

*Living City*

**10 MAY 1999**

**Meeting No 1290**

**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 10 May 1999 pursuant to Notice 6/1290 dated 6 May 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, The Hon Henry Tsang MLC 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 McDermott, seconded by Councillor Tsang -

That the minutes of the Council Meeting of 29 March 1999, as circulated to Councillors, be confirmed.

Carried.

Note - At the Council meeting on 29 March 1999, Council resolved to delegate authority to the Lord Mayor, subject to consultation with Councillors, to confirm the minutes of -

- the Extraordinary meeting of Council held on 1 March 1999; and
- the meeting of Council held on 8 March 1999.

The Lord Mayor subsequently confirmed the minutes of both those meetings on 20 April 1999.

**ITEM 2A. HAILSTORM ASSISTANCE FUND - DONATION FROM THE CITY**

FILE NO: S008170

DATE: 7/5/99

**MINUTE BY THE LORD MAYOR**To Council:

The State Government has commenced the Hailstorm Assistance Fund to aid families affected by the hailstorm of 14<sup>th</sup> April 1999. The State Government has donated \$50,000 to start the fund and has requested the City's support.

The Hailstorm Assistance Fund is administered by the Community Disaster Relief Fund; a standing body comprised of representatives of the Department of Community Services and various NSW charities.

The hailstorm caused major damage to the Sydney region. The City of Sydney recognises that many nearby municipalities including South Sydney and Woollahra incurred major damage. Many families and homeowners have been affected by the damage to their homes and property.

It is recommended that a major donation of \$50,000 be provided from the City's contingency fund to the Hailstorm Assistance Fund. This donation will assist families and homeowners who have suffered loss or damage as a result of the storm.

RECOMMENDATION:

That Council approve a donation of \$50,000 to the Hailstorm Assistance Fund. This donation will enable the City to assist those families and homeowners who have suffered loss or damage as a result of the hailstorm of 14<sup>th</sup> April 1999.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 10 May 1999, on Hailstorm Assistance Fund - Donation from the City, it be resolved that Council approve a donation of \$50,000 to the Hailstorm Assistance Fund; this donation will enable the City to assist those families and homeowners who have suffered loss or damage as a result of the hailstorm of 14 April 1999.

Carried unanimously.

Note - The Chairman (the Lord Mayor), on behalf of Council, expressed appreciation to the City of Sydney's and the City of South Sydney's volunteer members of the State Emergency Service and the Fire Service in the inner City areas for their contribution.

**ITEM 2B. CITY OPEN DAY PROPOSAL - JULY 1999**

FILE NO:

DATE: 10/5/99

**MINUTE BY THE LORD MAYOR**

To Council:

By July this year, all of our current capital works projects will be complete with a few small exceptions, marking the near realisation of Sydney's most significant local government improvements program this century.

This program, including cultural and community facilities, amounts to over \$300m in the final year to 2000.

In addition to the City's \$300 million program, there are billions of dollars worth of private sector construction projects, which are drawing to a close also - such as the GPO redevelopment, the Angel Place development and 363 George Street.

Additionally, in the last five years the City has seen the completion of \$3.3 billion worth of private development, comprising 111 residential, tourist related and commercial projects. Another \$3.2 billion is currently under construction.

In keeping with recent Olympic milestones such as the completion of the Olympic Park and Stadium Australia, this unprecedented transformation of the CBD is a key part of Sydney's Olympic preparation. Indeed, outside the State Government, the City of Sydney is Australia's largest contributor to the 2000 Games.

The fact that the majority of the construction (and certainly the City's contribution) will be completed well in advance of the Games is also a milestone worth celebrating - especially in light of the last minute preparation scenes witnessed in other recent Olympic cities such as Atlanta and Barcelona.

I believe Sydneysiders (and visitors) would relish the opportunity to review this significant work in progress by staging a program of 'behind the scenes' tours of around 20 key venues and public spaces during a weekend in July. The event program (with a working title of 'City Open') is likely to include the improvement works in more than twelve of the City's key streets, along with a number of significant new cultural and leisure venues such as Customs House, the City Recital Hall, and the Cook & Phillip Park complex.

In addition, the City may partner with developers to showcase a number of the major private sector developments which will be completed prior to the Olympics.

City of Sydney staff, contractors and design professionals who have worked on the improvements program would be available on the day to provide the public with an insight into each project and how it will contribute to a better CBD.

This 'City Open' initiative is in keeping with the principles behind the City's successful City Exhibition Space at Customs House which many thousands of Sydneysiders have visited during the past three months to access information on Sydney's future look and feel. The success of the Exhibition Space demonstrates the strong public interest in learning more about plans for our City's development.

I believe this opportunity to take a closer, real life, look behind the scenes of our City's most significant developments would be very positively received by Sydneysiders and visitors.

The 'City Open' event also provides an opportunity to acknowledge the contribution and the cooperation of our private sector partners in preparing the City for 2000 and beyond.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 10 May 1999, on City Open, it be resolved that:

- (A) Council endorse the concept of a program of public tours in July to showcase the completed and near completed projects within the City's improvements program.
- (B) The General Manager be directed to take all necessary action to implement the concept of City Open.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 10 May 1999, on City Open Day Proposal - July 1999, it be resolved that -

- (A) Council endorse the concept of a program of public tours in July to showcase the completed and near completed projects within the City's improvements program; and
- (B) the General Manager be directed to take all necessary action to implement the concept of City Open.

Carried unanimously.

### **Declaration of Interest**

Prior to discussion on Item 2C, the Chairman (the Lord Mayor) declared an interest in this matter in that he is a member of the Board of SOCOG. The Chairman (the Lord Mayor) took part in discussion and voting on this item.

### **ITEM 2C. OLYMPIC PREPARATIONS**

FILE NO:

DATE: 10/5/99

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

To Council:

The Olympic Games are 16 months away and much activity is taking place as we move towards the event. Councillors have been previously briefed after the Atlanta Games and the Commonwealth Games and previously by representatives from SPOC and SOCOG and earlier this evening by Sandy Hollway on the issues and progress.

Over the last 6 to 12 months the staff have been preparing a draft Olympic Operation Plan to cover all areas of our activity from protocol, hawking and vending, industrial relations, traffic, through to street cleaning for the sixteen day Olympic period. The New Year's Eve event in 1998/1999 and again 1999/2000 have provided great opportunities to test many of the logistical and organizational skills required to manage a city through a major event.

Last year we established an operations centre to coordinate the total city response to the NYE event and many agencies such as SOCOG, OCA, ORTA and the police were granted observer status. This has allowed us to develop an operation plan for the event and then monitor and manage our total activities against it with other agencies. This was for a two day event plan and will be further extended this year as we prepare for the cost and problems associated with sixteen days in September next year.

The Olympic operation plan has not been developed in isolation and involves ongoing and extensive discussion with other agencies. It has to remain flexible, at this stage, because many of the key decisions, eg in regard to traffic, parking and crowd modelling remain to be resolved.

The General Manager represents the city on the urban domain executive. This group consists of the CEO's of SOCOG, OCA, ORTA and the Police Commissioner. It is looking at the range of issues outside of the sporting venues including crowd management, traffic, ambush marketing signage etc. This group will consider site plans for each of the four precincts, city central, Darling Harbour, eastern precinct, Homebush precinct and the western region.

In addition, I have been chairing a group of Mayors, whose Councils will host Olympic events. Issues being considered include hawking and vending, staff exchanges and industrial agreements. These issues are also being refined in the context of the draft Olympic Operation Plan and I will ask the General Manager to brief the council as the document takes greater shape.

The City improvement program carried out in the last three years also will provide a much better environment as visitors come into the city for events, for entertainment and for celebration. In total, including cultural and community facilities, there will have been about \$320 million spent on upgrading the public spaces and facilities. This program has brought forward a generation of public infrastructure and greatly enhanced the attractiveness of the heart of our city. This outlay would make the City the second biggest supporter of the Games effort behind the State Government, if indirect expenses are included. The fact that this has been achieved without taking the City into debt (rather we have reduced debt) is an even more significant legacy.

Negotiations also have been continuing with SOCOG in relation to our role as host city and associated issues such as torch relay, banners, accreditation, hospitality, ticketing, city entertainment and protocol for City guests.

It is important for the City to clarify these issues so that we can have a positive relationship with the Olympic agencies, which has not always been the case at recent Games. Our approach has been within the budget context adopted by Council in 1998 and again in 1999, with \$5 million allocated for in the 1999/2000 budget and \$10 million in the 2000/2001 budget to meet our obligations. At this stage that would appear to be a satisfactory allocation for the range of additional services and our agreement with SOCOG. The agreement is by definition evolving as we clarify cost responsibility between agencies but I think it is important to put parameters around our involvement.

