allow for the new steel stair is to be interpreted on-site. Details in relation to the interpretation are to be submitted for the approval of Council's Heritage Specialist prior to the issue of a Construction Certificate.
 - (d) The existing chimney breasts on the southern wall of Levels 2 and 3 are to be preserved.
 - (e) All existing chimneys on the roof are to be preserved and are not to be obscured or damaged by proposed services platforms.
 - (f) Mechanical ventilation is to be designed to minimise impact on significant fabric and should be fully reversible.
 - (g) The paint is to be removed from the remnant ground floor interior tiles associated with the former ladies parlour and they are to be photographed insitu as part of the archival recording prior to demolition.
 - (h) Early fabric revealed during demolition works is to be recorded and representative evidence is to be retained insitu as part of the

interpretation works.

- (i) The awning including the existing pressed metal awning soffit is to be conserved and repaired. Such works are to be devised in consultation with the appointed conservation architect.
- (j) Early surviving ceiling linings, cornices and decorative details are generally to be retained insitu and preserved. The preservation and or removal (where appropriate) are to be undertaken in consultation with the appointed conservation architect. The removal, adaptation or covering of any such fabric is to be photographed insitu as part of the archival recording.

Final details in relation to the detailed resolution of the above matters, are to be submitted to Council's Heritage Specialist for approval prior to the issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979. All works above must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

- (25) The applicant is to investigate alternative treatments to bricking-up of the windows on the western building elevation in consultation with the appointed heritage architect. For example, the glazing could be appropriately treated to address any privacy issues arising.

COLOUR SAMPLE BOARD

- (26) A paint sample board which addressed all proposed painted exterior finishes (including the southern building elevation) is to be submitted for the approval of Council prior to the issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

FAÇADE CLEANING METHODOLOGY

- (27) Details of the cleaning method for the building façade is to be submitted for the approval of Council prior to the issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979. The methodology is to ensure that the special qualities of the original masonry and rendered cement joints are appropriately considered to avoid irreversible damage.

INTERPRETATION OF ORIGINAL WALLS

- (28) Design details for the interpretation of original walls throughout the building including detailing of wall returns and nibs to reflect the original room layouts are to be submitted for the approval of Council issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

DESIGN DETAILS- KEG CHUTE AND NEW ENTRANCE

- (29) Final design details for the reinstatement of the keg chute and the adjoining new entrance from George Street are to be submitted for the approval of

Council issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979. Such details should ensure minimising the impact on the existing pavement light.

GAMING ROOM

- (30) As undertaken by the applicant, no gaming machines are permitted on the site and do not form part of this consent. Any future gaming machines on the ground floor will be opposed.

AMENITY OF NEIGHBOURHOOD

- (31) At no time is the use of the premises to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is likely to be caused, the hours of operation must be varied to the approval of Council.

INSTALLATION OF CCTV

- (32) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrances and building surrounds. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

BEHAVIOUR OF PATRONS

- (33) 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.
- (34) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.

OPERATING HOURS

- (35) The hours of operation are regulated as follows:
- (a) The hours of operation of the premises shall be restricted to 8.00am to 12.00 midnight Monday and Saturday.
 - (b) On Sunday the hours of operation of the premises are restricted to 11.00am to 11.00pm. During this time, patrons shall be encouraged to enter and leave the premises via the Goulburn Street entrance. An appropriate sign is to be provided at all exits of the building specifying this requirement. Management is to ensure that procedures are in place to ensure patrons comply with this requirement.

- (c) Notwithstanding (a) above, the premises may operate between 12.00 midnight to 2.00am Thursday to Saturday 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.
- (d) At no time is the use of the premises, as outlined 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 above.
- (e) 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 (c) 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.

REMOVAL OF RECYCLED GLASS

- (36) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm on Saturdays, to avoid noise disruption to the surrounding area. The removal of recycled bottles and glasses is not permitted on Sundays.

SIGNAGE

- (37) A Signage Strategy which identifies future signage location on the exterior of the building is to be submitted for the approval of Council prior to the issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979. The Strategy is to have regard to the heritage significance of the building and historic signage locations. The Strategy is to be submitted for the approval of Council prior to the issue of a construction certificate for the development under the Environmental Planning and Assessment Act 1979.

Note: The proposed location identified for signage on the corner parapet (George/Goulburn Street) not supported until a Signage Strategy for the building has been prepared which provides for an holistic approach to the building signage and its content.

- (38) 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.
- (39) Appropriate 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.

SPRUIKERS

- (40) 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.
- (41) 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.

INSTALLATION OF DUAL-FLUSH TOILETS

- (42) All toilets installed within the dwelling 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 development under the Environmental Planning and Assessment Act 1979.

INSTALLATION OF WATER-EFFICIENT TAPS

- (43) All taps installed shall be water efficient 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 development under the Environmental Planning and Assessment Act 1979.

PLANTATION OR RECYCLED TIMBERS

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

GREY WATER

- (45) The applicant is to investigate the installation of appropriate technologies within the development to enable to the collection and re-use of the rainwater. A Report addressing this matter is to be submitted and approved by Council prior to the release of the Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

TELECOMMUNICATIONS PROVISIONS

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

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

NEW DA FOR RECEIVING DEVICE

- (47) 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.

EXTERNAL LIGHTING

- (48) A separate development application for any lighting which is either externally fitted or applied must be submitted for the approval of council prior to the installation.

UNDER AWNING LIGHTING

- (49) 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 and awning design is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

NOISE - USE

- (50) 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.

NOISE - MECHANICAL PLANT

- (51) 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 sub clause 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.

PLACE OF PUBLIC ENTERTAINMENT

- (52) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a development application under the Environmental Planning and Assessment Act, 1979 and an application under Section 68 of the Local Government Act, 1993.

NOISE COMPLAINTS

- (53) 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.

LICENSEE'S IDENTIFICATION

- (54) 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. This sign is to be displayed at the George Street entrance.

ATM'S

- (55) No automatic teller machines (ATM) shall be installed in the premises.

PROVISION OF PUBLIC TELEPHONES

- (56) The owner/s must provide, free of cost, an area for the installation of public telephones. The area must be furnished with 2 public telephones (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider. At least one telephone should be accessible for use by persons with a disability and be available for public use during the normal opening hours of the premises. Details shall be approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 or prior to commencement of the use.

