



**15 FEBRUARY 1999**

**Meeting No 1286**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 4.10 pm on 15 February 1999 pursuant to Notice 2/1286 dated 11 February 1999.

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### PRESENT

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

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

At the commencement of business at 4.10 pm those present were:-

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

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

### Opening Prayer

The Lord Mayor opened the meeting with prayer.

**ITEM 1. CONFIRMATION OF MINUTES**

Moved by Councillor Walton, seconded by Councillor Tsang -

That the minutes of the Extraordinary Council Meeting of 7 December 1998, as circulated to Councillors, be confirmed.

Carried.

Moved by Councillor Walton, seconded by Councillor Tsang -

That the minutes of the Council Meeting of 14 December 1998, as circulated to Councillors, be confirmed.

Carried.

Moved by Councillor McDermott, seconded by Councillor Walton -

That the minutes of the Extraordinary Council Meeting of 18 January 1999, as circulated to Councillors, be confirmed subject to the following corrections to Item 2 - City Heritage Floorspace Bank - on page 6 -

- (1) the renumbering of clause (A) as clause (C);
- (2) the renumbering of clause (C) as clause (A);
- (3) the deletion in Clause (E) of the words "clause (C)" and the substitution of the words "clause (A)".

Carried.

**ITEM 2. OLYMPIC SIGNAGE - 235-253 JONES STREET ULTIMO (D99/00010)**

FILE NO: D99/00010

DATE: 15/2/99

**MINUTE BY THE LORD MAYOR**

To Council:

A Development Application was submitted by SOCOG for the erection of two signs under the City's Olympic signage policy (plans and photomontages attached).

The proposed location and size of the signs are considered, by Council staff, to be unacceptable. However, I am advised by the Director of City Development that with some design modification the signs would be suitable for approval.

The Director is to meet with SOCOG representatives in order to resolve the above design issues in the future. In order to expedite the resolution of this matter I propose that delegation be given to the General Manager to determine the subject Development Application.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 15 February 1999, on Olympic Signage - 235-253 Jones Street, Ultimo, it be resolved that authority be delegated to the General Manager to determine the Development Application for Olympic signage at 235-253 Jones Street, Ultimo.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 15 February 1999, on Olympic Signage - 235-253 Jones Street, Ultimo, it be resolved that authority be delegated to the General Manager to determine the Development Application for Olympic signage at 235-253 Jones Street, Ultimo, subject to any approval for Olympic related signs expiring in accordance with Council's policy on Olympic signs.

Amendment moved by Councillor Greiner, seconded by Councillor McDermott -

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

That arising from consideration of a Minute by the Lord Mayor to Council on 15 February 1999, on Olympic Signage - 235-253 Jones Street, Ultimo, it be resolved that -

- (A) subject to a briefing of Councillors, authority be delegated to the General Manager to determine the Development Application for Olympic signage at 235-253 Jones Street, Ultimo;
- (B) if necessary following the briefing of Councillors, a special meeting of the Planning Committee be called to determine the development application.

The amendment was lost on the following show of hands -

Ayes (3) - Councillors Cotman, Greiner and McDermott

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

The motion was carried on the following show of hands -

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

Noes (3) - Councillors Cotman, Greiner and McDermott

Motion carried.

### **ADDITIONAL ITEM**

FILE NO:

DATE: 12/2/99

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

#### To Council:

The Chief Clerk Secretariat has prepared a report on CityEdge Conference, for consideration at the meeting of Council on 15 February 1999.

I now bring forward this report for consideration by Council.

(SGD) COUNCILLOR FRANK SARTOR  
LORD MAYOR

### **Pecuniary Interest**

Prior to discussion on Item 14 at the meeting of Council, advice was received from the Director Legal and Secretariat that Councillors, the subject of Item 14 - CityEdge Conference, were not prevented from taking part in discussion or voting on this item.

### **ITEM 14. CITYEDGE CONFERENCE**

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

That arising from consideration of a report by the Chief Clerk Secretariat to Council on 15 February 1999 on CityEdge Conference, it be resolved that approval be given for Councillors Greiner, Jahn and Walton to attend the CityEdge Conference in Melbourne from 24-26 March 1999, with the cost of Conference registration and attendance at the Conference Dinner, air fares, accommodation and out of pocket expenses incurred by Councillors Greiner, Jahn and Walton in attending this Conference, being met by Council.

Carried unanimously.

**ADDITIONAL ITEM**

FILE NO:

DATE: 16/2/99

**MINUTE BY THE LORD MAYOR**

To Council:

The General Manager has prepared a Memorandum on Quarterly Review for consideration at the meeting of Council on 15 February 1999.

I now bring forward this Memorandum by the General Manager for consideration by Council.

(SGD) COUNCILLOR FRANK SARTOR  
LORD MAYOR

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

FILE NO: S00-3239

DATE: 16/2/99

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

At the briefing of Councillors on 15 February 1999, the General Manager provided 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 15 February 1999, on Quarterly Review of Operations by the General Manager for the quarter ended 31 December 1998, be received and noted.

(SGD) GREG MADDOCK  
General Manager

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

That the Memorandum by the General Manager to Council on 15 February 1999, on Quarterly Review of Operations by the General Manager for the quarter ended 31 December 1998, be received and noted.

Carried.