This \$15 million allocation is within our previously advertised management plan and complements both our capital improvements program and the costing work associated with our Olympic Operation Plan. With this commitment we really are one of the significant sponsors of the event and playing our part in making the Games a success. I will keep Council briefed on the matter as we progress.

RECOMMENDATION

1. That the Lord Mayor's minute be endorsed by Council.
2. That authority be delegated to the General Manager to negotiate and execute an agreement with SOCOG within the parameters of the 1999/2000 and 2000/2001 budget allocations.
3. That the General Manager keep council briefed on the development of the draft Olympic Operation Plan.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That arising from consideration of Minute by the Lord Mayor to Council on 10 May 1999, on Olympic Preparations, it be resolved that -

- (A) the subject Minute by the Lord Mayor be endorsed by Council;
- (B) authority be delegated to the General Manager to negotiate and execute an agreement with the Sydney Organising Committee for the Olympic Games (SOCOG) within the parameters of the 1999/2000 and 2000/2001 budget allocations;
- (C) Council identify and keep the needs of the City's residents and retailers during the Olympics at the forefront during its ongoing negotiations with SOCOG, the Olympic Co-ordination Authority and the Olympic Roads and Transport Authority;
- (D) the General Manager keep Council briefed on the development of the draft Olympic Operation Plan.

Carried unanimously.

**ADDITIONAL MATTERS FOR COUNCIL**

FILE NO:

DATE: 10/5/99

**MINUTE BY THE LORD MAYOR**

To Council:

Attached for consideration by Council at its meeting on 10 May 1999 are -

- a Memorandum by the General Manager on Goldspar - Expert Determination; and
- a report by the Senior Property Manager on Proposed Redevelopment of the Manning Building, 441-459 Pitt Street - Owner's Consent to Lodgement of a Development Application.

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

### **ITEM 3B. GOLDSPAR - EXPERT DETERMINATION**

FILE NO: S003807

DATE: 10/5/99

#### **MEMORANDUM BY THE GENERAL MANAGER**

To Council:

Councillors may recall that at the Goldspar briefing session, I stated that a further update would be given when there was progress in this matter.

I am pleased to advise that the expert appointed to this matter, Mr John Morrissey, made his final determination on 3 May 1999. The key aspects of that determination are -

1. that a contract exists between the parties;
2. at the request of the parties, the determination covers matters in dispute up to a total of 520 poles. This basically covers the orders made for this financial year. The original scope of the dispute was to 30 November 1998, when approximately half these poles had been delivered;
3. Mr Morrissey has expressed the liability in terms of a total, gross amount payable by Council to Goldspar. This amount is \$4.362 million. Council is entitled to deduct the monies which have already been paid for that work. The determination recites an amount (\$2,455 million) as "paid". This accurately reflects payments made up to 20 November 1998. The parties agreed this amount in the presence of Mr Morrissey. Since 20 November 1998, Council has continued to pay for poles as these are delivered. Council has now received more than 500 poles. The amount paid has significantly increased.

A copy of the final determination, together with a cash reconciliation showing the amounts paid to date and the amounts to be paid to Goldspar, will be circulated separately to Councillors as confidential papers.

It is difficult to assess how much Goldspar actually sought from the determination process. The claim was revised and supplemented on several occasions during the process, and the claimed amounts were not reconciled. Goldspar's claim roughly equates to a total payment of \$6.4 million. The expert determination is \$2 million below this sum.

The process commenced in November 1998 and has taken 6 months to complete as a number of additional submissions were made by Goldspar. However, the final result is pleasing, and is within Council's overall assessment. It is a decision I am pleased to accept.

Goldspar have now received the outcome of a process which they selected using the expert endorsed by them. Council staff have notified Goldspar that the balance of the monies now due are available. I trust that Goldspar will now be able to put their previous concerns behind them, and complete their obligations under the contract in a co-operative way.

RECOMMENDATION:

That the Memorandum by the General Manager to Council on 10 May 1999, on Goldspar - Expert Determination, be received and noted.

(SGD) GREG MADDOCK  
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 10 May 1999, on Goldspar - Expert Determination, it be resolved that Council -

- (A) receive and note the subject Memorandum by the General Manager; and
- (B) endorse the General Manager's actions in this matter.

The 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

Motion carried.

**Call to Order**

During discussion on Item 3B, the Chairman (the Lord Mayor) called Councillor Greiner to order and ruled, in accordance with the provisions of Clause 25(1)(d) of the Local Government (Meetings) Regulation 1993, that she had committed an act of disorder in that her remark that Council was an "unethical Council" was a reflection upon Councillors and staff. The Chairman (the Lord Mayor) required Councillor Greiner to withdraw and apologise without reservation, in accordance with Clause 25(2)(c) of the Regulation.

Councillor Greiner withdrew and apologised without reservation.

During further discussion on this item the Chairman (the Lord Mayor) called Councillor McDermott to order for interrupting the meeting.

During further discussion on Item 3B, the Chairman (the Lord Mayor) called Councillor McDermott to order a second and third time for interrupting the meeting and ruled, in accordance with the provisions of Clause 25(1)(e) of the Local Government (Meetings) Regulation 1993, that his interruptions were an act of disorder. The Chairman (the Lord Mayor) required Councillor McDermott to withdraw and apologise without reservation, in accordance with Clause 25(2)(c) of the Regulation.

Councillor McDermott withdrew and apologised without reservation.

**ITEM 18. PROPOSED REDEVELOPMENT OF THE MANNING BUILDING,  
441-459 PITT STREET - OWNER'S CONSENT TO LODGEMENT OF  
A DEVELOPMENT APPLICATION (L02-00875)**

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

That arising from consideration of a report by the Senior Property Manager to Council on 10 May 1999 on the Proposed Redevelopment of the Manning Building, 441-459 Pitt Street, it be resolved that Council grant its consent as land owner to the lodgment of a development application for alterations and additions to the Manning Building generally in accordance with the plans shown in Attachment B to the subject report, subject to:

- (A) the building height being limited to that shown in the current proposal;
- (B) active uses being provided at ground level on all street frontages to the satisfaction of the General Manager;
- (C) the façade of the building being further developed in terms of its articulation, fenestration detailing and the bulk and design of the plant room at roof level.

Carried unanimously.

**ITEM 3A. QUARTERLY REVIEW (S00-3239)**

FILE NO: S00-3239

DATE: 3/5/99

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

At a briefing of Councillors on 10 May 1999, the General Manager will provide a quarterly review of operations against the Corporate Plan. This complies with the requirement of the Local Government Act 1993, that this must be done for each quarter within six (6) weeks of the end of the quarter.

RECOMMENDATION:

That the Memorandum by the General Manager to Council on 10 May 1999, on Quarterly Review of Operations by the General Manager for the quarter ended 31 March 1999, be received and noted.

(SGD) GREG MADDOCK  
General Manager

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

That the Memorandum by the General Manager to Council on 10 May 1999, on Quarterly Review of Operations by the General Manager for the quarter ended 31 March 1999, be received and noted.

Carried.

**ITEM 4. MATTERS FOR TABLING**

The following reports had been received and were laid on the table:

Australian Institute of Management New South Wales Limited	Annual Report 1998
Energy Australia	Annual Report 1998
Safety Review Committee	Annual Report 1997-1998
State Transit	Annual Report 1997-1998

The Council agreed that the reports be received and noted.

**ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 3 MAY 1999**

PRESENT

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

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

At the commencement of business at 5.02 pm those present were:-

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

Councillor McDermott and Councillor Tsang arrived at the meeting of the Finance, Properties and Tenders Committee at 5.05 pm, during discussion on Item 1.

The Finance, Properties and Tenders Committee concluded at 5.35 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 3 May 1999 be received, and the recommendations set out below for Items 5.1, 5.3 and 5.4 be adopted, with Item 5.2 being dealt with as shown immediately following that Item.

Carried.

The Committee recommended the following:-

**MARCH 1999 - QUARTER 3 BUDGET REVIEW (S00-5638)**

**5.1**

That arising from consideration of a report by the Senior Management Accountant, to the Finance, Properties and Tenders Committee on 3 May 1999, on March 1999 - Quarter 3 Budget Review, it be resolved that Council:-

- (A) note the year end forecast showing an operating surplus of \$52.2M;
- (B) note the revised year end forecast for capital works of \$122.8M;
- (C) note the year end forecast for plant and assets of \$7.3M which remains unchanged from the original adopted budget; and

- (D) authorise income and expenditure in line with the forecast as detailed in Attachment A to the subject report.