HEALTH CONDITIONS

- (57) That the use of the premises shall not give rise to the emission into the surrounding environment of gases vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

- (58) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined under the Protection of the Environment Operation Act, 1997.
- (59) 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 existing sprinkler system shall be altered in accordance with AS 2118 so as to provide coverage to the whole building, and to incorporate the proposed installation of the new non fire isolated access stairs for the interconnection of basement, ground floor and first floor levels to comply with the requirements of Clause D1.3 of the BCA.
 - (b) Specific details with respect to the proposed method of providing mechanical ventilation, inclusive of restaurant kitchen exhaust, and basement areas is to be submitted and approved by the Certifying Authority prior to issue of a Construction Certificate
 - (c) Portable fire extinguishers are to be provided throughout the whole premises to comply with the requirements of AS2444 2001. Details are to be submitted to, and approved by the Certifying Authority prior to the issue of a Construction Certificate.
 - (d) A fire detection and alarm system is to be provided throughout the whole premises to comply with the requirements of Spec E2.2a of the BCA. Details are to be submitted to, and approved by the Certifying Authority prior to the issue of a Construction Certificate.
 - (e) Exit signs with directional arrows where necessary shall be provided in accordance with E4.5, E4.5 and E4.8 of the Building Code of Australia
 - (f) A system of emergency lighting shall be installed (including the rear path of egress) to comply with clauses E4.2 and E4.4 of the Building Code of Australia.

ANNUAL FIRE SAFETY STATEMENT

- (60) 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.

CONSTRUCTION ACTIVITIES

- (61) At all times construction activities are to be undertaken in a manner that respects the existing functions/operations of the carriageway surrounding the site ie. pedestrian movement and traffic.

Schedule 1B

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

CONSTRUCTION CERTIFICATE

- (62) 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.

HEALTH REQUIREMENTS

- (63) That the premises, in particular internal rooms not provided with natural ventilation complying with the requirements of Part 3.8.5 of the Building Code of Australia, shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia as AS1668 Parts 1 and 2.
- (64) The construction fit out and finishes of the bars, kitchens and cool store room shall comply with the Food Act 1989 and Regulations thereunder, the National Code for the Construction and Fit out of food Premises and the Food Safety Standards 3.2.3.
- (65) That wastewater arising from the cafe shall be directed to sewers of the Sydney Water Corporation (SWC) under a Trade Waste license agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to commencement of work.

EXHAUST FOR FOOD

- (66) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out. Details of any external exhausts shall be submitted for the approval of Council prior to the issue of a Construction Certificate.

NOISE FROM LICENSED PREMISES (AMPLIFIED MUSIC)

- (67) Noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria:

- (a) The L10 noise level emitted from the licensed premises shall not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- (c) Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

MICROBIAL CONTROL

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

MICROBIAL CONTROL

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

CONTROL OF LEGIONNAIRES NOTE 1

- (71) Note: Attention is directed to the requirements of the Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and NSW Health Code of Practice for the control of Legionnaires Disease. The Act, Regulations and Code include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems.

CONTROL OF LEGIONNAIRES NOTE 2

- (72) That the owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation thereunder. Registration forms are available from Council.
- (73) Certificates of design compliance and system performance for the nominated components/aspects of all required mechanical ventilation systems shall be provided to the Council at the time of lodgement of plans certifying the design and upon commissioning of the mechanical ventilation systems 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 respects of:
- (a) Ventilation.

DISABLED ACCESS AND FACILITIES

- (74) 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.

STRUCTURAL CERTIFICATION

- (75) 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).

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (76) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of work. 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.

RECEPTACLES FOR CIGARETTE BUTTS

- (77) 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.

WASTE MANAGEMENT

- (78)
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

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

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

- (79) Waste Management receptacles are not to be stored on the surrounding pavement prior to collection.

RECYCLING

- (80) 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 that 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.

SANITARY FACILITIES

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

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

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

- (83) 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:-

- (i) 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.
 - (ii) 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):-
 - (i) Structural drawings and certification as prescribed elsewhere in this Schedule.
 - (ii) 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(84)

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

Note:

- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

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

STORMWATER AND DRAINAGE

- (85) 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
- (86) 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.

PUBLIC DOMAIN PLAN

- (87) 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, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.

- (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
 - (x) The provision of smart pole(s), (to be provided at the applicants cost).
- (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:

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

UTILITY SERVICES

(88) 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

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

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

Schedule 1C

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

TRADE WASTE

- (90) That garbage/recycling storage facility for trade waste shall be located within the site that can be accessed by a commercial contractor. The details of construction, containerization and handling of trade waste and recyclables shall be submitted to Council prior to the commencement of works.
- (91) The licensee shall enter into a commercial contract for the collection of trade waste arising from the premises.

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

- (92) 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.
- (93) Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:

- (a) all proposed and required mechanical ventilation systems (Building Code of Australia and Australian Standard 1668 Parts 1 and 2).
 - (b) the commercial garbage and recycling storage rooms (Council's Code for Waste Handling in Buildings).
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation areas, storage areas, including cellar: STANDARD REQUIREMENT – National Code for the Construction and Fit out of food Premises and the Food Act 1989 and Regulations there under.
- (94) The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning and 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, storm water 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 storm water system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position.

DEMOLITION WORKS

- (95) 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.
- (96) 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.

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

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

MAINTENANCE PLAN

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

WASTEWATER

- (100) Wastewater arising from the food premises shall be directed to sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to sewer. Details of the Corporations requirements should be obtained prior to the commencement of work.

USE OF MOBILE CRANES

- (101) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (102) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-

- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

BARRICADE PERMIT

- (103) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (104) 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

- (105) 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.

(106) Notes:

- (a) 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.
- (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.
 - (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.

- (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (107) 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.

PUBLIC WAY TO BE KEPT CLEAR

- (108) 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.

PROTECTION OF STREET TREES

- (109) 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.

HOURS OF WORK AND NOISE

- (110) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

(111) 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 Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

(112) 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.

NO OBSTRUCTION OF THE PUBLIC WAY

(113) 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.

(114) 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

(115) 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.

FOOD PREMISES

(116) Prior to the commencement of food handling operations, the proprietor of the premises must notify the NSW Health Department of the following information:

- (a) Contact details of the food business, including the name of the food business and the name and address of the proprietor;
- (b) The nature of the food business; and
- (c) The location of all food premises of the food business within the jurisdiction of NSW Health.
- (d) 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. Prior to the issue of the Construction Certificate the certifying authority must ensure that the building design incorporates the required upgrading works.
- (e) A sprinkler system must be installed throughout the building in accordance with Specification E1.5 of the Building Code of Australia;
- (f) Hydrant and hose reels must be provided to comply with E1.3 and E1.4 of the Building Code of Australia;

- (g) Openings in the external walls must be protected in accordance with C3 of the Building Code of Australia;
- (h) Emergency lighting and exit signs in accordance with Part E4 of the Building Code of Australia;
- (i) Portable fire extinguishers in accordance with E1.6 of the Building Code of Australia;
- (j) The doorways to the fire stair must be protected by self closing-6-/30 self closing fire doors; and
- (k) The fire indices of finishes and materials in the fire stair must comply with Specification C1.10 of the Building Code of Australia.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

(117) 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.

