



8 MARCH 1999

Meeting No 1288

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40 pm on 8 March 1999 pursuant to Notice 4/1288 dated 4 March 1999.

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PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors - Christopher Cotman, Kathryn Greiner, Graham Jahn, John Emmet McDermott, Henry Tsang and Julie Walton.

At the commencement of business at 5.40 pm those present were:-

The Lord Mayor, Councillors Cotman, Greiner, Jahn, McDermott, Tsang and Walton.

The General Manager, Deputy General Manager, Director City Development, Director City Projects, and Director Legal and Secretariat were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Walton, seconded by Councillor Tsang -

That the minutes of the Council Meeting of 15 February 1999, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

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

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

- (A) Pecuniary interest returns that had been lodged in accordance with Section 449(1) of the Local Government Act 1993 were laid on the table.
- (B) The following report had been received and was laid on the table:

Hurstville City Council

Annual Community Report
1997-1998

The Council agreed that the Disclosure of Pecuniary Interests returns and report be received and noted.

ITEM 5. REPORT OF THE PLANNING COMMITTEE - 1 MARCH 1999

PRESENT

Councillor Graham Jahn
(Chairman)

Councillors Christopher Cotman, John Emmet McDermott, Henry Tsang and Julie Walton.

At the commencement of business at 6.10 pm those present were -

Councillors Cotman, Jahn and McDermott.

Apology

Councillor Greiner extended her apologies for her inability to attend the meeting of the Planning Committee as she was overseas.

Moved by Councillor Jahn, seconded by Councillor Cotman -

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

Carried.

Order of Business

The Planning Committee resolved, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt within the following order -

1. Progress Report on Development Applications
2. Central Sydney Development Control Plan 1996 (Draft Amendment No 6)
3. Central Sydney Local Environmental Plan 1996 (Draft Amendment No 10) - Exempt and Complying Development
4. Development Application: Department of Urban Affairs and Planning Referral: 19 Harris Street, Pyrmont (Lend Lease Site)
5. Pre-Development Application: Legion House & Angus and Son Building, 161-163 and 165-167 Castlereagh Street, Sydney
6. Development Application: 44 King Street/120 Clarence Street, Sydney
7. Development Application: Minnamurra House, 142 Clarence Street, Sydney
9. Development Application: North East Corner of George and Park Streets, Sydney (Adjacent to Park Plaza: 2 Park Street, Sydney)
8. Development Application: Transport House/Hotel Inter Continental, 99-113 & 115-119 Macquarie Street, Sydney

Councillor Tsang arrived at the meeting of the Planning Committee at 6.11 pm during discussion on Item 1.

Councillor Walton arrived at the meeting of the Planning Committee at 6.12 pm during discussion on Item 2 and left at 6.16 pm during discussion on Item 2.

Councillor Walton returned to the meeting of the Planning Committee at 6.17 pm during discussion on Item 3.

Councillor Cotman left the meeting of the Planning Committee at the commencement of discussion on Item 4 and returned at 6.22 pm during discussion on Item 5.

The meeting of the Planning Committee concluded at 8.20 pm.

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Tsang -

That the Report of the Planning Committee of its meeting of Monday 1 March 1999 be received, and the recommendations set out below for Items 5.1 to .5.5 and Item 5.8 be adopted, with Items 5.6 and 5.7 being noted.

Carried.

The Committee recommended the following -

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

5.1

That arising from consideration of a report by the Manager Development to the Planning Committee on 1 March 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (DRAFT AMENDMENT NO.6) (S006740)

5.2

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Committee on 1 March 1999, regarding Draft Amendment No.6 to Central Sydney Development Control Plan 1996, it be resolved that Council:

- (A) endorse Draft Amendment No.6 to Central Sydney Development Control Plan 1996, as shown in Attachment A to the subject report, as amended at the meeting of the Central Sydney Planning Committee on 18 February 1999;
- (B) advertise in a newspaper circulating in the Sydney City Local Government Area, the adoption of this Development Control Plan amendment and the date upon which it becomes effective;
- (C) authorise the Lord Mayor to finalise matters relating to Central Sydney Development Control Plan 1996 - Draft Amendment No. 6, for the purposes of adoption; and
- (D) request that a report be prepared on the more general question of allowing the transfer of heritage floor space from Schedule 1 Heritage Buildings owned by the Commonwealth, the State and the City or a sub-set thereof. Such a report is also to review existing demands and supply for heritage floor space and potential for heritage floor space for at least the next 10 years.

Carried.

CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (DRAFT AMENDMENT NO. 10) - EXEMPT AND COMPLYING DEVELOPMENT (S007283)

5.3

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Committee on 1 March 1999, on Draft Amendment No. 10 to Central Sydney Local Environmental Plan 1996 - Exempt and Complying Development, it be resolved that Council:

- (A) prepare Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 10, in accordance with the Department of Urban Affairs and Planning Model No. 2;
- (B) notify the Department of Urban Affairs and Planning of the resolution to prepare draft Amendment No. 10 in accordance with section 54 of *the Environmental Planning and Assessment Act 1979*;
- (C) prepare Draft Amendment No, 7 to Central Sydney Development Control Plan 1996 to address exempt and complying development and other changes necessary as a result of the new legislation; and
- (D) request the Department of Urban Affairs and Planning to amend Sydney Regional Environmental Plan No 26 to be consistent with the proposed changes to Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996 and to consult with Council in undertaking their review of REP 26 for this purpose.

Carried.

DEVELOPMENT APPLICATION: DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: 19 HARRIS STREET, PYRMONT (LEND LEASE SITE) ((O1999/00003))

5.4

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 March 1999, in relation to the referral from the Department of Urban Affairs and Planning of a Development Application made by Lend Lease Development Pty Ltd for the site known as H2 (Harris Street) for demolition of that part of the former Boiler Shop workshop on the subject site, construction of two commercial buildings, one 6 storeys high and the other 8 storeys high, with two split levels of car (130) and bicycle (38) parking and loading facilities continuing below both buildings as a common basement, it be resolved that the submission at Attachment A to the subject report, as amended at the meeting of the Planning Committee, be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration.

Carried.

PRE DEVELOPMENT APPLICATION: LEGION HOUSE & ANGUS AND SON BUILDING, 161-163 AND 165-167 CASTLEREAGH STREET SYDNEY (S00-6551)

5.5

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 March 1999, in relation to a preliminary scheme (Pre-Development Application) S-006551 made by Thakral Holdings Limited for premises 161-167 Castlereagh Street, Sydney for demolition of the Angus and Son Building, substantial conservation of Legion House (with 70% retained) and construction of a new 29 storey commercial development comprising commercial lobby, retail shops on the ground level, and 3 levels of basement parking for 26 cars, it be resolved that:

(A) The applicant be advised that -

- (1) this advice is non-binding and does not fetter the discretion of the consent authority;
- (2) the consent authority incurs no liability for any expense borne by the applicant as a result of their reliance upon this pre-development application advice;
- (3) this pre-development application advice remains valid for a period of three months from the date of this resolution or upon a significant change in planning controls, whichever is sooner;

- (4) the subject Pre-Development Application has not been advertised or notified to adjoining owners by Council and that when a formal application is notified and advertised, submissions may be lodged with Council which, when considered by the Committee, may cause it to determine the application in a manner which may be inconsistent with the advice provided in this report;
 - (5) a Statement of Heritage Impact and a Conservation Plan prepared by a suitably qualified heritage architect is required to be submitted with any formal development application;
 - (6) further issues may arise as a result of more detailed documentation and drawings submitted with the development application;
- (B) Should Council consider that the site is suitable for a tower development, the applicant be advised that the following issues as detailed below be addressed in any formal development application:
- (1) creation of an easement or stratum over the entire heritage building Masonic Club and over the entire commercial building Citisite House is required for the full height of the proposed development to provide a permanent appropriate separation in respect of light, air, outlook and privacy for any future tower developments on adjoining sites. The applicant should submit documentary evidence of the creation of the easement or stratum with any formal development application;

OR

alternatively, the design incorporate a setback in accordance with Local Environmental Plan and Development Control Plan 1996.

- (2) the southern elevation of the building requires further design development to provide appropriate interest and activity. Such refinement needs to alleviate the massing of the fire stairs and storage/services and provide an appropriate architectural treatment of the building facade to complement the streetscape and adjacent heritage item. The applicant should investigate design options including the introduction of glass bricks/glazed area in a vertical element to the fire stair, the relocation of one of the fire stairs and other non-active uses into the building to provide a reduced area of blank wall or through a material treatment differentiation;
- (3) the scale and design of the void to Castlereagh Street separating the infill podium from the facade of Legion House requires further design development to provide an acceptable transition and reduce the perceived scale of the vertical slot;
- (4) final design details of the through site link shall be provided addressing:
 - (a) access arrangements through the foyer after business hours;
 - (b) appropriate signage indicating public accessibility and the street to which the midblock connection links;

- (c) appropriate demarcation of space to allow and encourage public use of the link;
 - (d) appropriate lighting to provide pedestrian amenity and safety;
 - (e) breakthrough arrangements in the event of the opportunity for a more direct through-site link arising should the site to the west be redeveloped.
- (5) detailed architectural resolution of the external facade design to the satisfaction of Council having regard to the development's proportions, materials and finishes; sense of address to Castlereagh Street and relationship between Legion House and the new building form;
- (6) appropriate resolution of safety and fire egress requirements in accordance with the Building Code of Australia;
- (7) due to restrictions on new vehicle accesses in this location, the applicant should design any vehicle access to minimise the impact on the street and the Masonic Club and in close consultation with the Director City Development;
- (8) detailed design of the structural columns supporting the tower above Legion House shall be provided addressing:
- (a) the structural adequacy of the columns to support the loads above, particularly the central columns adjacent the void. In this regard a report from an appropriately qualified practising structural engineer shall be submitted;
 - (b) impact of the columns on the integrity of the Legion House and the spatial quality of the void;
- (9) the final documentation should be revised to provide
- (a) plans which accurately detail the fabric of Legion House proposed to be demolished and retained;
 - (b) an assessment of whether the void space and visual separation around the southern wall of Legion House open to the underside of the lowest floor of the tower building above is appropriate. In this regard perspectives are required from key spectator points;
 - (c) an assessment of the perceived massing of the tower building in terms of architectural design and perspectives from various viewpoints.
- (C) The applicant be invited to consult with the Director City Development and the Chairman of the Planning Committee prior to the preparation and submission of a final development application having regard to the design advice provided above.

Carried.