Carried.

### **Order of Business**

At this stage of the meeting Council resolved, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, that the order of business be altered to bring forward for consideration Item 12, a Memorandum by the General Manager on World Square Proposal - Question of Council Participation.

### **ITEM 12. WORLD SQUARE PROPOSAL - QUESTION OF COUNCIL PARTICIPATION**

FILE NO:

DATE: 7/5/99

#### **MEMORANDUM BY THE GENERAL MANAGER**

##### To Council:

The World Square site has been a controversial and difficult site for 15 years. It is one of the few remaining holes in the ground in the City and one that we would ideally like to see progressed, at least to podium level, by 2001. I am informed by World Square that it is not possible to complete the development by the Olympics, but it could be substantially progressed. This would improve the streetscape, as well as economic and community activity, in that area of George Street. The owners of the site are currently attempting to re-launch the project and discussions have been pursued in an attempt to achieve this objective.

### **BACKGROUND**

The history of the major events in the World Square development can be summarised in the following way:

- |     |                |                                                                                                                              |
|-----|----------------|------------------------------------------------------------------------------------------------------------------------------|
| (a) | May 1986       | Minister for Planning becomes the consent authority for the site under Section 101 of the EPA Act.                           |
| (b) | September 1986 | D/A Lodged.                                                                                                                  |
| (c) | April 1987     | D/A approved by Minister. B/A approved. Site works commence.                                                                 |
| (d) | February 1990  | Revised 1988 D/A approved by Minister. Minister revokes Sec. 101 Direction (CSPC becomes consent authority for any new D/A). |
| (e) | 1990           | All work on site ceases.                                                                                                     |

- (f) March 1995 Site works recommence on short stay car park.
- (g) November 1995 Short stay car park for 600 spaces opened.
- (h) November 1995 New World Square Masterplan D/A lodged.
- (i) March 1996 Stage 2 (OSW Hotel & Residential) was approved and subsequently commenced construction. It has now been substantially completed.
- (j) May 1997 Stage 3 (Hotel / Serviced Apartment building) was approved – deferred consent. Construction has not commenced.
- (k) May 1997 Stage 4 (Commercial Tower) was approved – deferred consent. Construction has not commenced.

The project can be segmented in the following stages -

- (a) Stage 1 comprises construction of the podium and completion of the car park (level 1-7) (excluding all podium works in Stage 2 – being the North East quadrant residential/hotel site).
- (b) Stage 2 involves the construction of the remainder of the podium (levels 8-13), a residential tower and hotels on this NE quadrant (known as the OSW development), the Avillion Hotel and the remainder of the basement car park.
- (c) Stage 3 is the low rise hotel/serviced apartment building at the corner of Pitt and Goulburn Streets. DA approved in 1997.
- (d) Stage 4 comprises the commercial tower fronting George Street. (DA approved in 1997).
- (e) Stage 5 is proposed to comprise a further commercial tower fronting Liverpool Street. (DA not yet submitted).

World Square has advised me that financial difficulties in progressing the development exist. Considerable discussion has taken place recently with the owners of the site to investigate all options to move the development towards completion. Apart from aesthetic considerations, there are economic and community safety benefits if the proposal can be activated.

In general terms, I consider that the completion of this project to at least podium level is a worthy public policy objective.

World Square has requested that Council grant it rate relief for the World Square land. It has requested a 50% rate reduction. Company representatives have indicated to me that the company is in the process of being restructured and if this restructure can successfully occur and financial difficulties can be overcome, then the development could recommence in September 1999 and the podium levels of the development could be completed by September 2001.

Council rates for the 1998/99 rating year are comprised within two separate rating assessments, the total amounts to \$700,000. World Square is requesting a concessional rate of 50% of annual rates for the next ten (10) years. This concession would amount to \$350,000 in the current rating year. At an NPV discount rate of 5%, this would be \$2.7M for 10 years and \$1.5M for 5 years.

A special development category would be created (similar to small hotels in previous years) Council would recoup the amount within the total rating pool.

An amended rating structure for 1999/2000 is attached and would need to be included as an option in the draft corporate plan to be placed on exhibition.

World Square has requested additional concessions from Council which may be summarised as follows:

- (i) some relief from car parking restrictions;
- (ii) ability to advertise on the lift core on a temporary basis;
- (iii) direct financial contribution;
- (iv) release of bank guarantees held by Council pursuant to DA conditions;
- (v) support for similar relief in respect of Land Tax.

The quantum of the financial contribution World Square is seeking from Council (both direct and indirect) is in the order of \$5M.

I believe that in pursuing the matter Council would need adequate security for its investment and guarantees relating to the location of a police station on the site with a George Street frontage (the subject of previous discussion between the City and NSW Police), as well as the early commencement of community facilities previously approved such as the child care centre, the gymnasium and the supermarket.

These issues all require further and careful consideration by Council staff before any final recommendation can be made and further negotiation with World Square will be necessary. At this stage it is only proposed to advertise the rate as a sub-category of business so, that should Council choose to proceed to grant this relief, it may do so in the next financial year.

#### RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 10 May 1999, on World Square Proposal - Question of Council Participation, it be resolved that Council -

- (A) support the objective of restarting the World Square development and, in principle, consider providing assistance to World Square because of the unique nature and location of this development;
- (B) authorise the Lord Mayor and General Manager to negotiate and progress the matter for Council's consideration in June;

- (C) include the option of rating the World Square land as a sub-category of business in the Corporate Plan for 1999/2000 and advertise this option.

(SGD) GREG MADDOCK  
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 10 May 1999, on World Square Proposal - Question of Council Participation, it be resolved that Council -

- (A) support the objective of restarting the World Square development and, in principle, consider providing assistance to World Square because of the unique nature and location of this development;
- (B) authorise the Lord Mayor and General Manager to negotiate and progress the matter for Council's consideration in June and that in subsequent negotiations that the accelerated completion of the George Street frontage be a main consideration;
- (C) include the option of rating the World Square land as a sub-category of business in the Corporate Plan for 1999/2000 and advertise this option.

The 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.

Motion carried.

### **Extension of Time**

During discussion on Item 12, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was -

Moved by Councillor Walton, seconded by Councillor Greiner -

That Councillor McDermott be granted an extension of time of one minute to speak on this matter.

Carried.

### **Call to Order**

During discussion on Item 12, the Chairman (the Lord Mayor) called Councillor Greiner to order for interrupting the meeting.

## Order of Business

At this stage of the meeting Council resolved, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, that the order of business be altered to bring forward Item 8, 1999-2002 Corporate Plan, in order that it be considered in conjunction with Item 5.2 of the Report of the Finance, Properties and Tenders Committee.

### **DRAFT BUDGET 1999/2000 - APPROVAL TO PLACE ON PUBLIC EXHIBITION (S003129)**

#### **5.2**

That arising from consideration of a report by the Finance Manager to the Finance Properties and Tenders Committee on 3 May 1999, on the Draft Budget for 1999/2000, it be resolved that Council -

- (A) approve the draft 1999/2000 budget for inclusion in Council's draft Corporate Plan;
  - (i) for operating income of \$131.288 million; for operating expenditure before depreciation and financing of \$94.878 million and for a net surplus of \$16.061 million after depreciation, financing and capital contributions;
  - (ii) for plant and assets of \$5.317 million plus a carry forward of expenditure from the 1998/99 budget, as required;
  - (iii) for capital works of \$45.753 million plus carry forward of expenditure from the 1998/99 program, as required;
- (B) adopt the rates for 1999/2000 subject to a general increase yet to be announced by the Minister;
- (C) approve the draft 1999/2000 budget for release to the public on request;
- (D) approve the draft Schedule of Fees and Charges for inclusion in Council's draft Corporate Plan,
- (E) note that authority continues to be delegated to the General Manager to vary fees and charges for commercial operations;
- (F) approve the Schedule of Fees and Charges for release to the public on request;
- (G) reaffirm that no expenditure from the General Contingency in the operating budget or the Capital Works budget is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds; and that a confidential addendum be included in each quarterly report to Councillors listing any such expenditure from the operating budget contingency or the contingency funds in the Capital Works budget.
- (H) note that expenditure on plant and assets will continue to require the specific approval of the General Manager for each individual item.