NUMBERING

(118) 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.

HEALTH REQUIREMENTS

(119) The following requirements for the concealment of pipes, condensates and vermin proofing apply:-

- (a) All service pipes, electrical conduits and refrigeration condensate pipes shall be chased into walls, floor or plinths.
- (b) All openings in walls, floors and ceilings through which service pipes pass shall be made proof against the access of vermin.
- (c) The premises shall be made proof against the access of rats and vermin.

(120) Clothes lockers for male and female staff shall be provided in the premises separate from food handling and storage areas.

- (121) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1 °C and able to be easily read from outside the appliance.
- (122) All joints formed by the butting together of fittings shall be sealed in such a manner as to eliminate any cavity or crevice or alternatively, a clear space of at least 75mm is to be provided between fittings.
- (123) The wash hand basin, shall be provided in a convenient position.
- (124) The wash hand basin shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40°C.
- (125) A double bowl sink or two compartment tub shall be provided in the food preparation area.
- (126) A dish washing machine and double bowl sink or two compartment tub shall be provided in the food preparation area.
- (127) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

COOLROOMS

- (128) Coolroom(s), refrigerated chambers, strong-rooms and vaults are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (a) The floor of the coolroom shall be graded to the door and a floor trapped waste outlet shall be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom shall be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The coolroom being capable of storing food at a temperature of 5°C or below. A thermometer shall be provided which indicates temperature, displayed externally.
- (d) The floor of the coolroom shall be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.

- (e) An approved audible alarm device shall be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

GREASE TRAPS

(129) A permanent waste line from the grease trap room with a connection at the boundary of the premises shall be provided to enable the removal of waste from the grease arrestor. A grease arrestor (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area.

(130)

- (a) Prior to commencement of the use a Food Management Plan must be submitted to the Principal Certifying Authority for the total site complex detailing the design of the premises and the methods proposed to protect food from contamination or spoilage in accordance with the National Code for the Construction and Fit out of Food Premises, and the Food Regulation 2001.
- (b) The Food Management Plan must address the following issues:-
 - (i) The design, location and ventilation of all areas and rooms proposed for use in connection with food delivery.
 - (ii) The design of the delivery dock areas including the need for vermin proofing, storage, and refrigeration of food.
 - (iii) The proposed system of transportation and protection of food until delivered to the various outlets.
 - (iv) The need for specific food modules, dumb waiters or dedicated lifts designed for the carriage of food.
 - (v) The physical separation of the Food transfer areas from the Waste transfer areas.
 - (vi) The need for refrigerated rooms for Waste Handling.
- (c) Prior to commencement of the use a copy of the Food Management Plan and Certification in the form of Attachment F3 must be submitted. Such Certification must be given by an appropriately qualified and experienced Architect or other person appropriately qualified and experienced in Public Health or Food Technology.

MECHANICAL VENTILATION

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

WASTE CONTRACTS

- (132) 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.

BCA REQUIREMENTS

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (135) 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.

(136) The use of void construction is strictly prohibited in:-

- (a) any liquor bar areas;
- (b) all insitu bars, bar counters, servery bars or the like; and
- (c) any bounding or internal wall or partitions.

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

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

(138) 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:-
 - (i) 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.
 - (ii) 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):-
 - (i) Structural drawings and certification as prescribed elsewhere in this Schedule.

- (ii) 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.

HISTORIC MARKER

- (139) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site. The design, location and wording of the plaque shall be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

- (140) 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.
- (141) The glass shop front and all windows must not be tinted, screened by blinds, curtains or the like or obscured.

WINDOW CLEANING

(142) 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.

REMOVAL OF GRAFFITI

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

INTRUDER ALARM

(144) 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

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

NOISE AND VIBRATION

(146) 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

Note – Councillor Mallard requested that his name be recorded as voting against the motion.

Motion carried.

ITEM 12. DRAFT CORPORATE PLAN 2005-2007 AND DRAFT BUDGET 2004/2005 (S033451)

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

That arising from consideration of a report by the Finance Manager to Council on 17 May 2004, on the Draft Corporate Plan 2005-2007 and Draft Budget 2004/2005, it be resolved that Council:

- (A) approve the draft 2004/05 Budgets for inclusion in Council's draft Corporate Plan, as shown at Attachment A to the subject report, including:
 - (1) operating income of \$331.6M, operating expenditure before depreciation and financing of \$235.0M and a net surplus of \$72.8M after depreciation, financing and capital contributions;
 - (2) capital works expenditure of \$192.4M;
 - (3) plant and assets expenditure of \$18.7M;
- (B) approve the draft Schedule of Fees and Charges for inclusion in Council's draft Corporate Plan;
- (C) approve the inclusion of the proposed rating structure, discussed within this report, in Council's draft Corporate Plan;
- (D) approve the Corporate Plan for public exhibition for a 28 day period;
- (E) note that authority continues to be delegated to the General Manager to vary fees and charges for commercial operations, and to waive or reduce fees in cases of financial hardship or for pressing community needs;
- (F) affirm that no expenditure from the General Contingency, Building Maintenance Contingency, the Reserve for Special Organisational Needs, nor the Special Contingency in the Capital Works Budget, is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds;
- (G) affirm that no expenditure from the General Manager's Contingency is to be made without the approval of the General Manager;
- (H) note that expenditure on each item of plant and assets, and consultants (greater than \$20,000), will continue to require the specific approval of the General Manager prior to incurring the expenditure; and
- (I) a review of Council's Footpath Policy be referred to the next meeting of the Finance, Properties and Tenders Committee to consider the incorporation of a former Policy from the South Sydney City Council which allowed the waiving of legal fees and incidental costs in certain precincts.

Carried unanimously.

Note – The Lord Mayor thanked Council staff for their hard work and expertise in the challenging job of preparing the Corporate Plan and Budget. These remarks were endorsed by both Councillors Kemmis and Pooley.

ITEM 13. QUESTIONS ON NOTICE

CCTV ON OXFORD STREET (S032455)

1. By Councillor Mallard -

Question

Councillors would be aware of the recent increase in violence and particularly violence of a homophobic nature along Oxford Street Darlinghurst. In response to this and requests from the public can Council staff provide an urgent report on the cost and implementation program for CCTV to cover Oxford Street on both sides from Hyde Park to the intersections of Victoria Street (northern side) and Greens Road (Southern Side), Darlinghurst. Can CCTV be implemented as part of the Oxford Street gateway project? Can this report canvas the safeguards in place to protect privacy for the public?