**ITEM 4. MATTERS FOR TABLING**

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

Australia-China Council	Annual Report 1997-1998 Incorporating Reports for the period 1994-1997
Centennial Parklands	Annual Report 1997-1998
City of Brisbane	Annual Report 1997-1998
Cinema Plus Limited	Annual Report 1998
City West Development Corporation	Annual Report 1997-98
Department of Fair Trading	Review of Regulation of the NSW Retirement Village Industry – Final Report August 1998
Department of Land and Water Conservation	Annual Report 1997-98
Inner Sydney Waste Board	First Annual Report 1996-98
Manly Council	Community Annual Report 1997-98
Ministry for Forests and Marine Administration	Annual Report 1998
National Office of Local Government	1997-98 Report on the Operation of the Local Government (Financial Assistance) Act 1995
Office of the Commissioners of Inquiry for Environment and Planning	Annual Report 1997-98
Royal Botanic Gardens Sydney	Annual Report 1997-1998
South Eastern Sydney Area Health Services	Annual Report 1997-98
Sydney Cove Redevelopment Authority	Annual Report 1997-98

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Tourism New South Wales

Annual Report 1997-98  
and Chairman's Report to  
Minister for Tourism  
1995-1998

Moved by Councillor McDermott, seconded by Councillor Walton -

That the annual reports be received and noted.

Carried.



**ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 8 FEBRUARY 1999**

PRESENT

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

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

At the commencement of business at 4.22 pm those present were:-

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

Councillor Tsang arrived at the meeting of the Finance, Properties and Tenders Committee at 4.25 pm, during discussion on Item 2.

Councillor Tsang left the meeting of the Finance, Properties and Tenders Committee at 4.27pm, during discussion on Item 2.

Councillor Tsang returned to the meeting of the Finance, Properties and Tenders Committee at 4.36 pm during discussion on Item 4.

The meeting of the Finance, Properties and Tenders Committee concluded at 4.50 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 8 February 1999, be received, and the recommendations set out below for Items 5.1 to 5.5, inclusive, be adopted.

Carried.

The Committee recommended the following:-

**INVESTMENTS HELD BY COUNCIL AS AT 31 DECEMBER 1999 (AO2-00360)**

**5.1**

That arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee on 8 February 1999, on Investments held by Council as at 30 November 1998 and 31 December 1998, it be resolved that the report be received and noted.

Carried.

**DECEMBER 1998 - QUARTER 2 BUDGET REVIEW (S00-5638)**

**5.2**

That arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee on 8 February 1999, on December 1998 - Quarter 2 Budget Review, it be resolved that Council:-

- (A) note the year end forecast showing an operating surplus of \$44.1M;
- (B) note the revised year end forecast for capital works of \$131.9M;
- (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 of the subject report.

Carried.

**PROPERTY AT 4 - 16 CAMPBELL STREET, ST PETERS - PROPOSED SUBDIVISION FOR DEDICATION OF ROAD AREA (P06-00594)**

**5.3**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 8 February 1999, on Council's property at 4-16 Campbell Street, St Peters - Proposed Subdivision for Dedication of Road Area, it be resolved that:

- (A) a plan of subdivision be effected for this property and the area of road widening be dedicated to Marrickville Council;
- (B) authority be delegated to the General Manager to complete and execute all necessary documentation to finalise this matter.

Carried.

**Closed Meeting**

The Finance, Properties and Tenders Committee at 4.30 pm on 8 February 1999 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 4 and 5 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 5.4 and 5.5 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public. These matters were subsequently dealt with by Council in open session.

#### **MOBILE TELEPHONE NETWORK COMMUNICATIONS REVIEW (S00-6810)**

##### **5.4**

That arising from consideration of a report by the Internal Services Manager to the Finance, Properties and Tenders Committee on 8 February 1999, on Mobile Telephone Network Communications Review, it be resolved that:-

- (A) authority be delegated to the General Manager to finalise negotiations with either Optus or Telstra, having regard to the cost benefits to Council;
- (B) Council's Attorney be authorised to execute all necessary contract documentation.

Carried.

#### **PITT STREET SOUTH, TENDER FOR CONSTRUCTION WORKS (SOO 6581)**

##### **5.5**

That arising from consideration of a report by the Deputy Director City Projects to the Finance, Properties and Tenders Committee, on 8 February 1999, on Pitt Street South, Tender for Construction Works, and noting the strategy proposed by the tender evaluation panel, it be resolved that -

- (A) Council accept the lowest tender of Ford Civil Contracting Pty Ltd for the civil works at \$2,438,935.00;
- (B) authority be delegated to the General Manager to enter into a contract with Ford Civil Contracting Pty Ltd for the works, ensuring that the General Manager has adequate scope to make any necessary variations;
- (C) Council approve the project budget breakdown outlined in paragraph 17 of the subject report.

Carried.

**ITEM 6. REPORT OF THE PLANNING COMMITTEE - 8 FEBRUARY 1999**

PRESENT

Councillor Graham Jahn  
(Chairman)

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

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

Councillors Cotman, Greiner, Jahn, McDermott and Walton.

Councillor Tsang arrived at the meeting of the Planning Committee at 6.08 pm during discussion on Item 1 and left at 6.09 pm during discussion on Item 1.

Councillor Tsang returned to the meeting of the Planning Committee at 6.12 pm during discussion on Item 2.

Councillor Tsang chaired the meeting of the Planning Committee for discussion on Item 7.

The meeting of the Planning Committee concluded at 8.08 pm.

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor McDermott -

That the Report of the Planning Committee of its meeting of 8 February 1999 be received, and the recommendations set out below for Items 6.1, 6.2 and Items 6.5 to 6.7, inclusive, be adopted, with Items 6.3 and 6.4 being noted.