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

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

- (D) approve the draft Schedule of Fees and Charges for inclusion in Council's draft Corporate Plan, subject to -
- (i) fees for local teams participating in sporting competitions at Council's Recreation Centres being held at the same level as last year;
  - (ii) the Temporary Road Closure Fee for Mobile Crane operation being modified, with the fee calculated in six-hourly blocks according to the length of time the road is temporarily closed as follows -
    - (a) less than 6 hours -  $\frac{1}{4}$  daily fee;
    - (b) 6 hours to less than 12 hours -  $\frac{1}{2}$  daily fee
    - (c) 12 hours to less than 18 hours -  $\frac{3}{4}$  daily fee
    - (d) 18 hours to less than 24 hours - full daily fee;
    - (e) 24 hours or more - full daily fee plus  $\frac{1}{4}$  daily fee for each 6 hours of additional road closure;
  - (iii) the Temporary Road Closure daily fee of \$400 per lane for a minor road and \$800 per lane for a major road being retained in Council's 1999/2000 budget;
  - (iv) the reduction of the hourly rate for Archive research for the second hour and beyond from \$100 to \$80;

The amendment was carried on the following show of hands -

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

Noes (2) - Councillors Greiner and McDermott

Substantive motion carried.

#### **ITEM 8. 1999-2002 CORPORATE PLAN (S008140)**

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

That arising from consideration of a report by the Corporate Planner to Council on 10 May 1999, on 1999-2002 Corporate Plan, it be resolved that the Draft Corporate Plan 1999-2002, including the 1999/2000 Budget as amended during consideration of Item 5.2 of the Report of the Finance, Properties and Tenders Committee, at an earlier stage of the meeting of Council of 10 May 1999, be placed on public exhibition for a period of 28 days commencing 11 May 1999, and a further report be submitted to Council at conclusion of the exhibition period.

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Greiner and McDermott

Motion carried.

### **Extension of Time**

During discussion on Item 5.2 and Item 8, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was -

Moved by Councillor Jahn, seconded by Councillor Greiner -

That Councillor McDermott be granted an extension of time of one minute to speak on these matters.

Carried.

Note - At 7.23 pm, during discussion on Item 5.2 and Item 8, Councillor Cotman left the meeting of Council, and returned at 7.25 pm during discussion on Item 5.3.

## **ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE OF 3 MAY 1999 (continued)**

### **Closed Meeting**

At 5.30 pm on 3 May 1999, the Finance, Properties and Tenders Committee resolved -

That the meeting be closed to the public in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 5.3 and 5.4 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Items 5.3 and 5.4 were then dealt with by Finance, Properties and Tenders Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

**LEASE AND MANAGEMENT OF THE LIGHT FLEET (INCLUDING THE SALE AND LEASEBACK OF THE EXISTING VEHICLES) TENDER NO. 9902 (S005728)**

**5.3**

That arising from consideration of a report by the Internal Services Manager to the Finance, Properties and Tenders Committee on 3 May 1999, on Tender No. 9902, Lease and Management of the Light Fleet, it be resolved that:-

- (A) the tender submission from AGC Fleetpac for the lease and management of the light fleet (including the sale and lease back of the existing vehicles) be rejected;
- (B) Council not invite new tenders for the lease and management of the light fleet (including the sale and lease back of the existing vehicles), as a satisfactory result is not expected due to:
  - (i) the poor level of response to the initial tender;
  - (ii) the anticipated benefits of dealing directly with providers in the fleet financing and management market;
- (C) authority be delegated to the General Manager to enter into negotiations with providers in the fleet financing and management market.

Carried.

**TENDER - LEACHATE WELL EXTENSION, ALBERT STREET, ST PETERS WASTE MANAGEMENT FACILITY (A03-00728)**

**5.4**

That arising from consideration of a report by the Project Manager, Service Planning and Policy to the Finance, Properties and Tenders Committee on 3 May 1999 on the tender process for the extension of the leachate well and associated hydraulic and electrical work at the Albert Street, St Peters Waste Management Facility, it be resolved that:-

- (A) the tender be awarded to Arrian Pty Ltd for a lump sum price of \$228,600;
- (B) the successful tenderer be advised accordingly.

Carried.

**ITEM 6. REPORT OF THE PLANNING COMMITTEE - 3 MAY 1999**

PRESENT

Councillor Graham Jahn  
(Chairman)

Councillors Christopher Cotman, Kathryn Greiner, John Emmet McDermott, The Hon Henry Tsang MLC and Julie Walton.

At the commencement of business at 6.05 pm those present were:-

Councillors Greiner, Jahn, McDermott, Tsang and Walton.

Councillor Cotman arrived at the meeting of the Planning Committee at 6.07 pm during discussion on Item 1.

The meeting of the Planning Committee concluded at 8.15 pm.

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Greiner -

That the Report of the Planning Committee of its meeting of 3 May 1999 be received, and the recommendations set out below for Items 6.1 to 6.3, inclusive, be adopted, with Item 6.4 being noted, and Items 6.5 and 6.6 being dealt with as shown immediately following those Items.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL**

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

**6.1**

That arising from consideration of a report by the Manager Development to the Planning Committee on 3 May 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

**CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (DRAFT AMENDMENT NO. 9) (S006409)**

**6.2**

That arising from consideration of a report by the Specialist Research Planner to the Planning Committee on 3 May 1999, on Draft Amendment No. 9 to Central Sydney Local Environmental Plan 1996, it be resolved that Council -

- (A) note the decision of the Central Sydney Planning Committee and the Lord Mayor, under delegated authority of Council, to adopt Option B of Draft Amendment No. 9 to Central Sydney Local Environmental Plan 1996, as shown in Attachment E to the subject report, for the purposes of public exhibition;
- (B) note the decision of the Lord Mayor, under delegated authority of Council, to exhibit an amendment to Clause 5.2 (Short stay public car parking) of Development Control Plan 1996 to be consistent with Draft Amendment No. 9.

Carried.

**CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 AMENDMENT NO.12 – HERITAGE FLOOR SPACE PROVISIONS (P04-00343/3)**

**6.3**

That arising from consideration of a report by the Area Manager - Heritage to the Planning Committee on 3 April 1999, in regard to the proposed amendment to Section 7 of Central Sydney Development Control Plan 1996 (Award and Allocation of Heritage Floor Space), it be resolved that Council-

- (A) adopt in principle draft amendment to Section 7 of Central Sydney Development Control Plan 1996 shown at Attachment A to the subject report (Draft Amendment No.12) for the purpose of public exhibition;
- (B) authorise the Lord Mayor to make any necessary further drafting changes to Draft Amendment No.12 as amended in consultation with any interested members of the Central Sydney Planning Committee prior to public exhibition;
- (C) adopt Draft Amendment No.12 at Attachment A as amended pursuant to clause (B) as an interim Heritage Floor Space policy pending the finalisation of the amendment to Section 7 of Central Sydney Development Control Plan 1996.

Carried.

**PART “B” – DETERMINED BY PLANNING COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Committee recommended that Council note that Item 6.4 was determined by the Planning Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATIONS: SUBLIME NIGHTCLUB, 244-248 PITT STREET SYDNEY. (D1999-00061 & D1999-00060)**

**6.4**

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee 3 May 1999 in relation to (1) Development Application D98-00061 made by Vince Squillance and Associates for the basement level of 244-248 Pitt Street Sydney for extension of the trading hours of the existing tavern to allow for 24 hour trading and (2) Development Application D98-00060 made by Vince Squillance and Associates for the basement level of 244-248 Pitt Street Sydney for an increase in the capacity of the premises from 400 to 750 people of the existing tavern in conjunction with 24 hour trading, it be resolved that -

- (A) consideration of these matters be deferred until after a report, outlining the Building Code of Australia requirements and the deemed to comply fire solution, together with Council’s view about the acceptability of the solution, is tabled.
- (B) a solution for queuing to accommodate the increased numbers should also be considered in the report, after discussion with the applicant.

Carried.

Note - Mr Ray Hicks, Mr Ken Lau, Ms Annabelle Ferber and Mr Simon Page addressed the meeting of the Planning Committee on this matter.