Note - Mr Gerald Leavey and Mr Richard Travis addressed the meeting of the Planning Committee on Item 5.5.

PART "B" - DETERMINED BY PLANNING COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Committee recommended that Council note that Items 5.6 and 5.7 inclusive were determined by the Planning Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 44 KING STREET/120 CLARENCE STREET, SYDNEY (D1998/05374)

5.6

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 March 1999, on Development Application D1998/05374 made by Graham Brooks & Associates for 44 King Street/120 Clarence Street, Sydney - Award of Heritage Floor Space, it be resolved that consent be granted for conservation works to the subject building and the award of 1295m² of Heritage Floor Space, subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the following:
 - (a) Development Application No. D1997/05374 dated 20 November 1998;
 - (b) The Conservation Plan titled "Conservation Management Plan 120 Clarence Street, Sydney (Initier Pty Ltd) prepared by Graham Brooks and Associates Pty Ltd Architects and Heritage Consultants, dated October 1998 including the following attachments:
 - (i) The Building Code of Australia Due Diligence Report prepared for Initier Pty Ltd by BCA Logic and dated 19 November 1997;
 - (ii) Letters dated 7 October 1998, 8 April 1998 and 12 August 1998 from T. A. Taylor in relation to the inspection and quotation of works to be undertaken to the exterior of the building;

- (iii) Letter dated 3 September 1998 from Errol Higgins Painting providing a quotation for the scope of works to the basement level windows and grilles of the building;

and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

- (2) The owner may be awarded 1295sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
 - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 1,422sqm.
 - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
 - (d) The owner will only be registered as the owner of 1295sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
 - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

Schedule 1B

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

- (3) The following is to be added to the Schedule of Conservation Works (Section 9.3.1):

- (a) The description of works in Columns 4 and 5 for the building site element “partitions” is to be deleted and replaced with the following statement:

“removal of existing partitioning is desirable as a conservation option.”

- (b) The following description of work is to be inserted in Column 5 for the building site element “timber floors”:

“The progressive exposure of the original timber internal structure is desirable as a conservation option.”

A revised Conservation Plan is to be submitted to the satisfaction of the Director, City Development prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (4) The following change is to be made to the Conservation Guidelines:
 - (a) The graded areas and fabric of significance on p.93: add the word “(potential)” after “Open Spatial Character”.

A revised Conservation Plan is to be submitted to the satisfaction of the Director, City Development prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (5) The final details of the plaque including the wording, design and location as detailed in Conservation Guideline 8.13.3.1 is to be submitted for the approval of Council’s Senior Heritage Architect prior to the installation.
- (6) An interpretation strategy for the site should be prepared and implemented to assist public understanding of the history and significance of the building to the satisfaction of the Director, City Development. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the building.
- (7) A comprehensive Summary Report of Conservation Work detailing the scope of conservation work to be undertaken to the building including the work detailed in the following documents:
 - (a) Work Schedule (9.3.1 of the Conservation Plan);
 - (b) The Building Code of Australia Due Diligence Report prepared for Initier Pty Ltd by BCA Logic and dated 19 November 1997;
 - (c) Letters dated 7 October 1998, 8 April 1998 and 12 August 1998 from T. A. Taylor in relation to the inspection and quotation of works to be undertaken to the exterior of the building; and
 - (d) Letter dated 3 September 1998 from Errol Higgins Painting providing a quotation for the scope of works to the basement level windows and grilles of the building.

The Summary Report of Conservation Work is to fully detail the scope of work to be undertaken to the following elements of the building:

- (i) All stone and brickwork on the external facades;
- (ii) All timber windows;
- (iii) The basement perimeter walls;
- (iv) The pavement lights and metal grilles;
- (v) Roof cladding and metal capping; and
- (vi) Guttering and downpipes

and a scope of necessary conservation work developed to the satisfaction of the Director, City Development prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Full details of the repair methodology and processes (especially for external stone and brickwork) must be submitted for approval by the Director prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The scope of work must be completed prior to the registration of the HFS award to the satisfaction of the Director, City Development.

- (8) A sample board of colour and finishes consistent with approved Summary Report of Conservation Work is to be submitted for the approval of the Director, City Development prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

BUILDING REQUIREMENTS

- (9) In accordance with the requirements of Clause 7(1) (e) of the Local Government (Approvals) Regulations Amendment 1997 the following information shall be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979:

- (a) A list of the measures for ensuring the safety of persons in the building in the event of fire that are proposed to be implemented in the building or on which the building is situated.

Note: The list must describe the extent, capability and bases of each design for each of the measures concerned.

- (10) The details of the Conservation Plan do not comply with the Deemed to Satisfy provisions of the Building Code of Australia 1996. Therefore, the following details are to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979:

- (a) Details of the performance requirements that the alternative solution is intended to meet; and

- (b) Details of the assessment method used to establish compliance with those performance requirements.
- (11) The premises is to be ventilated in accordance with the requirements of the Building Code of Australia.
- (12) The proposal is to comply with the Building Code of Australia. Details are to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (13) Prior to the commencement of work and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to submit the following to Council, for deposit in the City of Sydney Archives:-
 - (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 2 copies of contact sheets 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.

- (b) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal of any building fabric or any demolition at the site.

Schedule 1C

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

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (14) 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 Interim Policy for Temporary Protective Structures.
 - (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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

- (16) Prior to the commencement of work, a Construction and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority, and a copy submitted to Council. The Plan shall address the following:
- (a) Use of mobile cranes;
 - (b) Route of construction traffic;
 - (c) Loading and unloading including construction zones;
 - (d) Waste management during construction;
 - (e) Detail of hoardings;
 - (f) Details of eradication of vermin;
 - (g) Control of runoff during construction;
 - (h) Barricade permits; and
 - (i) Pedestrian and traffic management.

COMMEMORATIVE PLAQUE

- (17) The following is required:
- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
 - (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The approved plaque must be installed prior to Occupation.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (18) The following environmental protection measures are required:
- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.

- (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".

Schedule 1D

Conditions to be complied with during construction, to the satisfaction of the Principal Certifying Authority

HOURS OF WORK AND NOISE

- (19) 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'.

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

ENVIRONMENTAL CONTROL DURING CONSTRUCTION

- (21) The Water and Sediment Control Statement shall be implemented during the construction period.
- (22) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

USE OF MOBILE CRANES

- (23) 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.

- (24) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

LOADING AND UNLOADING DURING CONSTRUCTION

- (25) 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.
- (26) 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.
- (27) To comply with the Clean Waters Act 1970 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.
- (28) 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.
- (29) 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:

- (a) 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 during occupation

- (30) Future partitioning shall be designed so that access to all fire stairs from all areas including public areas is available at all times and so that not less than two exits shall be readily available at all times from every point on the floor including the lift lobby area. Lockable or security doors or partitioning preventing access to at least two exits from the lift lobby area will not be permitted.

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

NOISE

- (33) 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 in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. 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) An "offensive noise" as defined in the Noise Control Act 1975.
- (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.
- (f) 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.

SIGNS

- (34) 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.

Carried.

Note - The Planning Committee requested the Director City Development to submit a report to Council regarding the eligibility for heritage floor space of the 1912 addition to the subject building. This report is listed as Item 6 in the Business Paper.

DEVELOPMENT APPLICATION: MINNAMURRA HOUSE, 142 CLARENCE STREET, SYDNEY (D98/05349)

5.7

Moved by Councillor McDermott, seconded by Councillor Cotman -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 March 1999, in relation to Development Application D98-005349 made by Baljan Developments Pty Ltd for the site at 142 Clarence Street, Sydney, for demolition of the existing building and construction of a new 13 storey commercial building with a ground level retail unit, it be resolved that -

- (A) the applicant be given the opportunity to withdraw the application prior to the next meeting of Council on 8 March 1999; and
- (B) if a new development application is lodged within six weeks, Council give consideration to charging a reduced fee with respect to the new development application.

Carried.

Note - Mr Tony Harris addressed the meeting of the Planning Committee on this matter.

Note - At the meeting of Council, in respect of Item 5.7, Council noted that the applicant has since withdrawn the application.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: TRANSPORT HOUSE/HOTEL INTER CONTINENTAL, 99-113 & 115-119 MACQUARIE STREET, SYDNEY (D1998/05292)

5.8

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 1 March 1999, in relation to Development Application D98-05292 made by Crone Associates Pty Ltd for the site at 99-113 Macquarie Street, Sydney known as Transport House and The Hotel Inter Continental for Integrated Development consent including partial demolition, internal alterations and a three storey addition to Transport House; in addition, internal alterations are to be carried out to the existing Hotel Inter Continental, and an Award of Heritage Floor space is also sought, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D98/05292 dated 26 October 1998 and Alterations and Additions to Transport House 99 - 113 Macquarie Street and Hotel Inter Continental 115 - 119 Macquarie Street prepared by Crone Associates Pty Ltd, dated 19 October 1998 and drawings numbered;

9834/ADA B1001 Revision A	Level 3 Sub Basement	26 November 1998
9834/ADA B1002 Revision A	Level 4 Basement	26 November 1998
9834/ADAA 0102 Revision A	Site Plan	4 December 1998

9834/ADA P1003 Revision B	Level 5 Ground Floor	4 December 1998
9834/ADA P1004 Revision B	Level 6 Mezzanine	4 December 1998
9834/ADA P1005 Revision A	Level 7 First Floor	26 November 1998
9834/ADA P1006 Revision A	Level 7A Second Floor	26 November 1998
9834/ADA P1007 Revision A	Level 8 Third Floor	26 November 1998
9834/ADA P1008 Revision A	Level 8A Roof Floor	26 November 1998
9834/ADA P1009 Revision A	Level 9	26 November 1998
9834/ADA P1010 Revision A	Level 10	26 November 1998
9834/ADA P1011 Revision A	Level 28	26 November 1998
9834/ADA P1012 Revision O	Level 31	26 November 1998
9834/ADA P1013 Revision O	Level 31A	26 November 1998
9834/ADA P1014 Revision O	Level 32	26 November 1998
9834/ADA P2001 Revision O	North Elevation	20 September 1998
9834/ADA P2003 Revision A	East Elevation	4 December 1998
9834/ADA P2004 Revision O	West Elevation	20 September 1998
9834/ADAZ P2005 Revision A	Streetscape Macquarie Street	4 December 1998
9834/ADAZ P2007 Revision A	Streetscape Bridge Street	4 December 1998
9834/ADAP 3101 Revision O	Section/Axon	20 September 1998
9834/ADAP 3102 Revision O	Section/Axon	20 September 1998
9834/ADAP 3103 Revision O	Section/Axon L32	20 September 1998

prepared by Crone associates Pty Ltd dated as above and as amended by the following conditions:

COVENANT

- (2) The owners of the land must, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, register with the Land Titles Office a restrictive covenant on terms approved by the Director, City Development, to the effect that in the event of a development proposal for any site adjoining the land resulting in the loss of natural light to rooms or suites with boundary windows, the use of such rooms or suites for habitable uses shall cease. The restrictive covenant is to be registered on the title to the land pursuant to section 88E of the Conveyancing Act 1919. The covenant is to be created at no cost to Council and shall be noted on the data based for section 149 certificates issued under the Environmental Planning and Assessment Act 1979.
- (3) The applicant shall place a covenant on Lot 3 DP 785393, 99 – 113 Macquarie Street Sydney, (Transport House). Such covenant shall restrict the height and floor area of any development on the site to that of the approved building on site. Evidence of the creation of the covenant is to be submitted to the Director City Development prior to the release of the Construction Certificate.