Carried.

The Committee recommended the following:-

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

**PROGRESS REPORT ON DEVELOPMENT APPLICATIONS AND ANNUAL SUMMARY FOR 1998 (A03-00138/1)**

**6.1**

That arising from consideration of a report by the Manager Development to the Planning Committee on 8 February 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

**PROGRESS REPORT ON DEVELOPMENT APPLICATION: TRANSPORT HOUSE/HOTEL INTERCONTINENTAL, 99-113 MACQUARIE STREET, SYDNEY (D1998/05292)**

**6.2**

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 8 February 1999, in relation to Progress Report on Development Application D98-05292 made by Crone Associates Pty Ltd for the site at 99-113 Macquarie Street Sydney, known as Transport House and the Hotel Inter Continental for Integrated Development for demolition and internal alterations to Transport House and an Award of Heritage Floor Space, it be resolved that the progress report by the Specialist Planner be received and noted.

Carried.

(Note - Mr John Mageros addressed the meeting of the Planning Committee on this matter.)

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

The Planning Committee recommended that Council note that Items 6.3 and 6.4 were determined by the Planning Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 238-240 ELIZABETH STREET, SYDNEY (D98-05362)**

**6.3**

Moved by Councillor Jahn, seconded by Councillor McDermott -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 8 February 1999, in relation to Development Application D98-05362 made by Joshua Farkash & Associates for the site at 238-240 Elizabeth Street, Sydney for demolition of the existing buildings and construction of a new seven level serviced apartment building, it be resolved that consent be granted subject to the following conditions: -

## **Schedule 1A**

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D98-05362 dated 16 November 1998 and amended 15 December 1998 and Statement of Environmental Effects prepared by Metroplan dated December 1998 and Building Code of Australia Services Report prepared by Hyder Consulting (Aust) Pty Ltd dated 4 December 1998 and drawings numbered DA01 dated 3/12/98, DA02 dated 2/12/98, DA03-DA05 dated 3/12/98, DA06-DA08 dated 2/12/98 and DA09 dated 3/12/98 prepared by Joshua Farkash & Associates Pty Ltd, and as amended by the following conditions:

#### **APPROVED DESIGN**

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.
- (3) The design details of the proposed building facade including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Joshua Farkash and Associates Pty Ltd dated 15 December 1998.

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

#### **FLOOR SPACE RATIO**

- (4) The following applies to Floor Space Ratio:-
  - (a) The Floor Space Ratio of the proposal must not exceed 5:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 2163sq m.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development.

#### **BUILDING HEIGHT**

- (5)
  - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 59.2 (AHD).

- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building.

### **CONSISTENCY OF DRAWINGS**

- (6) 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**

- (7) The following conditions apply to the development:-
  - (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
  - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
  - (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
    - (i) a bank guarantee to be provided in the sum of \$400,000 dollars as security for the costs of such works provided that:-
      - a. the maximum liability under the Deed shall not exceed \$400,000 dollars; and
      - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
    - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
      - a. demolition of the existing building has commenced but not been completed;
      - b. the existing building has been demolished; or
      - c. the site has been excavated; or
      - d. the structure has commenced to be erected;

- e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
  - f. make the building safe and attractive at ground level;
  - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
  - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
  - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
  - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
  - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

#### **DUAL KEY APARTMENTS**

- (8) The interconnecting doors within each dual key apartment shall not be sealed/removed to ensure that there is flexibility for these apartments to operate as either 1, 2 or 3 bedrooms depending on the demand at the time.
- (9) Any proposal to strata subdivide the building shall require all dual key apartments to comprise one larger lot.

Note: Any modification to the approved arrangement will require the submission of a new development application under the Environmental Planning and Assessment Act 1979.

#### **ARCHAEOLOGICAL ASSESSMENT**

- (10) The Archaeological Assessment report shall be immediately referred to the Heritage Office for their information and comment.



- (11) The applicant shall carry out any archaeological investigation of the site as deemed necessary by the Heritage Council under Division 9 of the Heritage Act, 1977. This may require the application for an excavation permit under Section 140 of the Heritage Act.
- (12) The applicant shall carry out any archaeological investigation of the site as required by the NSW National Parks and Wildlife Service, in accordance with the Environmental Planning and Assessment Act 1979. This may require the application for an excavation permit under Section 87 of the National Parks and Wildlife Act 1974.
- (13) 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.
- (14) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (15) 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.
- (16) Should any Aboriginal relics be uncovered that are not covered by an existing permit, 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.

### **LOADING**

- (17) Access for goods deliveries shall be provided from the loading area to the retail shops and serviced apartments within the site.
- (18) All areas traversed by service vehicles or trucks shall have a minimum clear height of 3.6m.
- (19) A "STOP" sign shall be provided and maintained on-site at the egress to compel vehicles to stop before proceeding onto Reservoir Street.
- (20) All vehicles shall enter and exit the site in a forward direction.
- (21) All costs of traffic management shall be borne by the applicant.
- (22) Separate approval shall be obtained from Traffic Committee for any new kerbside parking restrictions.
- (23) That the owner of the apartment shall advise in writing all residential occupants of the building, prior to and at the time of entering the lease/occupancy, that occupants are not eligible to participate in on-street resident parking schemes.