**PART “A” (CONTINUED) –DETERMINED BY COUNCIL**

**DEVELOPMENT APPLICATION: THE JUDGE’S HOUSE, 531 KENT STREET SYDNEY. (D1998/05251)**

**6.5**

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 3 May 1999, in relation to Development Application D98-05251 made by Jackson Teece Chesterman Willis Pt Ltd for the site at 531 Kent Street Sydney (known as the Judge’s House) for conservation works to the subject building and the award of 2,303

sqm of Heritage Floor Space, 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 the following:
  - (a) Development Application No. D1998/05251 dated 13 October 1998;
  - (b) The Conservation Plan titled "Conservation Plan The Judge's House 531 Kent Street Sydney 2000" prepared for Capital Group Properties Pty Ltd by CRI Australia (Project Managers), Jackson Teece Chesterman Willies Pty Ltd (Conservation Architects) and Sue Rosen Pty Ltd (Historian), dated October 1998 (amended March 1999, amended scope of works received 23 April 1999) and as amended by the following conditions:

#### **AWARD OF HERITAGE FLOOR SPACE**

- (2) The owner may be awarded 2,303 sqm 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 floor space area of 263 sqm.
  - (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 2,303 sqm 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 Heritage Floor Space.

## **Schedule 1B**

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

#### **AMENDMENTS TO CONSERVATION PLAN**

- (3) The following amendments or additions are to be made the approved Conservation Plan:
  - (a) Amend section 4.3.3 *Exterior levels of significance* so that the metal verandah roof, rear verandah to the basement, male and female toilets and external air conditioning plant are rated as *intrusive* elements.
  - (b) Insert into section 6.0 *Conservation Policy* a policy that requires the maintenance plan for the property to be reviewed regularly. A five-year period is considered satisfactory.
  - (c) Insert into section 6.4 *Archaeology - policy 12* the following:
    - (i) *Allowance is to be made into building contracts which involve excavation for the provision of archaeological monitoring, or in the event that a significant site is uncovered, the implementation of an appropriate archaeological program.*

*Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the National Parks Wildlife Service for an excavation permit for Aboriginal relics.*

*The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements is incorporated into the development program.*

*General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.*

*Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.*

*Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.*

- (d) Amend section 7.1 *External works*, by the addition of the following work:
  - (i) *A tree report is to be provided that considers the implications of mature trees in the vicinity of the building, particularly having regard to issue such as root damage and falling branches.*
- (e) Amend section 7.1 *External works*, by the deletion of the following work:
  - (i) *Construct a new ramp from the front gate to the verandah to permit access by users with disabilities.*
- (f) Amend section 7.1 *External works* (point 3) by the deletion of the words *new dry pressed brick pavers* and replacement with the words *loose gravel*.
- (g) Amend section 7.2 *Works on the House*, by the addition of the following work:
  - (i) *demolition of the store room in Office 3,*
  - (ii) *removal of intrusive wall fabric in Office 3 (and replacement with a plaster board wall),*
  - (iii) *a roof inspection to verify falling damp problems have been addressed,*
  - (iv) *the new Doric bases to the verandah Tuscan columns should be date stamped so it is clear upon close inspection they are new fabric,*
  - (v) *removal of chair rails,*
  - (vi) *reconstruction of the ceiling in the entrance hall,*
  - (vii) *investigate and advise Council of the heritage impact of reconstruction of ceilings in Office 1 and 2,*
  - (viii) *installation of an stiffener on the deteriorating ceiling joist in Space 06 in Office 1 (in the SE corner), and*
  - (ix) *repaint Office 1 and 2 in a colour scheme more appropriate to the period of the building. NB: paint colours must be based on paint scrapes and historical investigation*

- (h) Amend section 7.2 *Works on the House* (point 2) so it reads

*Investigate and rectify the causes of rising damp in basement sandstone walls and verandahs. Work should include removing water system and vegetation in the adjacent garden beds and installation of a waterproof membrane between the building walls and garden bed.*

- (i) Amend section 7.2 *Works on the House* (point 9) so it reads

*Install a beam at ceiling level in Office 3 as a reconstructed remnant of the now demolished timber wall forming continuation of the Hall, and, construct wall nibs to assist in the interpretation of the original hallway.*

- (j) Further details be provided to the satisfaction of Council prior to the release of the construction certificate regarding:

- (i) reconstruction of the ceiling in the Entrance hall,
- (ii) the heritage impact of reconstruction of the ceiling in Office 1 and 2,
- (iii) the replacement balustrade in the Archives room,
- (iv) the colour scheme for office 1 and 2,
- (v) the cause of rising damp in sandstone walls and verandahs and measures to be undertaken to rectify these problems,
- (vi) the ceiling beam in Office 3 and the wall nibs to define the original hallway, and
- (vii) the proposed disabled access to Judge's House.

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) 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.

#### **HERITAGE COUNCIL REQUIREMENTS**

- (5) The revised Conservation Management Plan prepared by Jackson Teece Chesternam Willis Pty Ltd be submitted and endorsed by the Heritage Council prior to release and transfer of the Heritage Floor Space.

- (6) All work recommended by the Conservation Management Plan dated October 1998 and revised in March 1999 by Jackson Teece Chesterman Willis Pty Ltd be carried out as part of this proposal prior to the release and transfer of the award of Heritage Floor Space.
- (7) A report be submitted to the satisfaction of and for approval by the Director, Heritage Office with recommendations on how to carry out appropriate repairs to cracks appearing in the external walls and rectification of the damp in the building. Upon approval by the Director, Heritage Office, these works must be carried out prior to the release and transfer of the Heritage Floor Space.
- (8) A report be submitted to the satisfaction of and approval by the Director, Heritage Office on the impact of the existing trees and plants in the vicinity of the Judge's House on its fabric with recommendations on appropriate remedial works, if required. Upon approval by the Director, Heritage Office, these works must be carried out prior to the release and transfer of Heritage Floor Space.
- (9) If any archaeological relics are uncovered during the course of the work, then works shall immediately cease in that area and the NSW Heritage Office shall be contacted. An archaeological assessment and an excavation permit under the NSW Heritage Act 1977, may be required before further works can be considered in that area.
- (10) An archival record shall be prepared including measured drawings and an archival photographic record before, during and after the development, documenting changes to the heritage fabric and any significant fabric uncovered during the course of works. The archival record shall be prepared in accordance with Heritage Council guidelines and copies lodged in Council's local history library.
- (11) Work shall be supervised on site by a consultant/s experienced in conservation of similar heritage items that shall ensure work is in accordance with the above Conservation Management Plan.
- (12) Under the Integrated Development provisions of the Environmental Planning and Assessment Act, a further application must be made for approval under Section 60 of the NSW Heritage Act 1977, before works commence.

#### **BUILDING REQUIREMENTS**

- (13) 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.

- (14) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia.
- (15) 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**

- (16) 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.

### **STORMWATER AND DRAINAGE**

- (17) Certification that stormwater will be disposed from the site in accordance with Council's standard requirements shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.

## **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**

- (18) A separate application (if required) 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.

#### **COMMEMORATIVE PLAQUE**

- (19) 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**

(20) 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**

(21) 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.
- (22) 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**

- (23) The Water and Sediment Control Statement shall be implemented during the construction period.
- (24) 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.
- (25) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

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

- (26) 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.
- (27) 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.
- (28) 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.
- (29) 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.
- (30) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. An application form for an Occupation Certificate may be obtained from Council.

(31) That the floor finish of the pedestrian areas shall comply with the following:-

(a) Co-efficient of friction - wet

When tested with a pendulum friction tester the material shall have a co-efficient of friction of not less than 0.4 and no specimen in that sample shall be less than 0.35;

(b) Co-efficient of friction - dry

When tested with a floor friction tester the material shall have a co-efficient of friction of not less than 0.4 and no specimen in that sample shall be less than 0.35;

(c) All graded surfaces with a gradient of not less than 2% of the minimum required value for the co-efficient of friction of either wet or dry surfaces shall be increased in accordance with the following expression:-

$$\mu_m = \frac{100\mu + M}{100 - M\mu}$$

where  $\mu_m$  = co-efficient of friction for a sloped surface

where  $\mu$  = co-efficient of friction for a horizontal surface

where M = maximum gradient (%) of slope

(d) All tests to determine the co-efficient of friction shall be carried out in accordance with appendices A & B of the Australian/New Zealand Standard: "Slip Resistance of Pedestrian Surfaces. Part I: Requirements" AS/NZS 3661.1:1993.

(32) Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Regulation 1998) must be finished to the Principal Certifying Authority (PCA) for all of the items listed in the attached Schedule of Essential Fire or Other Safety Measures forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council by the PCA. An application form for the Fire Safety Certificate may be obtained from Council.

(33) 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:

(i) 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**

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

- (34) 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**

- (35) 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**

- (36) 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**

- (37) 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.

Amendment. At the request of Councillor Jahn and by consent the motion was amended by the insertion of the following new Condition (3)(j)(viii) -

(viii) an appropriate external colour scheme.

Motion, as amended by consent, carried.