LOT CONSOLIDATION

- (4) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (5)
 - (a) In lieu of lot consolidation of the site the developer is to submit to Council evidence of documentary rights of access, use, services, support, encroachment, drainage etc, and any covenants required over each lot, appurtenant to other lot(s) as a consequence of the proposed development.
 - (b) Notwithstanding (a) above, the developer may alternatively submit to Council evidence of a legal agreement between registered proprietors of the lots to undertake the creation of appropriate easements and covenants upon completion of the development.

Such evidence is to be submitted to and accepted by Council prior to the issue of the Construction Certificate for the development.

DESIGN AND CONSERVATION MODIFICATIONS

- (6) A comprehensive condition report is to be prepared by an experienced conservation expert in conjunction with appropriate trades persons for:
 - (a) all stonework to the facades, including sandstone, marble and granite;
 - (b) the exterior windows and doors;

- (c) roof cladding;
- (d) gutters and downpipes;
- (e) all exterior metal work, including bronze window frames.

The report is to be submitted to the satisfaction of the Director City Development prior to the release of the Construction Certificate.

- (7) Full details of the methodology and process for the following HFS schedule of works (including a test regime where appropriate) should be submitted to the satisfaction of Director of City Development prior to the release of the Construction Certificate:
 - (a) Cleaning/repair/conservation works to external facades, including stonework, windows and door fittings;
 - (b) Repainting of previously painted exteriors and interiors;
 - (c) Repair, replacement and repointing of brickwork;
 - (d) Repair of roof and ceiling structures;
 - (e) Preservation/reconstruction/restoration of original interior surfaces, fixtures, fittings;
 - (f) Restoration of original floors
 - (g) Repair/restoration of coffered ceilings
- (8) The applicant is to commission experienced trade persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed HFS conservation works. The scope of work must be completed prior to the registration of the HFS award.
- (9) The following amendments should be made to the Conservation Plan and the plan resubmitted for endorsement by the Director, City Development prior to the release of the Construction Certificate:
 - (a) Add the following statement, or words to a similar affect in section 4.3.2. (page 58)

“All three lift cars have been totally refurbished including the inner lift car doors. There are no remnants of the original cars. The refurbishment probably took place in the late 1970s and consists of bronze anodised profiled aluminium panelling and tinted mirrors to the walls, vinyl flooring and fluorescent lighting to the ceilings.”
 - (b) In section 5.5.4, Third Floor (Corridor floor finishes – terrazzo elements) the word “some” to be deleted, and replaced by the word “considerable” (page 80).
 - (c) In section 5.5.4. Delete the word “Unknown” and replace with the word “Little” where it refers to the Lift Cars on each floor.

- (d) The following statement to be inserted into Conservation Policy 7.3.4.

Where original significant spaces (corridors, office lay-outs, lift lobbies) are proposed to be removed, and more than one example of that spatial arrangement exists, a strategy should be developed to ensure that at least one example of the space is retained.

- (e) The following subclause to be placed in policy 7.3.9.

“Board Room/Commissioner’s Suite: the fabric and space should be conserved. The spaces should remain unencumbered by permanent new divisions/partitions.

- (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 expert 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 expert 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) Detail design documentation for the following areas are to be referred for approval of Director City Development prior to the release of the Construction Certificate:
- (a) Three-storey roof addition to Transport House;
 - (b) Internal treatment of the Registration Hall for use as an Exhibition Hall;
 - (c) Lighting scheme and selection of fittings, especially in the significant ground and first floor spaces of Transport House;
 - (d) Openings between the interiors of the western portion of Transport House and the Hotel Inter-Continental;
 - (e) Insertion of new fire stairs and lift cars;
 - (f) Insertion of new services, especially air conditioning, mechanical ventilation, wet areas etc., into significant fabric and spaces;
 - (g) Re-use of the Macquarie Street frontage (former Treasury Building) as main access point for Hotel Inter-Continental;
 - (h) Construction of new stairs between Level 5 and 6 of the former Treasury Building (Hotel Inter-Continental).
- (12) Further documentation to demonstrate the general methodology for the following is to be referred for approval of Director City Development prior to the release of the Construction Certificate:
- (a) Integration of major new structure to be incorporated into the dummy piers of Transport House, and the stabilisation of existing internal structure;

- (b) Demolition of entire western portion of Second Floor of Transport House, and its integration with the first floor for the creation of a double height Ballroom;
- (c) Insertion of new services, especially air conditioning, mechanical ventilation, wet areas etc., into significant fabric and spaces.

An interpretation strategy, with recommendations for appropriate signage and exhibition material should be prepared for Transport House and implemented to assist users to understand the history and significance of the building and the site. Details are to be submitted to the satisfaction of the Director City Development prior to the release of the Construction Certificate.

- (13) Significant fabric disturbed in the process of development should be salvaged for re-use elsewhere within the building in consultation with the expert noted in Condition 8 above.
- (14) Original ceilings are to remain exposed throughout. The insertion of suspended ceilings should be restricted to bathrooms and other wet areas. All final location and design details are to be submitted for approval of Director City Development prior to the release of the Construction Certificate.
- (15) The removal or addition of any fittings/fixtures attached to significant fabric must involve least possible damage and should be reversible. Transport House fabric and spaces should be restored to the satisfaction of Director, City Development.
- (16) All of the fabric and spaces comprising the escalator/stair (including the polychrome brick stepped dividing wall and balustrade) linking the Phillip Street Foyer and the Registration Hall must be retained in situ and conserved in accordance with the conservation policy outlined in section 7.3.9. of the Conservation Plan, prepared by Godden Mackay Logan in October 1998.
- (17) All intact original tinted obscure glazing in the bronze windows of the Phillip Street facade of Transport House should be retained and conserved, with the exception of the third floor windows. Wherever broken panes occur, or where panes of dissimilar appearance have replaced the original glass, glass salvaged from the third floor should be re-used. Where salvaged glass can not be obtained, new tinted, obscure glazing which matches the appearance of the original as closely as possible should be re-introduced.
- (18) New glazing for the third floor windows in the western facade may be replaced with new tinted vision glass carefully selected to compliment the appearance of the new windows. All final design details are to be submitted for approval of Director City Development prior to the release of the Construction Certificate.
- (19) All intact original tinted obscure glazing in the northern wall of the Ground floor and first floor of Transport House should remain intact. Wherever broken panes occur or where panes of dissimilar appearance have replaced the original glass, salvaged glass should be re-used.

- (20) The Board Room and Commissioner's Suites (located on Level 7 First Floor) are to retain their original spatial arrangement and are to remain free of partitions. Significant fabric, as identified in the Conservation Plan must remain intact and unencumbered by the introduction of new services. All final design details are to be submitted for approval to the satisfaction of the Director City Development prior to the release of the Construction Certificate.
- (21) The new fire egress door opening onto Phillip Street at ground level is to be as visually unobtrusive as possible. The opening is to be no wider than necessary in order to satisfy BCA requirements. The new doors and all new finishes associated with the creation of this fire egress are to match or compliment the existing materials and adjacent finishes. All final design details are to be submitted for approval of the Director City Development prior to the release of the Construction Certificate.
- (22) The fabric and spaces comprising the male toilets on the basement level of Transport House be retained, conserved and restored in accordance with conservation policy 7.3.4. of the Conservation Plan. All final design details are to be submitted for approval of the Director City Development prior to the release of the Construction Certificate.
- (23) No more than four windows are to be reconfigured on the ground floor and the first floor of Transport House for use as doorways, unless otherwise specified in order to satisfy BCA standards. Disturbance to original fabric should be minimal and the doorways are to be no larger than necessary. All final design details should be submitted for the approval of the Director City Development prior to the release of the Construction Certificate.
- (24) The scagliola-finished wall and terrazzo floor in the third floor corridor of the western portion of Transport House should be restored and retained, where practical. All final design details should be for the approval of the Director City Development prior to the release of the Construction Certificate.
- (25) A sample board of all proposed materials, colours, finishes to be used for the rooftop addition to Transport House must be submitted for the approval of the Director City Development prior to the release of the Construction Certificate
- (26) The new staircase from Level 5 to Level 6 of the former Treasury Building must not obscure any significant original walls, joinery and decorative features. The new staircase must not be placed clear of the windows fronting Macquarie Street. Minimal disturbance to original fabric is required, and as far as practicable the staircase should be constructed to be reversible. All final location and design details should be submitted for the approval of the Director City Development prior to the release of the Construction Certificate.
- (27) Should any historical relics be unexpectedly discovered 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.

- (28) 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.
- (29) The rooftop metal pergola (Level 32 Restaurant) on the tower building is to be deleted.
- (30) The steel frame pergola and posts are to be deleted from the hotel suites of the new addition to Transport House.
- (31) The entertainment deck/spa pool located on the north-eastern corner of Transport House is to be deleted.
- (32) The extension to the kerb-side line as indicated upon the submitted plan is to be deleted.

APPROVED DESIGN

- (33) 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.

FLOOR SPACE RATIO

- (34) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 9.1:1 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 50,030sq m.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development

AWARD OF HERITAGE FLOORSACE – STAGED AWARD

- (35) The owner may be awarded 4,757sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
 - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificate under Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;

- (b)
 - (i) 4,757sqm of heritage floor space may be awarded after completion of the following:
 - a. All works indicated in the Schedule of Conservation Works where approved and amended by the development consent.
- (c) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 8,539sqm.
- (d) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
- (e) The owner will only be registered as the owner of 4,757sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition, to the satisfaction of Council.
- (f) On the satisfactory completion of (a) – (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

BUILDING HEIGHT

- (36) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 114.55 (Hotel Inter Continental) & 47.4 (Transport House),(AHD).
- (37) 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.