### **VEHICULAR SPACES**

- (24) The following car parking requirements apply:-
- (a) One service vehicle space shall be located close to service entrance and allocated and marked accordingly.
  - (b) If the development is to be strata subdivided, the carpark layout must respect the above allocation.
  - (c) One space for cycle racks/motor cycle parking space shall be provided.

### **REMOVAL OF GRAFFITI**

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

### **RECEIVING DEVICE**

- (26) For each form of transmitter, there shall be only one common receiving device installed on the subject development.

### **EXTERNAL LIGHTING**

- (27) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.
- (28) A separate development application must be submitted at the appropriate time for the specific use of each retail shop.
- (29) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

### **NOISE**

- (30) 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.
- (31) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

### **SIGNS**

- (32) 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.

### **CARE OF BUILDING SURROUNDS**

- (33) 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.
- (34) All air/handling, evaporative cooling, hot water, humidifying, warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991.
- (35) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (36) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

### **TREATMENT OF EXPOSED WALLS**

- (37) The exposed wall(s) of the adjoining building(s) shall be treated with the approval of the adjoining owner(s) to a standard equivalent to the treatment of the street facade of the building, for the period that the walls are exposed.

## Schedule 1B

### Conditions to be satisfied prior to issue of a Construction Certificate

#### DESIGN MODIFICATIONS

- (38) The design of the building shall be modified as follows:
- (a) All balconies on the Reservoir Street frontage shall be a lightweight treatment such as perforated metal or similar treatment.
  - (b) The glazing alignment for all apartments on Level 6 fronting Reservoir Street with the exception of the corner apartment shall be inset further to give a reasonable appearance of depth to the balconies and to signal a reasonable change in alignment of the building rather than an applied element.
  - (c) The brick headers on the Reservoir Street elevation shall be continued above the bi-fold doors on level 5.
  - (d) The open common corridor to access the apartments shall be enclosed or partially enclosed to provide weather protection for the occupants. The revised design shall maintain northern light and ventilation to the corridor and have regard to privacy impacts to adjacent sites.
  - (e) The layout of all 3 bedroom corner apartments on Levels 1-6 shall be revised to improve the circulation space and/or size of the unit. The applicant shall investigate either the deletion of the ensuite bathroom within bedroom 2 or bedroom 3 to increase the circulation size within the dining/living area and/or increase the size of the unit overall by reducing the width of the common access corridor.
  - (f) Provision of storage areas (either within each apartment or at the ground level) shall be provided within the development in accordance with the following rates:
    - (i) Studios: 6 sqm
    - (ii) 2 bed apartments: 10 sqm
    - (iii) 3 bed apartments: 12 sqm
  - (g) Final design details of the louvred screen on the north-facing balcony, including samples of the external finishes.

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.

- (39) An energy efficiency report prepared by a suitably qualified consultant shall be submitted to the satisfaction of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the construction of the development. All measures recommended in the report shall be implemented in the design and construction of the development.

### **BCA ISSUES**

- (40) The northern glazed door in Studio apartment (Unit 4) shall be protected with external wall wetting sprinklers in accordance with Clause 3.4 of the BCA.
- (41) The balconies at Level 1 shall not project at any part within 3.6m of the road below.

### **SYDNEY WATER CERTIFICATE**

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

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

### **PUBLIC ART**

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

### **LANDSCAPING OF THE SITE**

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

- (f) Special attention must be paid to the treatment of landscaping above a slab.

## **PUBLIC DOMAIN PLAN**

(45) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
  - (i) Drawn at 1:100 scale.
  - (ii) Show the entire layout of flagstone paving where this paving is required.
  - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
  - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
  - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
  - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-

- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
  - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters.
  - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
  - (ix) The provision of smart poles, if required (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

#### **ELECTRICITY SUBSTATION**

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

**MODEL**

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

Notes:

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

**NOISE IMPACT ASSESSMENT REPORT**

- (48) The following shall be submitted:

- (a) A noise impact assessment report prepared by a qualified acoustic consultant shall be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable LAeq (1 hour) level will not exceed the following levels:-
- (i) In a naturally ventilated - windows closed condition:
- |    |                                             |      |
|----|---------------------------------------------|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours)                     | 45dB |
- (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
- |    |                                             |      |
|----|---------------------------------------------|------|
| a. | Sleeping areas (night time only: 2200-0700) | 46dB |
| b. | Living areas (24 hours)                     | 55dB |
- (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- |    |                                                                                                                                                                            |      |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| a. | The following repeatable maximum LAeq (1 hours) levels shall not be exceeding when doors and windows are shut and mechanical ventilation or air conditioning is operating: |      |
| b. | Sleeping areas (night time only: 2200-0700)                                                                                                                                | 38dB |
| c. | Living areas (24 hours)                                                                                                                                                    | 46dB |



- d. (These levels correspond to the combined measured level of external sources and the ventilation system operating normally).
- (c) In the preparation of the report:
  - (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
  - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
  - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (d) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria.

#### **PROVISION OF SMART POLES**

- (49) The applicant shall pay the cost of installation of smart poles in the public way adjacent to the development, to the requirements of Council.