Note - Mr Philip Dowling, Mr John Mant and Mr Peter McKenzie addressed the Planning Committee on this matter.

## **DEVELOPMENT APPLICATION: 160 PYRMONT STREET, PYRMONT (D1999/00138)**

### **6.6**

#### **Committee of the Whole**

At 7.35 pm the Council resolved to form itself into a Committee of the Whole, pursuant to Section 373 of the Local Government Act 1993, for the purpose of dealing with issues relating to Development Application: 160 Pyrmont Street, Pyrmont.

At 7.50 pm the Council reconvened to consider the report by the Committee of the Whole. (The Committee of the Whole recommended that a new Condition (3) be added to the consent conditions.)

Moved by Councillor Jahn, seconded by Councillor McDermott -

That the Report of the Committee of the Whole, as follows, be approved and adopted.

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 3 May 1999, in relation to Development Application D99-00138 made by Millie Yee for the site at 160 Pyrmont Street, Pyrmont for demolition of the existing rear additions to the original cottage, construction of a new 2 storey rear pavilion structure, re-roof the existing cottage and replacement of the front verandah roof and posts, it be resolved that development 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. 1999/00138 dated 2 March 1999 and Statement of Environmental Effects and Heritage Impact prepared by Rod Howard Heritage Conservation Pty Ltd, dated December 1998 and drawing numbered 9824/01 prepared by Rod Howard Heritage Conservation Pty Ltd dated November 1998 and as amended by the following conditions:

### **SYDNEY WATER REQUIREMENTS**

- (2) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written documentation shall be provided demonstrating that the Sydney Water Corporation have no objections to the proposed development shown on drawing numbered 9824/01 prepared by Rod Howard Heritage Conservation Pty Ltd dated November 1998, and that its requirements have been satisfied.

### **APPROVED DESIGN**

- (3) The design be changed to delete the en suite on the first floor back to the line of the master bedroom so as to reduce the bulk of the building at that level and the overshadowing on the adjoining property.
- (4) 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.

### **CONSISTENCY OF DRAWINGS**

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

### **DEMOLITION/SITE RECTIFICATION**

- (5) 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.

### **NOISE**

- (6) 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 between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

- (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
- (d) 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.

#### **PREMISES TO BE VENTILATED**

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

#### **ARCHEOLOGICAL INVESTIGATION**

- (8)
  - (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
  - (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

#### **TREATMENT OF EXPOSED PARTY WALL**

- (9) The exposed party wall along the southern boundary shall be appropriately treated to ensure that it remains structural sound and that there is no water penetration to the wall, for the period that the wall is exposed.

### **Schedule 1B**

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

##### **DESIGN MODIFICATIONS**

- (10) The design of the building shall be modified as follows:

- (a) In order to reduce the bulk of the 2 storey pavilion structure, the “butterfly” shaped roof form shall be replaced with a simple skillion roof that falls from east to west.
- (b) In order to maintain an acceptable level of privacy, the glazing of the glass blocks and louvred windows on the rear/east elevation, the ground floor bathroom and the first floor en suite shall all be translucent.
- (c) In order to provide an acceptable level of health and safety, the glass blocks on the rear/east elevation shall be appropriately fire protected.

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

### **STORMWATER AND DRAINAGE**

- (11) Certification that stormwater will be disposed from the site in accordance with Council’s standard requirements shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.

## **Schedule 1C**

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

#### **STRUCTURAL CERTIFICATION**

- (12) 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, 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).

Repeat (a) and (b) for any revision, or staged submission of structural drawings.

- (13) Prior to issue of an Occupation Certificate and/or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C 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 Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

An appropriately qualified practising structural engineer certifying shall have:

- (i) Tertiary qualifications in Civil or Structural Engineering.
- (ii) Corporate member of the Institution of Engineers Australia or equivalent OR listed on the National Professional Engineers Register NPER (Structural) if Compliance Certificate is issued.
- (iii) Appropriate current professional indemnity insurance.

Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (14) 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.

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

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (15) 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".
- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
- (d) 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.

## **Schedule 1D**

### **Conditions to be complied with during demolition/construction, to the satisfaction of the Principal Certifying Authority**

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

- (16) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
  - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
  - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
  - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

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

- (17) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
  - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

### **CONSTRUCTION DURING THE OLYMPICS**

- (18) 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.

### **ROUTE OF CONSTRUCTION TRAFFIC**

- (19) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.

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

- (20) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) If, during construction, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (c) 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.

### **PROTECTION OF STREET TREES**

- (21) 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.

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

- (22) 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.

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (23) 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.

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

- (24) 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.

#### **VEHICLES TO BE COVERED**

- (25) 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 prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority**

##### **MICROFILMING OF APPROVED PLAN**

- (26) The approved development application and construction certificate (including subsequent modifications) drawings in an aperture card format on microfilm must be submitted for Council's Archives.

Carried.

Note - Ms Catherine Barmes, Ms Betty Wallace, Mr Hamish McPherson and Mr Rod Howard addressed the Planning Committee on this matter.

**ITEM 7. PROPOSAL TO REVOKE ROAD WIDENING ORDERS - ELIZABETH AND DEVONSHIRE STREETS, SURRY HILLS (S002123)**

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

That arising from consideration of a report by the Acting Transport Planner to Council on 10 May 1999, on Proposal to Revoke Road Widening Orders - Elizabeth and Devonshire Streets, Surry Hills, it be resolved that:

- (A) the Road Widening Order on Elizabeth Street, between Devonshire Street and Randle Lane be revoked;
- (B) the Road Widening Order on Devonshire Street, between Elizabeth and Holt Streets be revoked and the Director City Development be requested to investigate the zoning of the land for open space and submit a further report to Council;
- (C) the Property and Asset Management Unit investigate the possibility of making lands available for sale that are no longer required for public purposes in connection with the above revocations.

Carried.

**ITEM 8. 1999-2002 CORPORATE PLAN (S008140)**

Note - Item 8 was dealt with at an earlier stage of the meeting, in conjunction with Item 5.2, Draft Budget 1999/2000 - Approval to Place on Public Exhibition.

**ITEM 9. 20 BRIDGE STREET SYDNEY - CLOSURE AND SALE OF ROADWAY BEING PART OF A SPLAY CORNER - PITT AND DALLEY STREETS SYDNEY (F00-8110)**

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

That arising from consideration of a report by the Manager Property Strategy to Council on 10 May 1999, on 20 Bridge Street Sydney - Closure and Sale of Roadway being Part of a Splay Corner - Pitt and Dalley Streets Sydney, it be resolved that:

- (A) Council consent to the closure of part of the roadway at the corner of Pitt and Dalley Streets, Sydney, as shown on Attachments A and B to the subject report;
- (B) Council consent to the sale of the closed roadway, approximately 0.85 square metres, for inclusion with the 20 Bridge Street development, for a consideration of \$25,000;
- (C) all relevant documents and plans be executed by Council's attorney.

Carried.

**ITEM 10. GRAFFITI MANAGEMENT PROPOSAL FOR THE CITY**

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

That arising from consideration of a report by the Team Member, City Care Strategy Group, to Council on 10 May 1999, on Graffiti Management Proposal for the City, it be resolved that -

- (A) Council endorse the proposal, as detailed in the subject report, for the implementation of a tender process for the removal of graffiti from street furniture and fittings;
- (B) authority be delegated to the General Manager to enter into negotiations with the Department of Housing and City West Housing Corporation with a view to reaching an agreement with the Department for their buildings to be covered by the graffiti removal contract; and
- (C) Council endorse the proposal to establish a panel of graffiti removal contractors for private property.

Carried.

**ITEM 11. LOWER TOWN HALL CULTURAL FACILITY (S007457)**

Moved by Councillor Tsang, seconded by Councillor Walton -

That arising from consideration of a report by the Manager Cultural Affairs and Protocol to Council on the 3 May 1999 in relation to the feasibility of the potential use of the Lower Town Hall as a performing arts venue, it be resolved that -

- (A) the project be approved in principle;
- (B) authority be delegated to the General Manager to progress the preparation of a development application for Council's consideration;
- (C) a feasibility report be submitted to Council by the end of June covering funding, programming, costing and final design issues; such report to also cover the physical amenity and financial implications of this proposal on the Centennial Hall.

Carried unanimously.

**ITEM 12. WORLD SQUARE PROPOSAL - QUESTION OF COUNCIL PARTICIPATION**

Note - This matter was dealt with at an earlier stage of the meeting.