DEMOLITION/SITE RECTIFICATION

- (38) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (39) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, new penetrations/fixing or irreversible damage to the original fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 1992 that do not comprise part of this development consent. Particular care shall be taken to avoid damage to the original fabric of the building during the carrying out of the internal fit-out and any electrical or plumbing works.

REPORT TO BE COMPLIED WITH

- (40) The development shall be in accordance with the recommendations of Transport House Conservation Plan - Godden Mackay Heritage Consultants, Wind Effect Report - Vipac Engineers & Scientists, Energy Conservation & Services Report - Norman Disney & Young, Reflectivity Study - Vipac Engineers & Scientists, Traffic Report - Masson Wilson Twiney, Noise Impact Assessment - Wilkinson Murray Pty Ltd.

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

- (42) 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.
- (43) At no time are the intensity and hours of light illumination from the ballroom to cause diminution of the amenity of the neighbourhood and, in particular, to the occupants of the Ritz Carlton Hotel. If, in the opinion of Council, the amenity of the neighbourhood is detrimentally affected by light spillage, the light intensity must be reduced to the approval of Council.

LOADING BAY

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

HOURS OF OPERATION RESTAURANT LEVEL 32

- (45) The Level 32 Restaurant may be open for business only between
- | | |
|--------------------|---------------------------------------|
| Monday to Thursday | 12.00pm - 3.00pm & 6.00pm to 12.00am; |
| Friday, Saturday | 12.00pm - 3.00pm & 6.00pm to 1.00am; |
| Sunday | 12.00pm - 3.00pm |

and, upon expiration of the permitted hours, all restaurant service and entertainment must immediately cease, no person must be permitted entry and all customers on the premises must be required to leave within the following hour.

- (46) The adjacent deck area (to the Level 32 Restaurant) is to be limited in use to 12.00 am (midnight) Monday to Saturday and 3.00pm Sunday.

- (47) 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.

NOISE

- (48) 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 in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. Notwithstanding this, sound levels after 10.00pm until 7.00am the following morning (7 days a week) shall be zero dB above background. 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) An "offensive noise" as defined in the Noise Control Act 1975.
 - (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.
 - (f) 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.

PATRON BEHAVIOUR

- (49) The Management 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 and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

SIGNS

- (50) 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.
- (51) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

CARE OF BUILDING SURROUNDS

- (52) 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.

TRAFFIC MANAGEMENT

- (53) All costs of traffic management measures associated with the development shall be borne by the developer.
- (54) A 3.3m splay at the intersection of the alignments of Phillip and Bridge Streets is to be dedicated to the public as road, limited in stratum to a depth of the concrete basement structure below the splay dedication and unlimited in height. Such dedication is to be free of cost to Council, on the understanding that the affected land will be available for the calculation of the floor area of the building and costs associated with the dedication of the land and any reconstruction of the footway within that splay are not to be borne by Council.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (55) Prior to the removal of any significant building fabric or furnishings from the site, and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to submit the following to Council, for deposit in the City of Sydney Archives:-
 - (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 2 copies of contact sheets 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.
 - (b) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal of any building fabric or any demolition at the site.
- (56) The archival photographic recording work is to be carried out on an ongoing basis as original fabric is opened up under the supervision of the conservation architect.
- (57) All air/handling, evaporative cooling, hot water, humidifying, warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991.
- (58) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (59) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.
- (60) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

Schedule 1B

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

SYDNEY WATER CERTIFICATE

- (61) An application must be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been obtained is to be produced prior to issue of Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: You should make immediate application to Sydney Water for this Certificate to avoid problems in servicing your development. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

PUBLIC ART

- (62) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'.

MODEL

- (63) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council.

Notes:

- (a) The model is to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.
- (b) The model must be amended to repeat any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

NOISE IMPACT ASSESSMENT REPORT

- (64) The following shall be submitted:
- (a) A noise impact assessment report prepared by a qualified acoustic consultant shall be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable LAeq (1 hour) level will not exceed the following levels:-

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

- (65) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (66) Access 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 (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

DESIGN OF FOOD PREMISES

- (67)
- (a) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (b) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of either:
- (i) the Certifying Authority with the construction certificate application, ie.
- a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
- b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,
- OR
- (ii) the Principal Certifying Authority prior to the commencement of the work, ie.
- a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

- b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note

- (iii) Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

SANITARY FACILITIES

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

CERTIFICATION OF MECHANICAL VENTILATION

- (69) 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 prior to commencement of any mechanical services work.
 - (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (c) 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

- (d) 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;
- (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, 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;
- (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

WASTE MANAGEMENT

(70)

- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
- (b) 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 the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;

- d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal.
 - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

- (e) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

CAR PARKING

(71) The following condition applies to car parking:-

- (a) The on site car parking spaces are not to be used by those other than hotel guests, function patrons and staff of the subject building and the registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of such car parking spaces.
- (b) Car parking spaces used in connection with hotel function areas are to be only available to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a), above.
- (d) The Covenant is to be created appurtenant to Council, at no cost to Council.

PUBLIC DOMAIN PLAN

(72) 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.
 - (ii) Show the entire layout 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, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (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. 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.

- (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 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (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) The provision of smart poles, if required (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 letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

ELECTRICITY SUBSTATION

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

STORMWATER AND DRAINAGE

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

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC UTILITY SERVICES

- (75) To ensure that public 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 public utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) The applicant is to negotiate with the public authorities (eg. Energy Australia, Sydney Water, Telstra Australia, 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.
 - (c) Documentary evidence is to be submitted to and approved by the Certifying Authority confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.
- (76) The garbage room 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.

Note:

- (a) 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 Principal Certifying Authority.

- (77) Certified Plans and Specifications must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate, showing compliance with waste conditions including the details of the following where applicable:-
- (a) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (b) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (c) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (d) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
- (78) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- Note:
- (c) Certification will also be required on completion of the building, prior to issue of an Occupation Certificate.

WASTE MANAGEMENT

- (79) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.

- (a) 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 the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (b) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
- (c) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
- (d) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal.
 - a. 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.
- (e) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

- (f) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (80) 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, prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or use of the premises.
- (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (81) 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 Interim Policy for Temporary Protective Structures.
- (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.

ALIGNMENT LEVELS

- (82) The following shall be submitted to Council:-
- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
- (b) Such application must 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.
- (c) These levels as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

CONSTRUCTION AND TRAFFIC MANAGEMENT PLAN (Demolition – Excavation – Construction)

- (83) Prior to the commencement of work, a Construction and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority, and a copy submitted to Council. The Plan shall address the following:
- (a) Use of mobile cranes;
 - (b) Route of construction traffic;
 - (c) Loading and unloading including construction zones;
 - (d) Waste management during construction;
 - (e) Detail of hoardings;
 - (f) Details of eradication of vermin;
 - (g) Control of runoff during construction;
 - (h) Barricade permits; and
 - (i) Pedestrian and traffic management.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (84) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979 and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

USE OF MOBILE CRANES

- (85) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

(86) 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.
- (87) 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.

- (88) 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.
- (89) To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected:-
- (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.
- (90) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of the Principal Certifying Authority.
- (91) 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.

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (92) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority prior to issue of a Occupation Certificate.

NUMBERING

- (93) Prior to issue of an Occupation Certificate street numbers and the building name, if any, 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.

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

OFF SITE WORK REQUIRED

- (95) The applicant shall relocate the electric light pole(s) in the public way adjacent to the development, prior to the satisfaction of the Principal Certifying Authority. The cost of removal or relocation of any electric light pole(s), required as a consequence of the development is to be borne by the applicant.
- (96) The applicant is responsible for the provision of vehicular footway crossings and is to reinstate the footpath where any existing crossings adjacent to the site are no longer required in accordance with the requirements to Council.

BUILDING CODE OF AUSTRALIA

- (97) All openings in the external walls bounding the northern and western sides from Macquarie to Phillip Streets shall be protected as required by Clause C3.2 of the Building Code of Australia and any alteration or changes to the heritage fabric has to be approved by the Heritage Specialist of the Council of the City of Sydney. Details are to be submitted to the satisfaction of the Director City Development prior to the release of the Construction Certificate.
- (98) The Class 3 portion on levels 6,7, 7A and 8 requires natural lighting from openings the northern and western external walls to comply with Clause F4.2 of the Building Code of Australia. Evidence of creation of a covenant to comply with this requirement is required to be submitted to Director City Development prior to the release of the Construction Certificate.
- (99) Transport House and Hotel Inter Continental shall be separated from each other by the construction having an FRL of not less than 120/120/120 in accordance with the specification C1.1 of the Building Code of Australia.
- (100) All openings in the fire rated walls must be protected by fire doors in accordance with C3.5 of the Building Code of Australia.
- (101) All common shafts are to be enclosed in construction of not less than FRL 120/120/120 with all openings in the shaft protected by -/120/60 fire doors.
- (102) That the existing stair locating in the south-western corner of the Transport House shall be enclosed and upgrade and to comply with Clauses D1.3, D1.6, D1.7 and D2.2 of the Building Code of Australia. Any alteration or changes to the heritage fabric has to be approved by the Heritage Specialist of the Council of the City of Sydney.

- (103) The Building Code of Australia assessment of this proposed development is based on the report "Building Code of Australia Analysis" by City Plan Services Pty Ltd report No. 98107/RE81007 revision dated 2 December 1998 and the accompanying letter from Crone Associates dated 2 December 1998 together with sketch plans (9834/ADA, B1001/0, B1002/0 and P1003/0 to P1010/0) showing proposed classifications, fire compartments and egress widths of Transport House and Hotel-Continental. All conditions must be complied with to the satisfaction of the "Principal Certifying Authority" during construction and prior to the issue of an Occupation Certificate.
- (104) That all new works shall comply with the deem-to-satisfy requirements of the Building Code of Australia 1996, Amendment No 3 unless otherwise approved as an alternative building solution
- (105) Where the application involves the use of an alternative solution or further justification required, the following information must be provided:
- (a) Details of the performance requirements that the alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.
- (106) That smoke hazard management shall be provided to the existing Atrium of Hotel Intercontinental building in accordance with Clause E2.2 of the Building Code of Australia. Details to be submitted and approved prior to the release of Construction Certificate.
- (107) The proposed additions and alterations shall be in Type A construction and supported by Type A structures.
- (108) That the Essential Services in the Transport House shall be provided and upgrade to comply with Part E of the Building Code of Australia 1996, Amendment No. 3.
- (109) Where the proposed uses to the existing building as ballroom and exhibition hall, such use are deemed to be classified as Places of Public Entertainment, then :-
- (a) the whole of the place of public entertainment area must be separated from the other parts of the building by construction from other parts of the building by construction having a FRL of not less than 60/60/60; and
 - (b) egress to comply using population density calculation base on Table D1.3 of the Building Code of Australia; and
 - (c) sanitary facilities as per Table F2.3 of the Building Code of Australia to be provided.