Answer by the Lord Mayor

I have asked the General Manager to review the appropriateness and viability of extending the City's CCTV network into Oxford Street having specific regard to:

- (a) the unique demands of the local residential and business community of Oxford Street and its surrounding precinct;
- (b) the nature and incidence of crimes of violence in the area;
- (c) privacy and civil liberty considerations applying to the installation of CCTV in such an area;
- (d) the initial capital costs of installation of cameras and additional control room facilities, together with ongoing operating costs; and
- (e) whether the installation of CCTV would be an effective mechanism to address the problem, rather than result in relocation to adjoining locations.

PREMISES - FORMER SOUTH SYDNEY COUNCIL AREA (S032445)

By Councillor Pooley -

Question

Could an update be provided by Council Officers on the status of the prosecution of two illegally operating premises whose continued use was refused by the former South Sydney City Council. The premises are MSM automotive works at 56 Cope Street in Redfern and the brothel on the corner of Cleveland and Chalmers Street in Surry Hills.

Answer by the Lord Mayor

The General Counsel tells me that the premises at 56 Cope Street had approval to operate for 12 months. The owners sought approval for continued use, which Council refused. Council's refusal is currently the subject of an appeal to the Land and Environment Court.

The premises at the corner of Cleveland Street and Chalmers Street is approved for operation as a relaxation centre. The City Prosecutor tells me that the proceedings relating to the premises' use as a brothel have been discontinued after the respondent ceased operating the premises. City staff are investigating whether the new business proprietor is operating as approved and, if it can be established that the terms of consent are being breached, appropriate action will be commenced.

SOUTH SYDNEY LATE NIGHT PREMISES DCP (S032445)

By Councillor Pooley -

Question

The former South Sydney City Council completed extensive community consultation on the Late Night Premises DCP. Will this be brought before Council for its consideration? If so, when?

Answer by the Lord Mayor

I will get Council staff to brief Councillors in coming weeks about the draft DCP, including the other existing planning controls dealing with the same issue, to discuss the best way forward across the expanded Local Government Area. The timetable and priorities also need to be considered in conjunction with an overall strategic work program.

SOUTH SYDNEY DCP 11 (S032445)

By Councillor Pooley -

Question

The former South Sydney City Council completed extensive community consultation on DCP 11. Can we expect to see this document presented to Council for its consideration? If so, when?

Answer by the Lord Mayor

I will get Council staff to brief Councillors in coming weeks about the draft DCP, including the other existing planning controls dealing with the same issue, to discuss the best way forward across the expanded Local Government Area. The timetable and priorities also need to be considered in conjunction with an overall strategic work program.

COUNCIL'S DELEGATIONS (S032445)

By Councillor Pooley -

Question

The issue of delegations to the General Manager and Lord Mayor is an issue of some interest to Councillors. Could Councillors be provided with a printed list of the current delegations (including any delegations to the Deputy Lord Mayor or Committee Chairpersons). When will Council have an opportunity to review the delegations?

Answer by the Lord Mayor

This Council resolved on 19 April 2004 that -

- Councillors be briefed in relation to the existing delegations to the General Manager and the Lord Mayor; and
- the General Manager prepare a report to Council, through the relevant Committee, for a review of delegations.

A briefing will soon be provided and details of those delegations will be provided to Councillors at that time. There are no delegations to the Deputy Lord Mayor.

Chairpersons of Council Standing Committees -

- (i) have a casting vote in the event of an equality of voting (Resolution of Council - 19 April 2004);
- (ii) may determine when a matter dealt with in Committee shall be submitted to Council without recommendation (Resolution of Council - 19 April 2004);
- (iii) have the power to expel a person or persons from a Committee meeting (Code of Meeting Practice, Part "B", Clause 21).

TREES IN THE DOMAIN (S032445)

By Councillor Pooley -

Question

Could Councillors be provided with copies of the Legal Advice on which the Lord Mayor commenced legal proceeding in the Land and Environment Court in relation to the trees in the Domain?

Answer by the Lord Mayor

The General Manager informed Councillor Pooley in writing on 23 April 2004 that the legal proceedings for an injunction in the Land and Environment Court commenced on the basis of oral legal advice, as the urgent circumstances of the matter prevented written advice. The General Manager also tells me he provided Councillor Pooley on 27 April 2004 with a copy of Council's policy on access to legal advice which restricts the provision of hard copies of legal advice. This is particularly the case where legal proceedings are in train.

QUESTIONS WITHOUT NOTICE

ULTIMO AQUATIC CENTRE (S032443)

1. By Councillor Lee -

Question

Lord Mayor, you would be aware of plans to initiate a review of the City of Sydney's Aquatic facilities.

To ensure that this review does not cause needless concern amongst residents and staff will you, as Lord Mayor, give undertakings that whatever the recommendations of that review:

- (1) the new Ultimo Aquatic Centre will be built;
- (2) a new 50 metre swimming pool complex (with a hydrotherapy pool) will be built in Green Square; and
- (3) Prince Alfred Park and Victoria Park Pools will be upgraded whilst retaining the existing low entrance fee policy and the existing day labour work force staff.

Answer by the Lord Mayor

Councillor Lee, as you know, we spent three hours this morning travelling around looking at swimming pools and had a long discussion subsequently. I think all the matters you have raised are matters that would be supported by all the Councillors. It is part of the City's review of existing facilities, what needs to happen to existing facilities in order to improve them, and what new facilities need to be provided by the City.

I will certainly be pursuing that with all the Councillors to ensure that that is what we do over the next four and a half years.

I don't want to give those undertakings now because I think that is pre-empting a process that we have embarked on. In principle, I support the specific initiatives that you have described for various areas, but I would like the work that we discussed today to be carried out by Council, and I would like us to assess it in an informed way rather than making undertakings off the cuff without that information in front of us.

Personally, I think all those suggestions you have made would probably be ones that will be considered in our policy.

FORMER SOUTH SYDNEY COUNCIL'S GRAFFITI POLICY (S032442)

2. By Councillor Harris -

Question

Lord Mayor, I would like to address my question to Councillor Pooley. The strict enforcement of the City of Sydney's anti-graffiti policy in the newly amalgamated areas of South Sydney has caused some concern in the local communities, particularly in Erskineville and Newtown. Placing advertisements for spare rooms in share houses, pleas for information about lost dogs, and notices of garage sales are legitimate and often-used forms of communication in these areas and I've had a number of calls from residents who are upset about this new enforcement regime.

Councillor Pooley, could you inform Councillors about how the former South Sydney Council approached this issue?

Answer by Councillor Pooley

Councillor Harris, I can indicate that the former South Sydney Council had a less vigorous approach to graffiti removal, and I say that in its broadest sense, than is currently adopted by the City of Sydney. Certainly when our attention was drawn to posters, we concentrated on posters of a commercial nature as opposed to those placed by residents, and I think that is one of the issues that Council could certainly consider as we move to consideration of the current graffiti policy.