**ITEM 13. PHILLIP PARK CHILD CARE CENTRE - DESIGN ISSUES  
(S002747/S004952)**

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Executive Manager, Office of the General Manger, to Council on 10 May 1999, on Phillip Park Child Care Centre - Design Issues, it be resolved that -

- (A) Council support, in principle, the proposal for a childcare centre, community room, playground areas, BBQ and relevant parking on the site of the Phillip Park Recreation Centre, subject to further design development;
- (B) authority be delegated to the General Manager to lodge a development application and pursue the resolution of all relevant issues;
- (C) authority be delegated to the General Manager to invite tenders, subject to approval of the development application, and to execute all relevant documents;
- (D) Councillors be briefed, prior to the lodgement of the development application, on a revised design, including relocation of the craft building and toilets, and a total relocation of the child care centre.

Carried.

**ITEM 14. QUESTIONS ON NOTICE****NON-OPERATIONAL STREET AND PARK LIGHTS IN ULTIMO  
(S006649)**

1. By Councillor Greiner -

**Question**

Lord Mayor, there are many lights in Ultimo which are no longer operational, both street lights and park lights, with particular reference to Macarthur Street Park and McKee Street Garden beside the McKee Childcare Centre. Residents are anxious for their safety.

Will you ensure, through the General Manager, that City Care Officers do a "light bulb patrol" one night this week to note and then subsequently replace faulty lights?

**Answer by the Lord Mayor**

I have asked the Deputy General Manager to ensure that this matter is addressed and, if there is a problem, to rectify it.

**SAFETY IN CITY STREETS AT NIGHT (S006649)**

2. By Councillor Greiner -

**Question**

Lord Mayor, I have been approached by a number of Ultimo residents concerning safety in the city streets at night time.

Will you ensure that appropriate representation is made to the City of Sydney Police to ensure that more patrols are provided between the hours of 7.00pm and 11.00pm, particularly in the area between the University of Technology and the Ultimo Pyrmont Peninsula?

**Answer by the Lord Mayor**

I have asked the General Manager to examine this matter in terms of the City Safety Strategy and to report in the Councillors' Information Service.

**USE OF LAND BETWEEN NORTH YORK STREET AND KENT STREET  
(GENERAL EXPRESSWAY) (S006649)**

**3.** By Councillor Greiner -

**Question**

Lord Mayor, I have received a suggestion from a city resident to utilise the area beneath the Expressway between North York Street and Kent Street as a Bike Patrol Station for Police and persons commuting to the city by bicycle.

Would you request the General Manager to investigate the feasibility and to liaise with the owner of this land to ensure a rapid implementation?

**Answer by the Lord Mayor**

I have asked the Director City Development to examine this matter in terms of both a traffic/bicycle commuter issue and a land use matter. I have also asked the Director to report on his findings in the Councillors' Information Service.

## QUESTIONS WITHOUT NOTICE

### SECTION 96 APPLICATIONS (S006324)

1. By Councillor Greiner -

#### Question

Lord Mayor, the residents of Ultimo are concerned about your action concerning a Section 96 application submitted by Meriton Apartments to extend the hours of work on the Archives Site.

As a result of that concern, could you please advise under what power, legislative or Council, have you the right to not only decide upon a Section 96 application prior to the closure of the public exhibition period, but also to amend the request which the applicant has made?

#### Answer by the Lord Mayor

Councillor Greiner, this issue was raised at length at the recent Precinct Committee's Annual General Meeting, which I chaired, and I answered it fully then.

To correct the record, I did not give that approval. I believe the General Manager or his delegate, the Director City Development, did. I was involved in trying to rescue the school from a difficult situation. It is important to put this on the record and then the Director City Development will answer the procedural aspects.

The school came under some stress from construction work next door on the Archives Site. Attempts were made to resolve the matter. I believe the Director City Development attended a meeting on site. I became involved and summoned Mr Trigaboff and others to a meeting attended by relevant members of staff, the school principal and the Department of Education. We came up with a seven or eight point plan to resolve the matter which provided very substantial benefits to the school and a big reduction in the hours available to Meriton to construct, that is, they were no longer to do heavy construction work between 9.00am and 3.00pm while the children were in school.

In return for that, the Director City Development said that he would consider supporting some extension in the evenings from 5.00pm to 7.00pm, an extension of one or two hours on Saturdays and some Sunday work. The matter has gone forward highly successfully and was highly commended by both the President of the Parents' and Citizens' Association and the school principal at the recent Annual General Meeting.

In terms of the process for approval of a Section 96 development application, I did not give that approval; I did not consider that approval. That was a matter for the General Manager, as delegated to the Director City Development, and I shall ask him to respond to the procedural aspects of the approval.

### **Director City Development**

I would like to answer that specific question in relation to the Section 96 application. As I understand the question, it is how can you change an application which Meriton submitted - being 7.00am to 7.00pm Monday to Friday, 7.00am to 5.00pm on Saturday and no work on Sunday - to something different, including Sunday work.

The answer is that the Land and Environment Court has held on numerous occasions - and the Director Legal and Secretariat will confirm this - that a consent authority can amend an application and add conditions, but only at the request of, and with the consent of, the applicant, and that is exactly what we did in determining this.

In terms of the Section 96 application, it is not uncommon for us to amend the nature of a development application under Section 96, but with the concurrence of the applicant, and this was done as part of the process. We negotiated with the school, the Parents' and Citizens' Association and I was advised that it had been brought up at the Ultimo/Pymont Community meeting for discussion.

### **STAFF AWARD (S006320)**

2. By Councillor Walton -

#### **Question**

Lord Mayor, I understand that a Council staff member, Ms Anne Greenway, has recently been the recipient of an award.

Would you tell Council about the award and perhaps offer Council's congratulations to Ms Greenway?

#### **Answer by the Lord Mayor**

I am happy to put on record that Ms Greenway was awarded the Leightons Construction Award by the National Women in Construction Association for her project management of the retail core upgrade, which was an extremely difficult project, and to extend Council's congratulations to Ms Greenway.

**DRUGS SUMMIT (S006322)**

3. By Councillor McDermott -

**Question**

Lord Mayor, it is my understanding that the State Government is going to have a Drugs Summit starting next Monday. This Council has taken a fairly high profile in the drugs area.

What is Council's position? Will it be attending that Summit? What attitude will it take to the position of a drug trial?

**Answer by the Lord Mayor**

We will not be attending and therefore we do not need to consider this matter further.

**THE NATIONAL TRUST (S006325)**

4. By Councillor Cotman -

**Question**

Lord Mayor, the National Trust has nominated seven sites of shame. Since the National Trust covers the whole of the State and wider still, it is notable that these sites are all in the City of Sydney.

Could you please confirm your integral involvement in the planning approval of all seven of the sites - the Regent Theatre, Cook and Phillip Park, Conservatorium of Music, Woolloomooloo Wharf at Cowper Road, the "Toaster" at East Circular Quay, Walsh Bay and the State Office Block?

**Answer by the Lord Mayor**

Councillor Cotman, I am very glad you asked that question because I notice that the National Trust did not list King George V Recreation Centre which, at public forums about a year ago, they demonised and said was an excrescence, a great white whale. When it opened, of course, they went extremely quiet. It is a fantastic place and the National Trust has forgotten now.

I believe the National Trust is wrong on most of those issues.

## **SECTION 96 APPLICATIONS (S006324)**

5. By Councillor Greiner -

### **Question**

Lord Mayor, I understand Meriton Apartments has submitted a Section 96 application on the Miller Street site to amend their Section 94 contribution. Is this Section 94 contribution being reallocated to the expenditure by Meriton on the Archives Site?

### **Answer by the Lord Mayor**

Not to my knowledge. This is complete news to me.

Do you wish to add anything, Director City Development?

### **Director City Development**

Lord Mayor, Meriton has requested amendments to Section 94 conditions on three sites because they claim that there were pre-existing populations on those sites which would warrant a reduction of their Section 94 contributions for those developments. To the extent that services in Ultimo/Pyrmont need to be augmented by the increased population arising from new development, they are saying that, for example, they may potentially have 200 people coming into a new development but that there was a pre-existing population of, say, 50 already on the site. Consequently, they contend that they should only pay Section 94 contributions for the net increase, that is to say, 200 less 50.

We are currently arguing with Meriton about the nature of the proof to establish the pre-existing population on these sites. We have sought legal advice through the Director Legal and Secretariat. I have explained to Meriton the extent of the proof we need. Once we get that documentation, we have to go to City West Development Corporation to make sure that they are satisfied with it before we allow any reduction. It is common practice for people to ask for credits of this nature.