- (110) The compartmentation of the proposed shall comply with Clause C2.2 of the Building Code of Australia.
- (111) 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:
- (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 (Section 1), OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), 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 (i) and (ii) for any revision, or staged submission of structural drawings.
- (112) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1 (Section 2) OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:
- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
 - (b) The drawings listed on the Certificate have been checked with those listed on the final Design Certificate/s.
- (113) Notes
- (a) An appropriately qualified practising structural engineer certifying shall have:
 - (i) Tertiary qualifications in Civil or Structural Engineering;
 - (ii) Member of the Institution of Engineers Australia and listed on the National Professional Engineers Register NPER (Structural);

- (iii) Appropriate current professional indemnity insurance acceptable to the building owner.
- (b) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.

Schedule 3

The Terms of Approval for Integrated Development as advised by Heritage Office of New South Wales are as follows:

- (114) Design resolution and working drawings shall be finalised with the advice of a consultant/s experienced in the conservation of similar heritage items who shall ensure that work (for the former Treasury Building) is in accordance with the conservation management plan by Clive Lucas Stapleton and Partners.
- (115) The following areas (of the former Treasury building) in particular need further resolution to be more sympathetic to the heritage fabric in accordance with Clause 1 above:
 - (a) Ground Floor Reception (Level 5, Macquarie Street) - introduction of a staircase against two windows;
 - (b) First Floor Reception (Level 6, Macquarie Street) - introduction of a staircase and removal of a large part of the original western-wall of the Treasury building.
- (116) Work shall be superintended on site by a consultant/s experienced in the conservation of similar heritage items.
- (117) If any archaeological relics are uncovered during the course of the work, then works shall immediately cease in the area of the relics and the NSW Heritage Office shall be contacted. Depending on the possible significance of the relics and archaeological assessment and an excavation permit under the NSW Heritage Act, 1977 may be required before further works can be considered in that area.
- (118) A Signage and Urban Design Policy shall be prepared to the satisfaction of the Director, City Development, Council of the City of Sydney for this site and its interfaces with public spaces. The policy will guide proposed and future signage and street furniture to be complimentary to the Heritage Significance of the property.

(119) The proposed entrance canopy (Level 5, Macquarie Street), shall not be a permanent structure which extends out to Macquarie Street, but should be a carefully designed removal structure, sympathetic to the heritage significance of the building, in accordance with Condition 5 above.

(120) Under the Integrated Development provisions of the Environmental Planning and Assessment Act 1979, a further application must be made for approval under Section 60 of the NSW Heritage Act, 1977, before works commence.

Carried.

Note - A letter from the Historic Houses Trust of New South Wales dated 1 March 1999 was circulated to members of the Planning Committee prior to the meeting.

Note - Mr Brett McLennan and Mr John Mageros addressed the meeting of the Planning Committee on this matter.

DEVELOPMENT APPLICATION: NORTH EAST CORNER OF GEORGE AND PARK STREETS, SYDNEY (ADJACENT TO PARK PLAZA: 2 PARK STREET SYDNEY) (D98-05390)

5.9

That consideration of this matter be deferred until the meeting of Council on 8 March 1999.

Carried.

Note - This item was dealt with by Council as Item 7 on the Business Paper.

Note - Ms Antoinette le Marchant, Mr Kevin Eadie, Mr Paul Mitchell and Mr Michael Millman addressed the meeting of the Planning Committee on this matter.

ITEM 6. REPORT ON THE ELIGIBILITY FOR AN AWARD OF HERITAGE FLOOR SPACE: 44 KING STREET/120 CLARENCE STREET, SYDNEY (D1998/05374)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 8 March 1999, in relation to the Eligibility for an Award of Heritage Floor Space: 44 King Street/120 Clarence Street, Sydney it be resolved that -

- (A) the report be received and noted; and
- (B) Council note that the statement regarding heritage significance of the building, made in the Conservation Plan referred to in the subject report, is based on an assumption that the then prominent architectural firm, Robertson and Marks, were involved and this has not been established; and that care must be taken in any conservation documents prepared in the context of this building to ensure accuracy.

Carried.

ITEM 7. DEVELOPMENT APPLICATION: NORTH EAST CORNER OF GEORGE AND PARK STREETS, SYDNEY (ADJACENT TO PARK PLAZA: 2 PARK STREET SYDNEY) (D98-05390)

Moved by Councillor Walton, seconded by Councillor Tsang -

That arising from consideration of a report by the Director City Development and Planning Workshop Australia to the Planning Committee on 1 March 1999, and to Council on 8 March 1999, in relation to Development Application D98-05390 made by Manboom Pty Ltd for the construction of a video screen (7.5m x 4.5m) on the north east corner of George and Park Streets, Sydney, it be resolved that the application be refused for the following reasons:-

- (1) the screen will be a traffic and safety hazard by visually distracting drivers and pedestrians;
- (2) the proposal will have an unacceptable visual impact and acoustic intrusion on the streetscape;
- (3) the sound emanating from the speakers will have an adverse impact on the amenity of pedestrians and residents;
- (4) the proposal will adversely impact on the adjacent significant heritage precinct, which should be retained as the principal point of focus of this location;

- (5) the proposal is not suitable for the location and is inappropriate having regard to the qualities of the area, being in the vicinity of significant Heritage Items and Special Areas designated under the terms of Central Sydney Local Environmental Plan 1996;
- (6) the screen provides an opportunity for advertising which will further debase the visual amenity of the City;
- (7) the proposal will increase both noise and visual pollution in the City;
- (8) granting consent would not be in the public interest;
- (9) there are discrepancies in the proposal as submitted - the application and the consultant's assessment relates to the hoarding around the site of the Park Plaza development. Certain illustrations relate to the building under construction behind the hoarding, which is due for completion well before the end of the period for which approval is sought in February 2001;
- (10) the podium is already near completion and it is in the public interest that the hoarding be removed and the footpath on which it encroaches be restored as soon as possible;
- (11) the site is also impractical and unsuitable in that persons gathering to watch the screen would be obliged either to sit or stand on the Town Hall steps, obstructing access to the Town Hall, or to stand along the George Street footpath obstructing pedestrian movement; the numbers likely to be attracted to certain screenings have the potential to force pedestrians or viewers off the footpath onto the busy George or Druiitt Street roadways;
- (12) the condition suggested by Planning Workshop that Council staff should be involved in the ongoing setting of program content would be an unreasonable use of Council resources and likely to be unsustainable in the longer term.

Carried unanimously.

Declaration of Interest

Prior to discussion on Item 8 at the meeting of Council, the Chairman (the Lord Mayor), declared a non-pecuniary interest in the matter in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took part in discussion and voting on this item.

ITEM 8. DEVELOPMENT APPLICATION: PYRMONT POINT SITES B1, B2, B3, B4, E AND F. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL (O99-00001)

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Area Planning Manager to Council on 8 March, 1999, regarding the referral of Development Application No 99-12-98 for construction of 5 apartment buildings on Sites B, E and F at 2-6 Point Street, Pyrmont, it be resolved that the Council endorse and forward the submission shown at Attachment A to the subject report, as amended at the meeting of Council, to the Department of Urban Affairs and Planning.

The motion was carried on the following show of hands -

Ayes (6) - The Chairman (the Lord Mayor), Councillors Cotman, Jahn, McDermott, Tsang and Walton

Noes (1) Councillor Greiner

Motion carried.

ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 31 JANUARY 1999 (AO2-00360)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That the report by the Senior Management Accountant to Council on 8 March 1999, on Investments held by Council as at 31 January 1999, be received and noted.

Carried.

ITEM 10. CITY OF SYDNEY SCULPTURE WALK (L01-00148)

Moved by Councillor Walton, seconded by Councillor Jahn -

That arising from consideration of a report by the Curator Sydney Open Museum to Council on 8 March 1999, on the City of Sydney Sculpture Walk, it be resolved that-

- (A) in accordance with Council's resolution of 22 June 1998 relating to Category 2 Artworks -
 - (i) in respect of the artwork proposal by Jackie Dunn/Michael Goldberg at Site 2, Boomerang, Council not approve the commissioning of the design development;

- (ii) in respect of the artwork proposal by Hilarie Mais at Site 3, Gates, Council authorise the commissioning of design development;
 - (iii) in respect of the artwork proposal by Mike Parr at Site 14, Reclamation Lawn, Council authorise the commissioning of design development only after an agreement has been entered into with the Botanic Gardens Trust that it will take responsibility for the care, cleaning, maintenance, repair and public liability of the structure on an ongoing basis;
- (B) in respect of the artwork proposal by Joseph Kosuth at Site 1, Cathedral Forecourt that authority be delegated to the Lord Mayor to determine whether the project is to proceed, after further consultation;
- (C) authority be delegated to the Lord Mayor and the General Manager to approve the commissioning of these projects if funding becomes available;
- (D) authority be delegated to the General Manager to make the appropriate contractual and implementation arrangements with respect to these projects after they are approved for commissioning;
- (E) any funds required for the design development associated with these projects be drawn from the Open Museum allocation, if required;
- (F) Councillors be informed by the General Manager when Clauses (C), (D) and (E) are actioned.

Amendment moved by Councillor McDermott, seconded by Councillor Greiner -

That the motion be amended by the deletion of Clause (B) and the substitution of the following new Clause (B) -

- (B) Council not currently proceed with the artwork proposal by Joseph Kosuth at Site 1, Cathedral Forecourt.

The amendment was lost on the following show of hands -

Ayes (3) - Councillors Cotman, Greiner and McDermott

Noes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Cotman, Jahn, Tsang and Walton

Noes (2) - Councillors Greiner and McDermott

Motion carried.

ITEM 11. QUESTIONS ON NOTICE**OLYMPIC PROGRAM STEERING COMMITTEE (S006649)**

1. By Councillor Greiner -

Question

Lord Mayor, in the City of Sydney 1997/98 Annual Report you made reference on page 6, under the heading "Preparing for the Olympic Period", to an Olympic Program Steering Committee.