TRAFFIC COMMITTEE (S032446)

3. By Councillor Mallard -

Question

Lord Mayor, I note that a bicycle group is represented on Council's Traffic Committee. Can a representative of the Pedestrian Council of Australia, or a similar organisation, also be invited to become a member of the City of Sydney Traffic Committee?

Answer by the Lord Mayor

I invite Councillor McInerney to respond to the question, as Chair of the Planning Development and Transport Committee and Chair of the Traffic Committee.

Councillor McInerney

Lord Mayor, the Traffic Committee comprises formal members, such as Local Members of Parliament, representatives of the Roads and Traffic Authority (RTA), Police, etc. The other category of membership is non-formal members and an opportunity would exist for such an appointment there, so in answer to the specific question, yes, Council can, if it wishes, appoint such a person in the category of non-formal member.

I am happy to take this matter up with the Traffic Committee and place it on the agenda for the next meeting of the Committee.

Answer by the Lord Mayor (continued)

The Traffic Committee is a technical committee set up by the RTA. We established the make up of the Traffic Committee at our first Council meeting and I can nominate a representative of the cycling community. If we wish to add others we need to take it back to the Traffic Committee and the Deputy Lord Mayor has undertaken to list this matter for consideration at the Traffic Committee's next meeting.

TREES ON COUNCIL PROPERTY (S032446)

4. By Councillor Mallard

Question

Lord Mayor, can you give an undertaking that no mature trees on Council property, including footpaths and parks, will be removed without an information notice going to Councillors, unless an emergency public safety situation arises?

Answer by the Lord Mayor

Councillor Mallard, I am happy for that to occur.

LEGAL PROCEEDINGS (S032446)

5. By Councillor Mallard

Question

Lord Mayor, can Councillors be provided with a monthly list of all legal action involving the Council (Land and Environment Court and other Courts), including plaintiff and status of the action?

I think the list should be provided monthly. I think we should be regularly informed about our Court action, particularly Land and Environment Court issues.

Answer by the Lord Mayor

I agree with you. I am just trying to determine what sort of impost this will place on the City's General Counsel, who I know is already very overworked.

I ask if Council staff could report back on the viability of reporting monthly, but, in the meantime, continue to report quarterly.

COUNCIL'S MEDIA RELEASES (S032446)

6. By Councillor Mallard

Question

Lord Mayor, can Councillors be provided with electronic copies of all media releases issued on behalf of the City of Sydney at the time of issue?

Answer by the Lord Mayor

Councillor Mallard, I am happy for that to occur.

ULTIMO AQUATIC CENTRE (S032443)

7. By Councillor Lee

Question

Lord Mayor, I refer to my earlier question on Ultimo Aquatic Centre and the reason I asked that question in three parts is to simply put on record what I thought had been agreed this morning and in past discussions.

My concern is that given that some former Councillors of the former City of Sydney alleged that the new Council might not be committed to things like the new Ultimo Aquatic Centre, I think it is important that when news of the review of the aquatic facilities spreads there will be rumours around that we won't be wanting to proceed with some of the commitments that have been made before. That is the reason for my question.

I wouldn't have thought it would be very controversial just to seek a commitment from you, as the Lord Mayor, that there will be a new aquatic centre built and I would seek that from you - just the one item, that a new aquatic centre will be built at Ultimo. Can you give that undertaking?

Answer by the Lord Mayor

Councillor Lee, we are actually having a community meeting in Ultimo on Thursday where we will be discussing this item. I thought we reached some agreement today in our discussions in terms of putting a proposal to the community that we consider an aquatic centre that will be an outdoor heated aquatic centre, which will also contain the facilities that have been previously committed to that community.

This seemed to be a way forward for us given the problems that we are facing in terms of what had been proposed, and then what we were being told as a new Council as to the cost of what had been proposed increasing from \$25 million to \$40 million. We have just inspected a number of excellent facilities in the City, and in the knowledge that there are no facilities in the South Sydney area comparable with City facilities, with the new enlarged area we will have a responsibility to extend facilities of that standard to the former South Sydney area.

Having said all that, we thought today following our discussions that we would put to the Ultimo community on Thursday a way forward in order to provide them with what they have been promised, as well as being able to responsibly provide in other areas what is

needed - that we would be able to put to them the outdoor heated facility with the facilities previously committed to them, and I intend to do that on Thursday to open it up for community discussion, to move the commitment to the Ultimo Aquatic Centre forward.

I am sure all Councillors understand that there is a commitment there and we have to honour it. What we are trying to do is work out how we can responsibly do that and still honour, clearly, responsibilities we have in the extended City area, given that the blowout for the Ultimo Aquatic Centre has gone from \$25 million to \$40 million.

AQUATIC FACILITIES - FORMER SOUTH SYDNEY COUNCIL AREA (S032443)

8. By Councillor Lee

Question

My third Question is that, given that I share your concern about ensuring that the residents of South Sydney, and particularly those in the Green Square area, at least have reasonable access to aquatic facilities, and given the massive capital expenditure that the City has already undertaken in the former City of Sydney, could you give an undertaking that, despite this review of the aquatic facilities, Council does remain committed to building an aquatic centre in that Green Square or previous South Sydney area?

Answer by the Lord Mayor

Councillor Lee, I think the first priority for the City is to commit to upgrading the facility of Prince Alfred Park in the South Sydney area. We then need to assess what else is needed in the South Sydney area, stretching from Newtown and Erskineville right across to Green Square. I think we really need the information that the Executive Director City Development is to collect for us in terms of needs of the whole South Sydney area before we make specific commitments to specific areas.

In principle I am committed to providing needed facilities in the South Sydney area. I think the first thing we need to do is identify where they are needed. I know they are needed at Prince Alfred Park and I know that that has been very neglected for a very long time, as we observed today when we inspected it. That would be the first cab off the rank in the South Sydney area, I would have thought. But I think we need the report about what is needed in the other parts of South Sydney before we make commitments to it.

PRINCE ALFRED AND VICTORIA PARK POOLS (S032443)

9. By Councillor Lee

Question

Lord Mayor, I share your view about the importance of upgrading Prince Alfred Park, particularly the recommissioning of the toddlers pool and spending the modest sum of money that is required to get that up and going for next summer.

Given the Council intends to spend money on Prince Alfred and Victoria Parks, can we have an undertaking that we will maintain the low fee policy for Prince Alfred and Victoria Parks, and can we give an undertaking that the day labour staff that are currently employed at Victoria Park will remain there looking after that pool, because they do an excellent job?