#### **STORMWATER AND DRAINAGE**

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

#### **PUBLIC UTILITY SERVICES**

- (51) To ensure that public utility authorities are advised of the development:

- (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
  - (b) The applicant is to negotiate with the public authorities (eg. Energy Australia, Sydney Water, Telstra Australia, in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.
  - (c) Documentary evidence is to be submitted confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.
- (52) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.
- (53) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
  - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted in the attached form **W1** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

**Note: Certification will also be required on Completion of the building, prior to issue of Occupation Certificate, (See Schedule 1E Conditions).**

#### **UNDER AWNING LIGHTING**

- (54) The corner awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- (a) Details of the lighting is to be submitted to Council for approval prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

**SANITARY FACILITIES**

- (55) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (56) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

**PAVING MATERIALS**

- (57) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.
- (58) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

**ALIGNMENT LEVELS**

- (59) The following shall be submitted:-
  - (a) A separate application is to be made and footpath alignment levels submitted to Council for the design of the building. These levels, as approved by Council are to be incorporated into the plans submitted with the Application for a Construction Certificate under the Environmental Planning and Assessment Act 1979 as amended.
  - (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
  - (c) These levels, as approved by Council are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

**Schedule 1C****Conditions to be complied with prior to commencement of work to the satisfaction of the Principal Certifying Authority**

- (60)
  - (a) 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:

- (i) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
  - (ii) A Structural Certificate for Design, submitted in the form of Attachment S1 (Section 1), OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
    - a. The relevant clauses of the Building Code of Australia (BCA);
    - b. The relevant conditions of Development Consent;
    - c. The Architectural Plans incorporated with the Construction Certificate; and
    - d. The relevant Australian Standards listed in the BCA (Specification A1.3).
  - (iii) Repeat (i) and (ii) for any revision, or staged submission of structural drawings.
- (b) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1 (Section 2) OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:
- (i) 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
  - (ii) The drawings listed on the Certificate have been checked with those listed on the final Design Certificate/s.
- (c) Notes:
- (i) An appropriately qualified practising structural engineer certifying shall have:
    - a. Tertiary qualifications in Civil or Structural Engineering;
    - b. Member of the Institution of Engineers Australia and listed on the National Professional Engineers Register NPER (Structural);
    - c. Appropriate current professional indemnity insurance acceptable to the building owner.

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

## **WASTE MANAGEMENT**

- (61) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
  - (a) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
  - (b) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
  - (c) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
  - (d) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
    - (i) Type and quantities of material expected from demolition and excavation;
    - (ii) Name and address of transport company;
    - (iii) Address of proposed site of disposal;
    - (iv) Name/address of company/organisation accepting material;
    - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
    - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
    - (vii) Material for disposal and justification of disposal.
      - a. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

- (e) All requirements of Waste Management Plans must be implemented during the construction period of the development.

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

## **CERTIFICATION OF MECHANICAL VENTILATION**

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

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

- (63) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Interim Policy for Temporary Protective Structures.
  - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
  - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

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

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

## **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (65) The following environmental protection measures are required:
- (a) A Water and Sediment Control Statement must be submitted and approved by Council prior to issue of the Construction Certificate under Environmental Planning and Assessment Act 1979.

- (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 as approved by Council, shall be implemented during the construction period.
- (d) Any seepage or rain water 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 construction, to the satisfaction of the Principal Certifying Authority**

- (66) 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.

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

- (67) 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) 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 Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (68) 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.

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

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

- (70) 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.
- (71) 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.
- (72) 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.
- (73) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of the Principal Certifying Authority.
- (74) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

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

## **Schedule 1E**

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

#### **LOT CONSOLIDATION**

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

- (76) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval in a Mechanical Ventilation Completion and Performance Certificate in the form of Attachment M2 must be submitted to the Principal Certifying Authority for consideration. A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA.

Note: Council reserves the right to randomly audit any mechanical ventilation documentation.

### **WASTE MANAGEMENT DURING OPERATION**

- (77) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority, prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or use of the premises.

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

- (78) The building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste from the retail shops. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

### **COMMEMORATIVE PLAQUE**

- (79) 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.

### **NUMBERING**

- (80) Street numbers and the building name, if any, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

**STREET NAME PLATE**

- (81) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council.
- (82) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1A (Section 2) OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
  - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## Notes:

- (c) An appropriately qualified practising structural engineer certifying by completing Attachment S1 or by issuing a Compliance Certificate shall have:
  - (i) Tertiary qualifications in Civil or Structural Engineering;
  - (ii) Member of the Institution of Engineers Australia and listed on the National Professional Engineers Register NPER (Structural);
  - (iii) Appropriate current professional indemnity insurance acceptable to the building owner.
- (d) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.

**OFF SITE WORK REQUIRED**

- (83) The cost of removal or relocation of any electric light pole(s), required as a consequence of the development is to be borne by the applicant. The applicant shall relocate the electric light pole(s) in the public way adjacent to the development, prior to the satisfaction of the Principal Certifying Authority, prior to issue of Occupation Certificate under Environmental Planning and Assessment Act 1979.
- (84) The applicant is to be responsible for the provision of vehicular footway crossings and is to reinstate the footpath where any existing crossings adjacent to the site are no longer required in accordance with the requirements and to Council's approval and to the satisfaction of the Principal Certifying Authority, prior to issue of Occupation Certificate.

- (85) The walls and ceilings of the vehicular entry, visible from the street shall be finished in high quality materials to the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. No service ducts or pipes are to be visible.
- (86) 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 prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.

Carried.

(Note - Mr Joshua Farkash addressed the meeting of the Planning Committee on this matter.)