Would you please identify the members of the Olympic Program Steering Committee and attach with the identification their curriculum vitae?

Answer by the Lord Mayor

Councillor Greiner, the Annual Report is not my document. It is the organisation's document. Statements in the Annual Report are not my personal statements.

The General Manager advises that:

“The Olympic Program Steering Committee is an internal committee comprising Council staff, much like the working group that organised the operational aspects of Sydney New Year's Eve for example, street cleansing etc.”

TOURISM (S006649)

2. By Councillor Greiner -

Question

Lord Mayor, in the 1997/98 Annual Report of the City of Sydney you indicate a partnership with Tourism NSW to work collaboratively to develop a suite of official tourist products.

Would you please inform Council what these tourist products are? What is the marketing strategy behind them? Who is making them? Will they be Australian made? What is their price point? And, how do they fit in with the overall presentation by SOCOG of Olympic merchandise?

Answer by the Lord Mayor

Councillor Greiner, again, the Annual Report is not my document. It is the organisation's document. Statements in the Annual Report are not my personal statements.

The General Manager has advised that:

“The products mentioned in the Annual Report are a suite of visitor publications, with a City Map Guide as the core product in the suite.

These publications will be offered to City visitors from a range of central Sydney distribution points including three City Host information kiosks. International distribution will be provided by Tourism NSW offices.

These publications will be produced by a private sector organisation on behalf of Tourism NSW, the City of Sydney, the Darling Harbour Authority, Sydney Convention & Visitors Bureau and the Sydney Foreshores Authority. Tourism NSW has called for expressions of interest to produce the suite of publications for these agencies on a cost-neutral basis.

The publications will be provided to visitors free of charge and, as such, do not relate to Olympic merchandise.

The aim of the project is to improve the quality and distribution of Sydney visitor information and to minimise duplication between participating agencies.”

LEGAL COSTS (S006648)

3. By Councillor McDermott -

Question

Lord Mayor, In Council's 1997/98 Annual Report there is a list of organisations that have provided goods and services "which together exceeded \$100,000, during the period". Although Council has undertaken legal proceedings which cost it in excess of \$600,000, no firm of solicitors, from our panel, is listed. Is this an omission?

Answer by the Lord Mayor

Legal services were tendered in 1997 and Council approved the successful tenderers. I am advised that there is no requirement that such a level of detail in respect of legal expenses be provided in the Annual Report.

AIRPORT TAXIS (S006648)

4. By Councillor McDermott -

Question

Lord Mayor, I refer to your answer to my question about taxis at airports in Council's Agenda of 15 February 1999.

Have you now written "to both the Taxi Council and the Minister for Transport on this issue"?

Answer by the Lord Mayor

Yes. The General Manager has written to the Director General of the NSW Department of Transport and the Chief Executive Officer of the NSW Taxi Council.

I have written to the Chief Executive Officer of the Sydney Airports Corporation.

These authorities have been asked what measures they are taking to improve taxi management at the airport.

PARKING METERS (S006648)

5. By Councillor McDermott -

Question

Lord Mayor, I have only once used a parking meter since my last complaint. It would not accept my coins. It serviced eight (8) bays and the breakdown was the equivalent of eight inoperable meters of the old type.

This was in the morning and I, having been to several other places and parked my car at the Town Hall, checked this meter opposite my office five hours later. It still didn't work. At \$4 an hour, revenue lost to the Council, by that time, exceeded \$160. By the end of the day it would have been over \$300.

More relevantly I estimate that, although I can recall two occasions on which I have been able to feed coins into the meter, I have had difficulties at various locations on four out of the last six times I have tried to make a payment.

Council is, as I understand it, aiming to reduce breakdowns to 5%. At this level it would cost Council a minimum of \$40,000pa. At the level of my experience it would be many times this figure.

Just after I dictated the original version of this question I read in Column 8 of the SMH (1.3.99) that "Graham Burn, of Lane Cove, fed \$4.50 into a ticket machine in Cumberland Street, City. The machine told him he'd overpaid by \$12.75. He tried to get a refund, but couldn't get any cash. However his ticket showed that from 4.51pm on Wednesday, February 24, he had parking up to 8.19pm SAT 41 MAR 99."

What actually is the percentage of machines which are inoperable on average? Despite my numerous questions on this topic this has never been revealed.

Answer by the Lord Mayor

This matter was discussed during Question Time, and on Questions on Notice, at the last Council meeting. The Deputy General Manager was asked then to keep Councillors regularly informed. I have asked the Deputy General Manager to address this matter in his next report in the Councillors' Information Service.

PITT STREET MALL (S006648)

6. By Councillor McDermott -

Question

Lord Mayor, I frequently walk from my office in Macquarie Street to the Town Hall or the reverse.

Whilst such journeys are outside normal working hours, there almost invariably appear to be cars or small trucks parked on the Pitt Street Mall. Sometimes, particularly on the weekends in the mornings, it appears more like a parking lot than a mall.

What does Council do to enforce its regulations?

Answer by the Lord Mayor

I have raised this issue on previous occasions. I have asked the Deputy General Manager to report in the Councillors' Information Service on steps that have been taken to address this problem. Enforcement is particularly difficult in Pitt Street Mall because the City does not have enforcement rights.

ROAD SIGNAGE (S006648)

7. By Councillor McDermott -

Question

Lord Mayor, some time ago I suggested to you that this Council should give the lead in dealing with other public authorities to improve road signage in and around Sydney. One frequently reads newspaper articles deploring the state of the signage.

What initiatives has this Council pursued to improve the position?

Answer by the Lord Mayor

In May 1997 this issue was raised to all Mayors in the greater Sydney area at a meeting of the Olympic Mayors Group. Unfortunately, Councils seemed reluctant to improve their street signage. I agree with your sentiments that this is not good enough.

COMPETITIVE TENDERING (S006648)

8. By Councillor McDermott -

Question

Lord Mayor, could Councillors please be advised when the Competitive Tendering arrangements which have been entered into between April 1997 and June 1998 are due to expire?

Could a series of briefings be arranged to discuss each contract and the strengths and weaknesses (if any) with respect to performance in each case?

Answer by the Lord Mayor

I have asked the General Manager to advise Councillors of the process for monitoring and review, on a confidential basis if necessary. Tender contracts are not expected before 2000 at which time each contract will be discussed individually, in sufficient time prior to their expiration.

BENCHMARKING (S006648)

9. By Councillor McDermott -

Question

Lord Mayor, you may be aware that a presentation was recently made by Sue Williams, the "Benchmarking Coordinator, City of Yarra, Victoria" to the World Customer Service in Washington DC on the topic of "Intra-benchmarking" which enables workplace teams in Local Government to determine a base line for assessing their service delivery processes.

I understand that the City of Monash, being the second largest Council in the State of Victoria with a staff of approximately 600 (about 80% of our own numbers) uses Inter-benchmarking to:

- (i) Prepare compulsory competitive tender bids, and
- (ii) For the client/customer side of the organisation to develop specifications for the tender bids.

This appears to be a particularly relevant and potentially useful approach for the City of Sydney.

Will you undertake to look into the possibilities of this process as regards the operations of this Council?

Answer by the Lord Mayor

I have asked the General Manager to see if there is any value in this approach compared to our methodology, and to report in the Councillors' Information Service.

BUILDING/DEVELOPMENT APPROVALS (S006648)

10. By Councillor McDermott -

Question

Lord Mayor, would you please arrange a briefing for Councillors on the measures that Council has put in place to ensure that building construction in the city conforms with Council's building and development approvals rather than being non-complying as has occurred at East Circular Quay and elsewhere.

Answer by the Lord Mayor

I have asked the General Manager to inform Councillors, through the Councillors' Information Service, of the procedures in place.

QUESTIONS WITHOUT NOTICE**CRIME PREVENTION STRATEGIES (S006320)**

1. By Councillor Walton -

Question

Lord Mayor, some time ago I brought to the attention of staff a grants program by the State Attorney General's Department for local crime prevention strategies. I should say that, having done so, the staff indicated that they were already aware of it and were intending to action it.

Could you please advise me what progress might have been made in this regard?

Answer by the Lord Mayor

Councillor Walton, your point was well made and raised with staff. Staff did pursue the matter with the Attorney General's Department under their Safer Towns and Cities Program. They have a fund which is supplied by the Government's Confiscated Proceeds Account and they return funds to communities for the reduction of crime and antisocial behaviour.

The good news is that the Attorney General has agreed to provide a grant of \$130,000 over two years for programs under the City Safety Program. The funding can be directed at "coal face" programs similar to the George Street Cinema Precinct Safety Program, which is currently underway, and other components of the City Safety initiative.

I think it is an excellent outcome. General Manager, I would like you to congratulate the Project Manager, Service Planning and Policy, and her team for the submission and the Deputy General Manager and others who have been involved in obtaining funds. I think it also recognises the fact that our Street Safety Program is seen as being effective and important to support.

Can I also say that the Program is progressing. The cameras are rolling out and the results are looking very good. We are looking, hopefully some time in the future, to have some conclusive statistics that we can publish.

GUARDS AT CAB RANKS (S006324)

2. By Councillor Greiner -

Question

Lord Mayor, I refer to a press report dated 18 February 1999 concerning guards manning cab ranks on Friday and Saturday nights. I am intrigued to note that only three ranks have been chosen - Chifley Square, Park Street and George Street North.

Does Council have a view as to why these three ranks have been chosen, but none have been chosen in the Haymarket area?

Answer by the Lord Mayor

Councillor Greiner, I do not have specific knowledge of the issue, but I shall ask the General Manager, through the Project Manager, Service Planning and Policy, to investigate and provide a report to you.

“BONDS OF FRIENDSHIP” SCULPTURE (S006321)

3. By Councillor Tsang -

Question

Lord Mayor, my question is through you to the General Manager.

I refer to the “Bonds of Friendship” sculpture by John Robertson. Are you aware that this sculpture was removed from outside Customs House prior to the upgrade and has yet to be relocated.

Would Council consider the sculpture being moved to outside the Australian Maritime Museum in Darling Harbour. I believe that this location would be a most appropriate resting place for the sculpture due to our maritime link with our sister city of Portsmouth.

Answer by the Lord Mayor

Deputy Lord Mayor, I am aware that it has been removed. It was removed for the works in Alfred Street. We had sought advice from the Curator of the Sydney Open Museum as to where it should go.