Answer by the Lord Mayor

Councillor Lee, I feel uncomfortable about giving those sorts of commitments without having the necessary information in front of me. I, in principle, support maintaining the low fees in both those areas because the communities that live adjacent to them are low income communities, so I am certainly very committed to that.

However, I really believe that we need to make informed decisions and we need to have that information in front of us. But in principle, yes, I certainly support that and in principle I support the day labour too.

ULTIMO PRECINCT COMMITTEE (S032444)

10. By Councillor Firth

Question

Lord Mayor, I am sure you are aware that the former Lord Mayor of Sydney disbanded the Ultimo Precinct Committee last year. There is still strong community support in Ultimo for the re-establishment of a precinct committee, though they are also looking at different ways of engaging with Council.

I just wanted to ask tonight if the community does decide that they want a precinct committee, do you undertake to re-institute the Ultimo Precinct Committee?

Answer by the Lord Mayor

I have heard conflicting reports about the Ultimo Precinct Committee. Certainly my team is committed to establishing precinct committees and building on existing community support structures right across the City area. I think we need to know what sort of committee that community wants and, as I have said, I have heard conflicting reports about it.

We will be meeting first of all with that community on Thursday and I am sure they won't hold back in telling us what they want, and then we will have to move forward and assess the best way that we can support what they feel will provide for their needs.

GLEBE POINT ROAD - PARKING METERS (S032444)

11. By Councillor Firth**Question**

Lord Mayor, during the Council election campaign the Labor Councillors campaigned on shutting down the parking meters in Glebe Point Road after 6.00 pm, in line with the policy followed in King Street, Newtown, which was very successful and which the businesses supported because of the reinvigoration of the restaurant trade.

To follow up on that, I ask would you commit to that policy of turning off the parking meters at 6.00 pm in Glebe Point Road, as per the King Street method, which is greatly supported by small businesses and restaurants in Glebe Point Road?

Answer by the Lord Mayor

Councillor Firth, certainly we got that feedback from businesses on Glebe Point Road when we were electioneering. I invite Councillor Kemmis, who lives in and represents that area, to comment.

Councillor Kemmis

Lord Mayor, I have been talking with local folk and the Chamber of Commerce and I am putting forward a request to pursue that closure at 6.00 pm to see just what impact it would have in terms of revitalising the level of activity with restaurants and so on. I propose to put that in motion.

Answer by the Lord Mayor (continued)

I think there is general support to revitalise Glebe Point Road and we need to really investigate how best to do that. Certainly we have had discussions about turning the meters off at 6.00 pm as one way of doing it and I think that sounds like a very good idea.

POSTERS ON TELEGRAPH POLES (S032444)**12. By Councillor Firth****Question**

Lord Mayor, I have been receiving emails from residents in Newtown, and it is a bit along the line of what Councillor Harris has been saying about the “over the top” graffiti policy, regarding posters on the telegraph poles.

If anyone knows King Street, Newtown, it is a hustling, bustling street that celebrates diversity and freedom of political expression and there are all these different community posters up everywhere on the telegraph poles, and they are being removed every Wednesday in this sort of sanitising way.

I think a lot of the community feels that some of the spark is being taken out of Newtown and I wonder whether, Lord Mayor, we could have your opinion on that and maybe a less sanitising way for Council to go about its business?

Answer by the Lord Mayor

Councillor Firth, I think we should have a discussion on this. I know that the City Council gets very strong support for its graffiti program and I think there are two points of view here.

Certainly this is something that has come up in Parliament fairly frequently and I have always voted along the lines of The Greens on this, in that the community should have a way of publicising its ideas in public places. I am very much opposed to public places being used by commercial outlets, but I think that it is really very important for freedom of expression, political expression, and community expression.

Perhaps we need to do some more work on our policy so that, on the one hand, we are removing graffiti that people find offensive and, on the other hand, we are allowing community information to continue to be able to be available in various ways. It is probably quite difficult to achieve but I think that we need to have some discussion about it. Perhaps we could have a report prepared on this matter for consideration by the Cultural and Community Care Committee.

There is such strong support for Council's clean up graffiti program but, on the other hand, to be able to allow that freedom of expression that we have had in areas like Oxford Street and King Street, Newtown, I think is very important. We may need to look at our own notice boards in lieu of telegraph poles.

STRATEGIC TRAFFIC, PARKING AND OPEN SPACE STUDY (S032444)

13. By Councillor Firth

Question

Lord Mayor, this may have already been dealt with, but I received a fax from the Secretary of the Pymont Community Group requesting that representatives from Friends of Pymont Point, Pymont Community Group, Pymont Action and the Glebe Society be involved in the Strategic Traffic, Parking and Open Space Study to be undertaken by the City of Sydney Council.

I think that is a good idea and I just ask will the Lord Mayor undertake to ensure that these community groups are involved as requested?

Answer by the Lord Mayor

The answer is Yes.

COMMERCIAL SIGNS (S032442)

14. By Councillor Harris

Question

Lord Mayor, through you, I would like to ask a question of the General Manager, which I am happy for the General Manager to take on notice.

Do real estate agents and businesses seek Council permission for signs and sandwich boards erected on fences, traffic islands and footpaths? An example of this I saw recently was a sandwich board at the corner of Wentworth Park and Bridge Roads, which advertised a restaurant a couple of hundred metres down the road. I would be interested to know if they got Council permission for that.

If they don't have permission, does Council have a policy of removal within 24 hours and how does it implement this?

Could Council prepare a report on how we might differentiate between neighbourhoods with our anti-graffiti policy and how we might differentiate between graffiti - what is graffiti and what is community information - and what many residents see as business graffiti. How do we differentiate between those things and how do we balance those issues?

Answer by the Lord Mayor

Councillor Harris, these issues could be incorporated in the report we are seeking. I invite the General Manager to respond.

General Manager

Lord Mayor, I think as evidenced by the many parts to Councillor Harris' question, this is not an easy issue and we do need to provide that report. We do not try to limit people's freedom of expression, but graffiti is a scourge on the inner City, in particular, and our program, as the Lord Mayor has pointed out, has been highly popular.

You don't want the contractors who remove the graffiti to be arbiters of artistic freedom, viz a viz, offensive graffiti, so it is up to the Council to grapple with that problematic issue.

CITIZENSHIP CEREMONIES (S032443)

15. By Councillor Lee

Question

Lord Mayor, is it correct, as recently reported in the media, that you have asked the Deputy Lord Mayor to conduct some or all citizenship ceremonies?

What has been the past practice at the City of Sydney and South Sydney Councils?

Will you, as Lord Mayor, make every endeavour to attend and preside over citizenship ceremonies, given the great personal significance for local residents who are receiving their Australian Citizenship, and also given the great contribution that migration has made and continues to make to our City and our country?