**DEVELOPMENT APPLICATION: 97-103 PYRMONT BRIDGE ROAD, PYRMONT (CORNER WATTLE STREET AND WATTLE CRESCENT) (D98-05263)**

**6.4**

Moved by Councillor Jahn, seconded by Councillor McDermott -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 8 February 1999, in relation to Development Application D98-05263 made by City West Housing Pty Ltd for the site at 97-103 Pyrmont Bridge Road, Pyrmont for demolition of the existing building and construction of a new 6-8 level residential building, containing 57 affordable housing units, it be resolved that consideration of this matter be deferred for the following reasons -

- (A) to enable receipt of legal advice as to whether City West Housing Pty Ltd is or is not a "public authority" in terms of the provisions of the Environmental Planning and Assessment Act 1979;
- (B) to consider a reduction in the height of the building of up to 3.8 metres;
- (C) to allow the applicant to submit amended drawings which comply with the Building Code of Australia matters listed in paragraph 59(a)-(f) of the subject report.

Carried.

(Note - Mr Dexter Duncan, Mr Ian Bailey, Mr Derek Bebbington and Mr Peter Iemma addressed the meeting of the Planning Committee on this matter.)

**DEVELOPMENT APPLICATION: GALLIPOLI MEMORIAL CLUB LTD, 12 - 14 LOFTUS STREET, SYDNEY (D1998/05363)**

**6.5**

That consideration of this matter be deferred until the meeting of Council on 15 February 1999.

Carried.

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

Carried.

(Note - The Director City Development was asked to provide further information on a number of matters raised during discussion on this matter at the meeting of the Planning Committee.)

(Note - Mr Bryan Pedwick addressed the meeting of the Planning Committee on this matter.)

**DEVELOPMENT APPLICATION: 18-24 SUSSEX STREET, SYDNEY-MORETON'S HOTEL (D1998/05177)**

**6.6**

That consideration of this matter be deferred until the meeting of Council on 15 February 1999.

Carried.

Note - This item was dealt with by Council as Item 8 on the Business Paper.

(Note - The Director City Development was asked to provide further information on a number of matters raised during discussion on this matter at the meeting of the Planning Committee.)

(Note - Mr Bill Lloyd, Mr Milton Osborne and Mr David Rothschild addressed the meeting of the Planning Committee on this matter.)

**Declaration of Interest**

Prior to discussion on Item 6.7 at the meeting of the Planning Committee, Councillor Jahn declared a non-pecuniary interest in this item in that he has a professional contract with the applicant on an unrelated matter in another Council area. Councillor Jahn took no part in discussion or voting on this item.

At the meeting of the Planning Committee Councillor Jahn stood down as Chairman for discussion on this item; Councillor Tsang assumed the Chair for discussion on this item.

**DEVELOPMENT APPLICATION: DALGETY SQUARE (FORMER FARMERS AND GRAZIERS). 372-428 WATTLE STREET, ULTIMO. (D98-05413)****6.7**

That consideration of this matter be deferred until the meeting of Council on 15 February 1999.

Carried.

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

(Note - The Planning Committee indicated its support for the development application and requested that suitable conditions of approval be drafted.)

(Note - Ms Sylvia Hrovatin addressed the meeting of the Planning Committee on this matter.)

**ITEM 7. DEVELOPMENT APPLICATION: GALLIPOLI MEMORIAL CLUB LTD, 12 - 14 LOFTUS STREET, SYDNEY (D1998/05363)**

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 8 February 1999, and to Council on 15 February 1999, in relation to Development Application D98-05363 made by Gallipoli Memorial Club Ltd for the site at 12-14 Loftus Street, Sydney, to extend trading hours of the club from the existing hours of; Monday to Friday 11.30am to 11.30pm and Saturday and Sunday 1pm to 10pm, to 24 hours seven (7) days a week, it be resolved that consent be granted subject to the following conditions:-

**Schedule 1A****Approved Development and Contributions****APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D1998/05363 dated 17 November 1998 and The Gallipoli Memorial Club Ltd Code of Practise undated submitted 11 December 1998 and drawings numbered AR-02 Issue A prepared by Bernard Young Design Group dated November 1992 and as amended by the following conditions:

**HOURS OF OPERATION**

- (2) The hours of operation are regulated as follows:
  - (a) The hours of operation of the premises shall be restricted to between 11.30am and 12.00 midnight on Mondays to Fridays (inclusive) and between 1.00pm and 10.00pm on Saturdays and Sundays;
  - (b) Notwithstanding (a) above, the premises may operate between 12.00 midnight and 2.00 am on Mondays to Fridays (inclusive) and between 10 pm and 2.00 am (Sunday morning) on Saturdays, for a trial period of one year from the date of commencement of the hotel use.

The hours referred to in (b) above shall be commenced within 6 months of the date of this consent. A further application may be lodged to continue the hours referred to in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the Club operator in relation to compliance with development consent conditions, any complaints received and any views expressed by the Police.



**HOTEL MANAGEMENT**

- (3) A separate development application for any proposed signs which are either externally fitted or applied in relation to the extended hours of operation must be submitted for the approval of Council prior to the erection of any such signs.
- (4) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (5) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.
- (6) The applicant/hotel manager must comply with the requirements and Licence conditions of the Liquor Administration Board. Any outstanding matters in this regard are to be satisfied prior to commencement of the extended trading hours.
- (7) The premise shall always be operated/managed in accordance with the approved 'Code of Practice' for the premises.
- (8) The premise shall always be operated/managed in accordance with the approved 'Security Management Plan' for the premises.
- (9) The removal of recycled bottles and glasses from the premises shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the neighbourhood.