Your suggestion prima facie sounds very good because it relates exactly to the maritime links with Portsmouth. The only question that remains to be resolved is whether the public space there is appropriate.

General Manager, would you please have staff investigate that idea?

Councillor McDermott

Lord Mayor, just a comment, if I may? The “Bonds of Friendship” sculpture in Portsmouth is adjacent to the Museum in Portsmouth where the Victory, the Warrior and the Mary Rose are moored and it would seem to me to be an ideal place.

Answer by the Lord Mayor (continued)

Thank you, Councillor McDermott.

AFTERNOON TEA WITH THE LORD MAYOR (S006322)

4. By Councillor McDermott -

Question

Lord Mayor, last Monday I received three invitations from you to an afternoon tea which, unfortunately, had been held the previous day, Sunday 28 February. I hope you won't impute any rudeness to me in not answering.

May I attend one of the many more afternoon teas that I understand you are having weekly on a Sunday, and would it not be a good thing for all Councillors to be asked to these afternoon teas so they have the opportunity of discussing with constituents matters that are of concern.

Answer by the Lord Mayor

Councillor McDermott, this has been raised before. As you know, Councillors are invited to receptions, they are invited to public meetings and discussion groups. These afternoon teas are entirely to give residents the opportunity to meet with the Lord Mayor.

I have taken on board the previous criticism. In a month or so, we will suspend them until after the September election.

TRAFFIC STUDIES (S006325)

5. By Councillor Cotman -

Question

Lord Mayor, you have mentioned on many occasions that traffic studies were carried out with each footpath paving and widening project and, furthermore, that a cumulative effect computer model was being used to anticipate the overall effect.

Are the actual traffic results of these works meeting the outcomes predicated in the studies, both individual and cumulative?

Answer by the Lord Mayor

Councillor Cotman, I will have to take that question on notice.

In general terms, I think a lot of the issues have been addressed, but there are clearly localised problems that continue in the City. The causes are complex. Many relate to the Eastern Distributor, both in terms of William Street and Elizabeth Street.

I will ask staff to respond through the Councillors' Information Service.

HERITAGE SIGNS AT DAWES POINT/MILLERS POINT (S006321)

6. By Councillor Tsang -

Question

Lord Mayor, I have received representations from residents of Dawes Point and Millers Point concerning losing their identity to The Rocks. Some signs were supposed to be erected some years ago, and I moved a motion that such signs be erected at Millers Point and Dawes Point, but nothing has since happened.

Can you please advise Council's current policy concerning these types of signs and the progress of such signs being erected?

Answer by the Lord Mayor

I was not aware that Council had a program to install such signs. I am well aware of the sensitivities of the Millers Point people; they do not want to be known as Dawes Point people or as The Rocks people; nor do Dawes Point people want to be known as The Rocks people.

General Manager, would you ask our City Historian to work in co-operation with the relevant senior executive to look at the issue of special signs in Millers Point and Dawes Point and prepare a proposal to be the subject of consultation with the Resident Action Group, other community members and the Deputy Lord Mayor.

LOCAL AREA NETWORK (LANU) SYSTEM (S006324)

7. By Councillor Greiner -

Question

Lord Mayor, I understand that, as a result of an error by one of your staff who broadcast an e-mail inadvertently to every Council officer on the then LANU network, all Councillors' staff have had their access to general information restricted.

Why should six Councillors' staff be denied access to information that all other Council employees enjoy simply because your staff unfortunately erred?

Answer by the Lord Mayor

I think the question is a very interesting one because it illustrates the complete hide that members of Sydney Alliance have. They receive confidential e-mails, like one from the General Manager to me, which, because someone was away on a certain day, was being relayed to someone else and ended up being relayed throughout the network.

Here we have this amazing hypocrisy that an e-mail, sent from the General Manager's office, by mistake ends up in Councillor Greiner and her colleagues' office. Even though an immediate correction was sent within minutes saying, "That was a confidential e-mail, please ignore," it was not only taken, it was printed, it was published widely and it was faxed to the media.

It is like finding someone's private envelope and opening it or going to someone's desk and rummaging through their in-tray. No question of integrity in these matters; you just take someone's private e-mail, a draft that I had not even seen. The first I heard of it was when the media had it. It was something I had not endorsed, had not seen; it was just a suggestion that came from staff in the organisation.

Then you have the hide to stand up here and cast judgments about the controls that have been placed on access to the computer system. There have been no restrictions on e-mails. You have the hide to stand up here in a condemnatory fashion, as you often do, and be critical of Council administration. If your office had a bit more integrity and you received something by mistake and deleted it or gave it back, as I would do, and not publish it immediately in the media, then this would not happen. I make no apologies for whatever it is that the General Manager has done in his infinite wisdom.

General Manager, would you like to say any more?

General Manager

Yes, thank you, Lord Mayor.

I have advised all Councillors by memo today of action I have taken due to problems late last year when two issues, one referred to by the Lord Mayor and one about trade waste accounts (which is a set of bills we send out for Council's garbage collection) were both inadvertently put on the total system and very shortly afterwards appeared in the media. It made a very difficult situation. Clearly, the choice was to either put the Sydney Morning Herald and the Daily Telegraph on the in-house e-mail system or, alternatively, to limit which areas had access to that system. I chose the latter.

What I have done is put an extra step in the process, in that before material goes on an All Staff Plus bulletin, it has to go through our Information Technology (IT) Manager to lessen the chance of material that should not be going to everybody going to everybody. There is an extra step in the process, but there is still an All Staff Plus bulletin which goes to all Councillors' offices, but to get on that system the IT Manager has to verify that it should be there.

The situations before Christmas were both where we had temporary staff who did not understand the system. The trade waste accounts issue was the classic. We had a gentleman in checking that we were being paid for our bills. A 300 page document was inadvertently put on the in-house system. Within a very short period of time it was being quoted by Piers Akerman in his column and, of course, he did not understand the document in front of him; it was quite different to what he thought it was.

From a control management point of view, I put an extra check in the system so material does not go on to the staffwide system until the IT Manager has verified that it should be there. That seemed to me to be a sensible approach between making sure that everybody had material they are required to have and also protecting ourselves from the situation where, twice in a week, material inadvertently went on the computer and was immediately leaked to the media by persons unknown.

In that situation, I took what I thought was responsible action and have circulated that to all Councillors. The All Staff Plus bulletin will include The Bulletin and those sorts of matters, but there needs to be a degree of confidentiality which otherwise I could not guarantee.

Answer by the Lord Mayor (continued)

Thank you, General Manager. I think that answers the question comprehensively.

Point of Order

During discussion on Question Without Notice 7, LANU System, Councillor McDermott asked the Chairman (the Lord Mayor) to withdraw a comment he made in his answer to this Question Without Notice and to note that he, Councillor McDermott, had not received any confidential e-mails.

Call to Order

During further discussion on this item, the Chairman (the Lord Mayor) called Councillor McDermott and Councillor Greiner to order on two separate occasions for continuing to interrupt the meeting.

COURIER DELIVERIES (S006320)

8. By Councillor Walton -

Question

Lord Mayor, last week a courier accidentally found his way to my office with an envelope addressed to Sydney Alliance. I sent him off to the Sydney Alliance offices.

If I had instead copied the contents of the envelope and sent them straight to Mark Skelsey from the Daily Telegraph and the gentleman from the Sydney Morning Herald, would it somehow be the fault of the courier coming to my office instead of the right office, or would it in fact have been my fault for deliberately sending something to the Press that did not belong to me?

Answer by the Lord Mayor

I think your question speaks for itself, Councillor Walton. Clearly you did the right thing. Others in this Council do not do the right thing.

LANU SYSTEM (S006322)

9. By Councillor McDermott -

Question

Lord Mayor, obviously Councillor Walton would not have done the wrong thing because it was addressed to Sydney Alliance. The e-mail that we have been talking about was not marked confidential, as I understand it. I have not seen it, but I have been told that it was not.

Lord Mayor, is it not the case that nowhere was it stated that this e-mail was confidential?

Answer by the Lord Mayor

The e-mail from the General Manager's office or from Council staff to my personal assistant was clearly a draft document for my signature to a Minister of the Crown. It clearly did not belong to anyone else. Anyone would have known that, firstly, it was a draft and, secondly, it was no-one else's business.

The question has to do with integrity and you obviously struggle to answer questions about your own integrity.

Call to Order

During discussion on Question Without Notice 9, LANU System, The Chairman (the Lord Mayor) called Councillor McDermott to order for a third time for continuing to interrupt the meeting.

SYDNEY POLICE CENTRE (S006323)

10. By Councillor Jahn -

Question

Lord Mayor, in 1995, and I think also in 1996, I asked a question regarding public domain issues surrounding the Sydney Police Centre site in Campbell, Riley and Goulburn Streets in Surry Hills. This is the site occupied by Central Police Station. It has a barbed wire fence around the majority of the surface car park and the other part has a left-over piece of land which I assume Council maintains as public domain. It seems to me that this is a very unsatisfactory solution to the occupation of this land.

If it is unlikely that this site is converted to, I would have thought, a very appropriate art gallery, and the Police remain there, could we seek some form of public domain study to deal with the question of security and presentation of that land to the street with a view to perhaps reducing the surface car parking or rationalising it in order to have a piece of park or open space. The way the land is occupied is fairly inefficient.

I would like to request again, if possible, that we do some minimum study regarding the quality of the public domain there with a view to negotiating with the Police about rationalisation of their occupation to create some open space where there is a lot of residential building taking place.

Answer by the Lord Mayor

The answer is yes.

Can I also say that we acquired the piece of land opposite, next to the Sydney City Mission site, and we are removing advertising from that site. We also have to address the design of what we do with the little pocket on the corner which we bought late last year. The site you mention is across the road, so perhaps the study should look at both sites in terms of what Council can do in the short, medium and long term.

General Manager, in due course, would you do whatever it is that is appropriate in this regard?

ACCESS COMMITTEE MINUTES (S006325)

11. By Councillor Cotman -

Question

Lord Mayor, the minutes of the Access Committee indicate a continuing concern over access issues relating to -

- (a) the kerbs in the City of Sydney not being up to the standards already adopted by Council;
- (b) the new automatic toilets in the street furniture suite, and
- (c) the clutter on the footpaths created by permanent and licensed structures.

What is Council's view on these issues? Perhaps the Deputy Lord Mayor, Chairman of the Access Committee, may care to comment.

Answer by the Lord Mayor

I will ask the Director City Projects to respond.