Answer by the Lord Mayor

Councillor Lee, Citizenship ceremonies can be presided over by the Lord Mayor, the Deputy Lord Mayor, or the General Manager. I am certainly committed to presiding over Citizenship ceremonies where it is possible and where it is not possible the Deputy Lord Mayor or the General Manager will preside over them.

The reports in The Daily Telegraph aren't true, I told them at the time they were untrue, but that doesn't seem to affect what The Daily Telegraph reports, which is most unfortunate.

SIGNAGE ON STREETS (S032441)

16. By Councillor Black

Question

Lord Mayor, I would like to move the graffiti debate in a slightly different direction and it is concerned with the graffiti, if we are going to use that term, of official signage, which is cluttering up our streets. The most recent addition to this is the bicycle routes in South Sydney. Not only have the signs gone up which indicate the routes - that is probably more than legitimate - but extra poles, and some within a metre of a pole that already exists.

I think there needs to be some policy to declutter the streets of this signage and I would ask you if you could instigate an investigation along those lines.

Answer by the Lord Mayor

Councillor Black, I have already raised this matter with the General Manager. I agree with you in relation to Council developing a tree planting program, a maintenance program, a program to remove street clutter, and a program to improve street lighting for pedestrians, and we have already had that discussion. When that information is ready I will bring it to Council.

COUNCIL ELECTIONS (S032445)

17. By Councillor Pooley

Question

Lord Mayor, as you are aware, the Local Government and Shires Associations are conducting an inquiry into the conduct of the recent Council Elections. I wonder whether Council officers could prepare a report on the City of Sydney Elections. I would certainly be happy to provide advice about a number of booths which I think were understaffed and had very long queues. There was also a number of booths which historically have provided voting services which were not open. I want to stress I'm not complaining about Council staff and their involvement in the election but rather we should just be making every effort to make it as easy as possible for voters.

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

Councillor Pooley, the State Electoral Office staffed all the booths, it had nothing to do with us.

Answer by the Lord Mayor (continued)

Councillor Pooley, I agree with you and I think Council should make a submission to that Inquiry. Do you know what the timeframe is?

Councillor Pooley

I apologise I don't, but I believe it is 30 June 2004, and I will certainly confirm that.

TREES IN THE DOMAIN (S032445)

18. By Councillor Pooley

Question

Lord Mayor, thank you for the answer to my Question on Notice, printed on page 303 of tonight's Business Paper, about Legal Advice provided about the trees in The Domain. I am happy to confirm the answer. The General Manager did advise me of what is reported in that answer in writing and did provide me with a copy of the legal advice policy.

I suppose the point of the question was to find out whether we'd moved on from that initial advice. Is our legal challenge still dependent upon verbal advice provided at short notice? Is it your intention to seek the endorsement of Council for the decision to take legal action?

Could Councillors be provided with a copy of the advice on the expected cost of that challenge that you indicated on 2BL that you would be seeking from the General Manager?

Answer by the Lord Mayor

Councillor Pooley, that advice was sought in a situation where urgent action was required. To just bring you up to date on where that action is at, we are preparing our case for the Land and Environment Court on 27 May 2004.

However, I met with the Attorney General last Thursday and put a proposal to him to try to seek an outcome which didn't involve us going to court and yet would save the trees. He agreed to come back within a few days. Today is Monday, I haven't heard from him.

I intend to circulate the proposal I put to him and his response. I have not made any public statement about that because I wanted to give him time to come back to us.

I think, as far as Council is concerned, and the general community, we have had tremendous support for the action we took on those trees and what we would like to do is find a solution that the Minister can feel comfortable with and that saves the trees.

Currently our court case will involve extending our Tree Preservation Order to the Royal Botanic Gardens and Domain Trust. That shouldn't be necessary given the Trust is meant to provide the sort of protection that we are seeking. However, there is a very strong feeling, and I share it, that you can't always trust the Trust.

You all know about the campaign that the community had to mount to stop the Centennial Park and Moore Park Trust putting McDonalds in Moore Park. So, there is a concern that I share with the general community about what the Royal Botanic Gardens Trust is up to in this case.

I think, certainly, if you inspect those trees in Hospital Road that they are planning to remove, you will see that there is a lot of life left in them and it would be a great loss to the City if those trees go.

I haven't heard back from the Attorney General but I will circulate to you the proposal I put to him which virtually requested that they undertake the sorts of protection that we expect from the Trust in terms of looking after the trees and that they consult adequately in the future. That is basically what we are requesting and that they leave these trees, they don't remove these trees.

TREES IN THE DOMAIN - LEGAL ACTION (S032445)

19. By Councillor Pooley

Question

Lord Mayor, thank you very much for that answer. I don't want to dwell on the issue but I suppose my major point is I have got no argument with the urgency by which you decided to commence legal action.

My interest is that, in relation to the Land and Environment Court case, if there would be a decision by the Planning Development and Transport Committee or Council to commence that action and Council hasn't endorsed your decision to commence that legal action.

But, if you would like it to be deferred to our broader discussion about delegations, I am happy about that. I just want you to understand where I am coming from on that.

Answer by the Lord Mayor

I understand where you are coming from. We didn't discuss that when we were discussing delegations. I had the authority to do what I did and I believe I had the support of a majority of Councillors. I certainly have the support of a majority of people in Sydney from the feedback I have had generally.

LEASES/LICENCES - TWO SPORTING CLUBS (S032445)

20. By Councillor Pooley

Question

Lord Mayor, I notice that the Deputy Lord Mayor is 'bouncing the ball' at the commencement of the Newtown Swans Junior Aussie Rules season on Saturday week. The former South Sydney City Council had completed a process to provide two leases or licences, one to the aforementioned Junior Aussie Rules Club, and one to the South Sydney District Cricket Club. I wonder whether we could be provided with advice about when Council would be likely to consider those two licences.

Answer by the Lord Mayor

Councillor Pooley, I will provide an answer to that.

SSROC (S032445)

21. By Councillor Pooley

Question

Lord Mayor, is there an intention to bring to Council the issue of whether the City of Sydney joins the South Sydney Regional Organisation of Councils (SSROC)?

Answer by the Lord Mayor

Councillor Pooley, I know the former Lord Mayor before last took the City out of those organisations, including the Local Government Association. I think the new Council

should consider whether or not it would like to rejoin those organisations and I am very happy for Council to consider that. I invite the General Manager to also respond to the question.

General Manager

Lord Mayor, the City did rejoin the Local Government Association. There was a dispute with the Association, which was resolved, and we rejoined. We pulled out of the Inner Metropolitan Regional Organisation of Councils.

The City of Sydney was never a member of SSROC, but I think we are now a member of SSROC by virtue of South Sydney's membership, so we already are a member as far as I'm concerned.