**USE OF FOOTWAY**

- (10) The hotel patrons must not drink or congregate beyond the boundaries of the Club premises or on the footway except as permitted by a development consent.
- (11) The applicant is to liaise with Council regarding the preparation of a Precinct Management Plan. The Plan is to include a mechanism for the provision of increased Police surveillance of the Precinct.

**Schedule 1B****Conditions to be satisfied prior to commencement of extended trading****BUILDING MANAGEMENT**

- (12) The applicant is to prepare and submit a 'Code of Practice' for the premises prior to the commencement of the 12 month trial period, for the approval of the Director City Development prior to the commencement of the twelve month trial period.

- (13) The applicant shall prepare and submit a 'Security Management Plan' which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site, for the approval of the Director City Development prior to the commencement of the twelve month trial period.

#### **EMISSION OF NOISE**

- (14) No Public Entertainment, as defined under the Local Government Act, 1993 is to be provided within the premises without the prior separate approval of Council. Such approvals shall be obtained prior to the taking up of such use. The Occupier shall obtain approval from Council under Section 68 of the Local Government Act 1993 for any proposal to use the premises or part thereof as a place of public entertainment.
- (15) A minimum of one sign shall be placed in or near all exits to the effect that patrons are requested to refrain from any behaviour which will cause disturbance to residents of the neighbourhood.

### **Schedule 1C**

#### **Conditions to be complied with during operation of the Hotel**

##### **NOISE MANAGEMENT**

- (16) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
- (17) The use of the premises shall 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 BS 6472;
  - (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 63Hz 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; or

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

The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with Parts 1 and 2 of Schedule 7 of the Noise Control Act 1975 for outdoor measurements, and AS 2107 for indoor measurements.

- (18) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.
- (19) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (20) The doors to Loftus Street shall be kept shut at all times, except where required for direct ingress/egress (to limit noise) and mechanical ventilation, if required, shall be provided to meet BCA requirements.

#### **SIGNAGE**

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

#### **PATRON BEHAVIOUR**

- (23) The Management/Licensee shall prevent patrons removing glasses and opened cans or bottles from the premises.
- (24) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (25) Footpath lighting shall be provided along Loftus Street for the full frontage of the site. The location, design and illumination of such lighting shall have regard to Australian Standard 1158.1 – 1986 and shall be approved by the Director City Development and installed prior to commencement of the use.

Carried.

**ITEM 8. DEVELOPMENT APPLICATION: 18-24 SUSSEX STREET, SYDNEY-MORETON'S HOTEL (D1998/05177)**

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 8 February 1999, and to Council on 15 February 1999, in relation to Development Application D98-005177 for the 24 hour use of the ground, first and second floors of Moreton's Hotel and the adjacent Beer Garden, at 18-24 Sussex Street, Sydney- "Moreton's on Sussex", it be resolved that -

- (A) Council express its concern at the advice it has received in relation to the operation of Moreton's Hotel;
- (B) authority be delegated to the General Manager to determine the application, subject to (C);
- (C) should the General Manager not determine the application by Thursday 18 February 1999, this matter be referred for consideration to an Extraordinary Meeting of Council to be called for Monday 22 February 1999.

Amendment moved by Councillor McDermott, seconded by Councillor Greiner -

That the motion be amended by the deletion of clauses (A), (B) and (C), and the substitution of the following new clause -

That consideration of this matter be deferred to an Extraordinary Meeting of Council to be called for Monday 22 February 1999.

The amendment was lost on the following show of hands -

Ayes (3) - Councillors Cotman, Greiner and McDermott

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

The motion was carried unanimously.

Carried.

**Declaration of Interest**

Prior to discussion on Item 9 at the meeting of Council, Councillor Jahn declared a non-pecuniary interest in this item in that he has a professional contract with the applicant on an unrelated matter in another Council area. Councillor Jahn took no part in discussion or voting on this item.

**ITEM 9. DALGETY SQUARE (FORMER FARMERS AND GRAZIERS). 372-428 WATTLE STREET, ULTIMO (Z98-005413)**

Moved by Councillor Tsang, seconded by Councillor Greiner -

That arising from consideration of reports by the Area Planning Manager to the Planning Committee on 8 February 1999 and to Council on 15 February 1999, regarding Dalgety Square (Former Farmers and Graziers) 372-428 Wattle Street, Ultimo, it be resolved that consent be granted to Development Application D98-005413 made by Meriton Apartments for the site at Dalgety Square (being the former Farmers and Graziers Wool Store) 372-428 Wattle Street Ultimo for re-allocation of car parking spaces, subject to the following condition -

(1) The proposed car parking shall comply with all conditions of development consents Z93-00702 and Z96-00417, except as follows:

(a) Condition 28(a) of development consent Z96-00417 no longer applies and is replaced by the following:

*“At least 1 car space is to be provided for each of 296 residential apartments with no more than 15 one bedroom apartments not assigned a parking space in the development.”*

(b) Condition 28(b) of development consent Z96-00417 no longer applies and is replaced by the following:

*“31 visitor spaces shall be provided in the development.”*

(c) Condition 38 of development consent Z96-00417 no longer applies and is replaced by the following:

*“Should the development site be subdivided at least one car parking space is to be allocated in title to each of 296 residential units. Any car parking spaces forming part of a lot within the subdivision, such lot not being a separate car parking utility lot, are not to be used by those other than an occupant of or person residing in that lot.”*

Carried.