## **SCULPTURE IN SUSSEX STREET (S006321)**

6. By Councillor Tsang -

### **Question**

Lord Mayor, are you aware that Council's arts panel has approved of the sculpture in Sussex Street and the budget allocated for it is \$160,000? Are you also aware that the sculptor, Lin Li, has been awarded a scholarship at Colombia University in the United States and is leaving in August?

Are you also aware that Council's staff explained to me that this project will not be able to go ahead unless the community's \$60,000 is actually in the bank. The community has only recently received some of the documents so that it can approach some of the banks.

I want to ask if this Council would get the project started so that it allows time for this project to be concluded before Lin Li leaves in August. I am happy to give an assurance that I personally will be involved in fund raising and I am positive that I can raise the money. I am happy personally to take it up and talk to all the banks.

**Answer by the Lord Mayor**

I ask the Director City Projects to look into this matter and report back to me, please.

**RUBBISH IN THE ROCKS (S006322)**

7. By Councillor McDermott -

**Question**

Lord Mayor, on weekends, I think after The Rocks Markets, there is an overflow of rubbish on the corner of George Street and Gloucester Lane adjacent to a toilet block. It is apparently very unsightly and the overflow is seen by tourists who get up early on Monday mornings. I am not sure whether this is Council's responsibility or The Rocks Authority in its new conception.

Could the matter be looked into and could The Rocks be encouraged to look after their own house?

**Answer by the Lord Mayor**

Councillor McDermott, the answer is yes.

**COMMITTEE FOR THE ECONOMIC DEVELOPMENT OF AUSTRALIA (S006320)**

8. By Councillor Walton -

**Question**

Lord Mayor, in addition to Anne Greenway's honourable mention, I understand that Sydney City has been the subject of a favourable report prepared for the Committee for the Economic Development of Australia (CEDA).

Would you please tell Council about that?

**Answer by the Lord Mayor**

Thank you, Councillor Walton. I recently had the pleasure of attending a luncheon, which Councillor Greiner also attended, to launch a publication called "Monitoring Sydney 1998" sponsored by CEDA. The report, written by Professor Maurice Daly, found a lot of things relevant to Sydney, including a dramatic increase in resident numbers; the inner city region is leading in office construction, in retail shopping construction and hotel construction by a large margin.

Interestingly, he said in his report that Sydney “stands supreme” in the cutting-edge sectors which will steer Australia’s connections with the international economy into the new century and that Sydney had become the Australian focus of the telecommunications industry.

The report was fundamentally positive about Sydney’s readiness and ability to move into the next century based on the advantages it held in relation to the next wave of growth industries and confirmed its prime position.

Overall it was a very positive report on Sydney, and I think Council should note that, and also on inner Sydney, led by the City of Sydney.

### **JESSIE STREET LIBRARY OPENING (S006323)**

9. By Councillor Jahn -

#### **Question**

Lord Mayor, there was an unusual event last week which was the carrying of a portrait of Jessie Street at the opening of the Jessie Street Library. I thought that it was perhaps a new ritual in Australian openings.

Can you explain to other Councillors the carrying of the portrait of Jessie Street, what it means?

#### **Answer by the Lord Mayor**

Yes, Councillor Jahn. I was very fortunate to be able to open the Jessie Street Women’s Library, with which Council is very proud to be associated. At the opening, together with her grandson, I was invited to carry in Jessie Street’s portrait.

Jessie Street was an activist who was banned from the City of Sydney for alleged Communism in the 1940s and 1950s. The carrying of the portrait was a ceremonial restoration of Jessie Street’s right of access to these hallowed precincts. I was very happy to be part of it and we are very pleased to have the Jessie Street Library here at Town Hall.

### **SYDNEY CULTURAL COUNCIL (S006321)**

10. By Councillor Tsang -

#### **Question**

Lord Mayor, would you be able to provide Council with the progress of your negotiations with the Sydney Cultural Council at the next meeting?

**Answer by the Lord Mayor**

Councillor Tsang, the answer is maybe, because it depends on progress with them. My new Chief of Staff has said he will take it on board and pursue it vigorously.

**FOOTPATH WIDENING PROGRAM (S006324)**

11. By Councillor Greiner -

**Question**

Lord Mayor, are you aware that the footpath widening program outside the Super Store in Pitt Street last Friday had a decibel reading of 96 to 99. This was on Council's machinery. I want to know why the machinery was not shut down.

**Answer by the Lord Mayor**

I was not aware of that. The Director City Projects will pursue the matter and report via the Councillors' Information Service.

**DRAFT 1999-2002 CORPORATE PLAN (S006322)**

12. By Councillor McDermott -

**Question**

Lord Mayor, can you tell me the meaning of this sentence in the Corporate Plan:

“Establish a cross-divisional environment working group to progress implementation of this Program, oversee State of the Environment Reporting and coordinate responses to environmental issues. Develop and implement projects to address priority issues identified through the State of the Environment Report (SOER) and internal reviews.”

**Answer by the Lord Mayor**

I will ask the Deputy General Manager to report on the meaning of that in the next Councillors' Information Service.

**IMPERIAL ARCADE (S006324)**

13. By Councillor Greiner -

**Question**

Lord Mayor, for over three years an Imperial Arcade retailer has had water dripping into her shop from a drain allegedly installed by Council. Despite her pleas, nothing has been done.

Can you please advise why Council officers continue to ignore this problem?

**Answer by the Lord Mayor**

Director City Projects, are you familiar with this particular complaint?

**Director City Projects**

We are aware of the leak and we have been talking to the retailer concerned.

**Answer by the Lord Mayor (continued)**

Could you please take action to fix it, Director City Projects, and report on it via the Councillors' Information Service.

**ITEM 15. NOTICE OF MOTION****CCTV CAMERAS (S006653)**

1. Moved by Councillor McDermott, seconded by the Chairman (the Lord Mayor) -

That Council prepare a report considering the possibility of requiring that it be a condition of future 24 hour licensing arrangements that the licensee install CCTV which is integrated into Council's existing system.

Carried.

**Closed Meeting**

At 8.35 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)(d)(i) of the Local Government Act 1993 to discuss Items 16 and 17 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

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

Items 16 and 17 were then dealt with by Council while the meeting was closed to the public.

**ITEM 16. DOBELL MEMORIAL SCULPTURE AND FRAZER FOUNTAIN - TENDER 9908 FOR CIVIL CONSTRUCTION WORKS (S00066)**

Moved by Councillor Walton, seconded by Councillor McDermott -

That arising from consideration of a report by the Project Manager, City Projects to Council on 10 May 1999 on Tender No 9908 for Construction Works, Priority Project - Spring Street Traffic and Sculpture Footing and The Frazer Fountain Traffic Island, it be resolved that -

- (A) Council accept the lowest tenderer of Arrian Pty Ltd for the civil works at \$277,300;
- (B) authority be delegated to the General Manager to enter into a contract with Arrian Pty Ltd for the works;
- (C) Council approve the project budget breakdown outlined in paragraph 10 of the subject report.

Carried.

**ITEM 17. MARTIN PLACE UPGRADE STAGE 2 (PRECINCTS 2 & 5), TENDER FOR CONSTRUCTION WORKS. (S005022)**

Moved by Councillor Walton, seconded by Councillor Tsang -

That arising from consideration of a report by the Deputy Director, Project Management, City Projects, to Council on 10 May 1999, on Martin Place Upgrade Stage 2 (Precincts 2 & 5), Tender for Construction Works, it be resolved that -

- (A) Council reject all tenders for Precinct 5 on the basis that they exceed the Precinct budget;
- (B) Council reject all tenders for Precinct 2 on the basis of tender qualifications;
- (C) authority be delegated to the General Manager to enter into negotiations with all or some of the tenderers for Precinct 5 and Precinct 2 with a view to incorporating the amphitheatre area;
- (D) Council not invite new tenders as a satisfactory result is not expected due to the number of exclusions and ambiguities in the tenders received being the basis for rejecting tenders;
- (E) authority be delegated to the General Manager to enter into a contract with the successful contractor for Precinct 5 and Precinct 2 within the approved project budget;
- (F) Council approve the project budget as outlined in paragraph 21 of the subject report.

Carried.

**ITEM 18. PROPOSED REDEVELOPMENT OF THE MANNING BUILDING, 441-459 PITT STREET - OWNER'S CONSENT TO LODGEMENT OF A DEVELOPMENT APPLICATION (L02-00875)**

Note - This item was dealt with at an earlier stage of the meeting.

At 8.40 pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 31 May 1999 at which  
meeting the signature herein was subscribed.