Director City Projects

On the first item, attention was drawn to a construction detail which had a 10-15 millimetre lip on kerbs causing inconvenience and difficulty in use of kerb ramps by wheelchair users. We immediately modified the detail on unconstructed works to ensure that all future kerb ramps comply with wheelchair user requirements.

In relation to already constructed kerb ramps, a tender has been called by the Department of Public Works and Services to remedy the existing kerbs. This will be a three month program with works occurring after hours.

On the automatic toilets and street furniture, the tender required all items of street furniture, including automatic public toilets, to conform to Australian Standards that cover access for the handicapped and disabled. A large component of the automatic toilets is being fabricated in Europe and my understanding is that they are being fabricated to these standards.

Location and placement of all elements in the public domain is in accordance with relevant Council policies.

Answer by the Lord Mayor (continued)

Would you make sure, Director City Projects, that you do a special assessment at a senior level to make sure they are fabricated to the required standards.

In relation to clutter, the smart pole concept is about removing clutter; we have done a lot to remove clutter.

Deputy Lord Mayor, perhaps you could ask the Director City Projects and his senior staff to come to the next Access Committee meeting and update the Committee on all these matters.

COMMONWEALTH DAY (S006321)

12. By Councillor Tsang -

Question

Lord Mayor, would you accept a thank you from the Honourable Max Willis for Council's support of the celebration of Commonwealth Day today?

Would you also assure Councillors that Council will continue to support Commonwealth Day celebrations in the future

Answer by the Lord Mayor

The answer is yes, and please convey my regards to Mr Willis.

GEORGE STREET FOOTPATH (S006324)

13. By Councillor Greiner -

Question

Lord Mayor, Councillor Cotman raises a real concern for the disabled moving through our City, with particular reference to the sloping footpath in George Street outside Grace Brothers.

I have received complaints from those in wheelchairs and those with walking sticks that it is particularly difficult to move along the sloping footpath.

Who is responsible for this? Why is there a slope on this footpath?

Answer by the Lord Mayor

I will ask the Director City Projects to investigate this matter.

ITEM 12. NOTICES OF MOTION**RESIDENTIAL PARKING POLICY (S006655)**

1. Moved by Councillor Greiner, seconded by Councillor McDermott -

That further to Council's recognition of the need for a review of the flawed existing residential parking policy in Pyrmont, Council also now pursue a review of the unworkable employee parking requirements with particular reference to 24-hour operational employment centres such as TV Studios; Call Centres; International Financial Service Centres; which necessitate greater reliance on private transport.

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

That in respect of the issues concerning the provision of car parking for employees who work at night time in Pyrmont, Council notes the following -

- (A) the Director City Development is reviewing existing times and hourly rates for resident parking in streets adjacent to large commercial premises on the periphery of Pyrmont;
- (B) the City of Sydney has made repeated submissions to the Department of Urban Affairs and Planning to raise the level of car parking allowable under SREP 26 which covers Ultimo/Pyrmont;
- (C) the matter of parking for those commercial centres which have 24 hour operations is to be referred to the Sydney Harbour Foreshore Authority for assistance and action.

Motion, as amended by consent, carried unanimously.

SOCO (S006655)

2. Moved by Councillor Greiner, seconded by Councillor McDermott -

That Council formally request the Lord Mayor to organise an urgent briefing of Councillors by senior SOCOG officials for the following reasons:

- (i) Sydney is the Host City and as a result of that we, the Councillors, have a responsibility to the broader community;
- (ii) The Lord Mayor, who has represented ex officio the City's interests on SOCOG, has rarely, if ever, reported back to Council on matters to do with SOCOG;
- (iii) The following issues which parade through the press daily and which are of concern:

- (a) A report by the New South Wales Audit Office that taxpayers could be asked to “reach deeper into their pockets”. What is the financial exposure of the State and/or the City?
- (b) That Olympic organisers will take the axe to the City’s beautification budget next year which will affect suburbs around the City and Darling Harbour; and
- (c) Sydney’s ability to raise a further \$250 million in sponsorships this year and the ramifications thereof.

Amendment moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That Council recognises -

- (A) that the deliberations of the Board of SOCOG, being a statutory corporation, are confidential to it and the Lord Mayor, when acting as a Board member, has a primary duty of confidentiality to SOCOG, separate from his/her duty as Lord Mayor;
- (B) that on the first of May 1991, the then Lord Mayor, Jeremy Bingham, and the then Premier of New South Wales, Nick Greiner, signed a Deed of Co-operation under which the City agreed to carry out the actions reasonably required by the State to plan, organise and stage the Games;
- (C) that under the Deed of Co-operation:
 - (i) the State indemnified the Council against all and any liabilities;
 - (ii) the Council is required to take such action as the State requires of it in regard to planning, organising and staging the Games;
 - (iii) Council officers and representatives and agents are precluded from making public statements or announcements in relation to the staging of the Games without the written approval of the Premier;
- (D) that the Lord Mayor has invited, and will continue to invite, SOCOG executives to brief Councillors on any aspect of the Games relevant to Council’s jurisdiction.

The amendment was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) - Councillors Cotman, Greiner and McDermott

The substantive motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) - Councillors Cotman, Greiner and McDermott

Substantive motion carried.

Extension of Time

During discussion on Notice of Motion No 2, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was -

Moved by Councillor McDermott, seconded by Councillor Walton -

That the Chairman (the Lord Mayor) be granted an extension of time to speak on this matter.

Carried.

SMART POLES (S006653)

3. Moved by Councillor McDermott, seconded by Councillor Greiner -

That Councillors be briefed with regard to the installation of the 'Smart Poles' and the administration of the contract in view of the fact that although Council has not been advised of this, there is currently litigation regarding an unpaid claim by the contractor for \$2 million or thereabouts.

Variation to the Motion. During discussion on this matter Councillor McDermott, with the consent of the seconder of the motion, varied the motion to read as follows -

That -

(A) copies of the original contract and variations thereto, including design variations, be made available to Councillors on a Councillors only basis at this stage; and

(B) Councillors be briefed on this matter.

Motion to close meeting

During further discussion on this matter the Chairman (the Lord Mayor) moved -

That the meeting be closed in accordance with the provisions of Section 10A (2)(g) of the Local Government Act 1993 to discuss matters arising from Notice of Motion No 3, Smartpoles, as these matters would comprise discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;

and further that the meeting be closed for this item on the basis that discussion of this matter in open session may potentially prejudice the Council's interests.

Following debate on the motion to close the meeting (while the meeting was still open to the public), the Chairman (the Lord Mayor) agreed to withdraw the motion.

Amendment moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That the motion be amended by -

- (1) the deletion of Clause (B) and the substitution of the following new Clause (B) -
 - (B) it be noted that Councillors have already been comprehensively briefed today on Council's dealings with the supplier of street light poles - known as "Smartpoles" and that it is not in the public interest to debate this openly while an expert determination is proceeding;
- (2) the addition of the following Clauses (C) and (D) -
 - (C) Council requests Councillor Greiner to refrain from personal involvement in this matter or actions which might be to the detriment of the City in resolving this issue or any other disputes with contractors;
 - (D) in respect of the Goldspar claim, Council requests Councillor Greiner to respond to the following questions:
 - (i) has she attended meetings with the contractor or their staff, without a senior Council staff member or the General Manager being advised?
 - (ii) if so, is Councillor Greiner not aware of the potential probity issues which arise - given the current litigation/dispute with Goldspar - and the risk that such meetings might compromise the City's legal rights?
 - (iii) if not, why not?
 - (iv) was Councillor Greiner given an inspection of the Goldspar premises in November last year?
 - (v) did Councillor Greiner attend this inspection knowing the City would be billed for the time of the Goldspar staff in giving her the inspection?
 - (vi) what other meetings, representations or discussions has Councillor Greiner, the Sydney Alliance Councillors, their staff or members of the Sydney Alliance party had with Goldspar or its representatives or agents in relation to the dispute with the City?
 - (vii) does Councillor Greiner, or any member of her family, have (or have they had in the past) an association, either personal or professional, with the proprietor of Goldspar or with any member of his family?

Following discussion, the Chairman (the Lord Mayor) with the consent of the seconder of the amendment, agreed to delete Clause (D)(vii) of the amendment.

The amendment was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) - Councillors Cotman, Greiner and McDermott

The substantive motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) - Councillors Cotman, Greiner and McDermott

Substantive motion carried.

Call to Order

During discussion on Notice of Motion No 3, Smartpoles, the Chairman (the Lord Mayor) called Councillor McDermott to order for an act of disorder, namely interrupting the discussion at the meeting.

Following further discussion the Chairman (the Lord Mayor) called Councillor McDermott to order a second and third time for further interruptions and also pointed out that Councillor McDermott was in breach of the Local Government (Meetings) Regulation 1993.

Following further discussion the Chairman (the Lord Mayor) called Councillor McDermott to order a fourth and further times and ruled that Councillor McDermott was in breach of the Local Government (Meetings) Regulation 1993, and that statements made by Councillor McDermott several times that the Chairman (the Lord Mayor) was “a liar” were defamatory.

The Chairman (the Lord Mayor) offered Councillor McDermott the opportunity to retract and apologise for the act of disorder. Councillor McDermott did not retract.

Closed Meeting

At 8.23 pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 13 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or 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 matter and the circumstances of communications.

Item 13 was then dealt with by Council while the meeting was closed to the public.

Declaration of Interest

Prior to discussion on Item 13 at the meeting of Council, the General Manager declared a pecuniary interest in this matter in that he is a shareholder in Solution 6 Pty Limited, the subject of the report.

ITEM 13. PROPOSED REFURBISHMENT AND LEASE OF LEVELS 22 & 23 TOWN HALL HOUSE TO SOLUTION 6 PTY LTD (S00-1551)

Moved by Councillor Walton, seconded by Councillor McDermott -

That arising from consideration of a report by the Senior Property Manager to Council on 8 March 1999, on the proposed refurbishment and lease of levels 22 and 23 Town Hall House, to Solution 6 Pty Ltd, it be resolved that -

- (A) the areas be leased to Solution 6 Pty Ltd on the terms as stated in Paragraph 8 of the subject report;
- (B) the refurbishment costs be funded from the Property Reserve and that the additional income (above the adopted budget) from the new lease be directed into the Property Reserve for the first eighteen months;
- (C) authority be delegated to the General Manager to approve the negotiated rental with Solution 6 Pty Ltd for levels 22 and 23.

Carried.

At 8.25 pm the meeting concluded.

Chairman of a meeting of the Council of the City of Sydney held on 29 March 1999. These minutes were subsequently confirmed on April 1999.