COUNCILLORS' INFORMATION SERVICE (S032445)

22. By Councillor Pooley

Question

Lord Mayor, I wonder whether there is a Councillors' Information Service. I just haven't been able to track it down.

I just want to acknowledge, I believe it was Council officer, Kate Pembroke, that sent us a schedule today of the Community Meetings and that is great. I am just wondering whether we can combine that in the style of a calendar showing Community meetings, Council meetings, Traffic Committee meetings, and Central Sydney Planning Committee meetings?

Answer by the Lord Mayor

Councillor Pooley, that is a very good suggestion. I request a schedule of meetings be provided to Councillors in the Councillors' Information Service.

TREES IN THE DOMAIN (S032440)

23. By Councillor Hoff

Question

Lord Mayor, I would like to bring the discussion back to the trees just briefly. Given that those trees in The Domain were damaged around their roots at the time that they were going to be moved, I am wondering what initiatives are now in place to protect them or to just keep them living whilst these decisions are taking place.

Answer by the Lord Mayor

Councillor Hoff, I did write to the Trust and asked them to ensure that those trees were looked after during this period before the Court case and that didn't happen. The Greens

and other community activists stepped in with the help, I understand, of Kerry Packer and were able to mulch those trees in the absence of the Trust carrying out their responsibilities. I invite Councillor Harris to also respond to the question.

Councillor Harris

Lord Mayor, I am pleased to report that I led a band of merry mulchers, not as Councillor Harris, but as Chris Harris. They weren't members of The Greens - none of them except for myself was a member of The Greens. They were all community members, they were all passers-by in fact, people that had passed by our very first actions in The Domain.

We did get a donation of mulch from a prominent Sydney businessman, and there is speculation about who that might be, and another donor loaned us some equipment, which was terrific. We turned up on Wednesday morning at 7.00 o'clock, dumped the mulch and mulched the trees.

I must say the Royal Botanic Gardens were very aggressive towards us, they were most unhappy that we did it, and they told us that they were going to beef up security after our action. In fact a local art gallery owner, who has been going down there every morning at 5.00 o'clock on his way through to his gallery, was approached by two security guards two days ago and they really put the "heavies" on him. He was pretty scared about what they were saying to him.

I would just like to express publicly that I am very unhappy with the aggressive approach of the Trust towards the people down there who are just, I suppose, expressing their point of view. They seem to be not interested at all in engaging with the public about what we think about the trees.

We have been running a petition there now for only three weeks and we have got 11,000 signatures on that petition. That is a pretty significant display of public support and I don't think it should be ignored.

Answer by the Lord Mayor (continued)

No, and I am finding that wherever I go people stop and talk about the trees and they are very excited that we have, up to this point in time, been able to save them. I think there will be a lot of distress if we don't manage to save them long term which is why I hope the Minister, the Honourable Bob Debus MP, responds positively to our most recent, very reasonable proposal.

TREES IN THE DOMAIN - LEGAL ADVICE (S032443)

24. By Councillor Lee

Question

Lord Mayor, could I perhaps ask you to answer the question that Councillor Pooley asked about whether you have had advice from the General Manager about the expected cost of

the legal action. On Sally Loane's program you said you would seek advice from the General Manager about the expected costs.

Answer by the Lord Mayor

Councillor Lee, I did and I have and I haven't received that. I don't know what that is going to be because we don't know what the action is going to be, basically, but we are preparing the best case we can in order to save the trees.

TREES IN THE DOMAIN - LEGAL ADVICE (S032443)

25. By Councillor Lee

Question

Given the answer in the Question on Notice is that you only received oral legal advice before the Council resolution, I take it that you have now received written legal advice, given that we are about to go to court in the not-too-distant future?

Answer by the Lord Mayor

Councillor Lee, no, I have had discussions with our General Counsel and I have a proposal that I have put to the Attorney General, which is all I have in writing at this point in time.

I am insisting that we have alternative, independent arborists' reports and that we prepare the best possible case we can in order to ensure that in future we have a proper working relationship with the Trust and that we won't be facing this sort of situation again.

I must say that I really welcome the fact that this new Council has put City trees on the agenda. I think that this is very, very important. I don't think that it has been given enough importance or prominence in the past. It will behave us if we can't look after our trees and ensure that we have a very responsible approach to this.

TREES (S032444)

26. By Councillor Firth

Question

Lord Mayor, can Council make the 'Tree Wise Men' report public, or at least made available for Councillors?

Answer by the Lord Mayor

Councillor Firth, yes, I will certainly circulate that. We have an open government policy here. Every document that can be made available, will be made available. I certainly thought Council acquitted itself admirably in terms of looking after its trees, checking

them every two months, as reported in the article in The Sydney Morning Herald on Saturday.

WATER POLICE SITE, PYRMONT POINT (S032442)

27. By Councillor Harris

Question

Lord Mayor, following on from the meeting at Pyrmont Point, which yourself, the Deputy Lord Mayor, Councillor McInerney, and myself attended, is there any progress on the motion that was passed at that meeting about the Council seeking to rezone that land?

Answer by the Lord Mayor

Councillor Harris, we certainly attended a meeting at Pyrmont Point at the Water Police site, and there was a unanimous motion put to that meeting that Council take every possible action to ensure that that land is rezoned open space for the Sydney community.

Certainly I have asked the General Manager to have discussions with the Sydney Harbour Foreshore Authority to see how we could move forward with that action and when Councillor McInerney and I had two meetings with the Minister for Infrastructure and Planning, the Hon Craig Knowles MP, we raised the issue with him too.

So, certainly, the Authority and the Minister are aware that the City wants to see that land rezoned as public open space. My understanding is that negotiations are proceeding. I have nothing yet to report.

Our goal is to ensure we get that land as public open space. The Minister knows we want it and you'll just have to 'watch this space' at the moment. I'm afraid, I can't tell you any more than that.

ITEM 14. NOTICES OF MOTION

FILE NO:

DATE: 4/5/04

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

Closed Meeting

At 8.01pm, Council resolved –

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

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 6.3 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 this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Item 6.3 was then dealt with by Council while the meeting was closed to the public.

REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 10 MAY 2004 (CONTINUED)

FILE NO:

DATE: 13/5/04

The Committee recommended the following:-

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

That the recommendation of the Finance, Properties and Tenders Committee of its meeting of 10 May 2004 for Item 6.3 be adopted.

EXEMPTION TO GO TO TENDER - WASTE MANAGEMENT SERVICES FOR THE BLOCK AND CARETAKER SERVICES FOR THE REDFERN COMMUNITY CENTRE (2030554/DW/543666/SR)

6.3

Note – In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the contract referred to in Clause (C) of the resolution has been entered into.

At 8.03pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 7 June 2004 at which
Meeting the signature herein was subscribed.