**ITEM 10. HICKSON ROAD, TOWNS PLACE AND ADJOINING PUBLIC STEPS, WALSH BAY DEVELOPMENT- OWNERS CONSENT FOR LODGEMENT OF DEVELOPMENT APPLICATIONS WITH THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (S006905)**

Moved by Councillor Walton, seconded by Councillor Greiner -

That arising from consideration of a report by the Property Manager to Council on 15 February 1999, on Hickson Road, Towns Place and Adjoining Public Steps, Walsh Bay Development - Owners Consent for Lodgement of Development Applications with the Department of Urban Affairs and Planning, it be resolved that -

- (A) authority be delegated to the General Manager to grant consent as owner of Hickson Road, Towns Place and both the Hickson Road steps to the lodgement by Walsh Bay Finance Pty Ltd of the development applications for the staged redevelopment of Walsh Bay that relates to the City's roads and assets with the exception of the final design resolution of the Hickson Road and Town's Place carriageway;
- (B) Council support the formation of a Property Control Group to provide the mechanism for the resolution of all design and property related issues on development applications affecting the public domain prior to the lodgement of such development applications with the consent authority;
- (C) Council membership of the Property Control Group comprise the Chairman of the Planning Committee, the Deputy General Manager or his nominee, and the Director City Development or his nominee.
- (D) a briefing of Councillors be held regularly on significant issues or progress on this matter.

Carried unanimously

#### **ITEM 11. CHINATOWN PUBLIC ART COMMISSION (S00-5188)**

Moved by Councillor Tsang, seconded by Councillor Greiner -

That arising from consideration of a report by the Assistant Curator, Sydney Open Museum, to Council on 15 February 1999, on the Chinatown Public Art Commission, it be resolved that:

- (A) Council approve the artwork proposal by Lin Li for the Chinatown Public Art Commission, on condition that -
  - (1) the contractual arrangement with the artist provides that Council meet all out-of-pocket expenses pursuant to a cost plan approved by the Director City Projects;
  - (2) an appropriate fee be paid to the artist;
  - (3) the Chinese Community raise at least one-third of the cost of this project;
  - (4) the total cost of the project, inclusive of contingencies, is no more than \$180,000;
- (B) subject to clause (A)(4), authority be delegated to the General Manager to approve commencement of fabrication of the artwork once the agreed amount of funding from the Chinatown Community has been secured.

Carried unanimously.

**ITEM 12. QUESTIONS ON NOTICE****STREET PARKING (S006649)**

1. By Councillor Greiner -

**Question**

Lord Mayor, pursuant to Councillor McDermott's question concerning footpath parking in Castlereagh Street, I have had representations from the Pedestrian Council of Australia stating that both driving along and parking on a footpath is clearly a breach of the Motor Traffic Offences Act Sections 81(a) and 90(a).

Consequently, the newly constructed "parking bays" as exemplified in Castlereagh Street between Martin Place and Market Street are illegal.

- (i) What is the legal position?
- (ii) If Council has breached the Act, will you insist that Council makes restitution of such situations in the City?
- (iii) What is the expenditure on construction of the roll-over bays?
- (iv) How much will it therefore cost to restore them?

**Answer by the Lord Mayor**

I suspect that the basic assumption in your question is incorrect.

This was part of a Development Application approved by Council. I have asked the General Manager to co-ordinate a response from relevant staff to answer your enquiry.

**WHARVES 9 AND 10 (S006649)**

2. By Councillor Greiner -

**Question**

Lord Mayor, pursuant to discussions concerning the residential development on Wharves 9 and 10 could you confirm, through the Department of Urban Affairs and Planning, that there will be no residential development on top of the commercial properties constructed immediately adjacent to the Charter Boat operations which will be located at Wharves 9 and 10?

**Answer by the Lord Mayor**

Strong opposition to residential development in this location has already been expressed in two submissions sent to the Department of Urban Affairs and Planning. Each submission was approved by both Council and the Central Sydney Planning Committee.

### **TELEVISION RECEPTION (S006649)**

3. By Councillor Greiner -

#### **Question**

Lord Mayor, residents in Kent, Sussex and Market Streets are complaining that their television reception is deteriorating due to construction of the Grace Bros Hotel.

With ongoing construction in the City, what steps has Council taken to remedy this situation? If none have been taken, why not? When can residents be assured that their television reception will be restored?

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

I have asked the Director City Development to address this matter and to assess any options that may be available to Council.

### **RESIDENTIAL PARKING STRATEGY (S006649)**

4. By Councillor Greiner -

#### **Question**

Lord Mayor, the Residential Parking Strategy now states on the 149 Certificate that the purchaser of property will not be eligible for a residential parking sticker. Previously residents have presented validation to the One Stop Shop in the form of rate notice or lease and there is now concern that no instructions are in place, so the One Stop Shop staff may be unaware they are in appropriately issuing parking stickers.

On behalf of the Ultimo Precinct Committee I ask the following question:

What instructions have been issued to the One Stop Shop staff to ensure that the new Residential Parking Strategy is implemented?

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

I have asked the Deputy General Manager to address this matter and to report in the Councillors' Information Service.



**DISORDERLY HOUSES ACT (S006648)**

5. By Councillor McDermott -

**Question**

Lord Mayor, if the Liberal Party wins the coming State election will you undertake to make a submission to the Chikarovski government in connection with her undertaking to review the Disorderly Houses Act in light of the fact that, as stated by the Daily Telegraph on 3 February 1999, there appears to be “concern that Courts were over-ruling Local Government on where to put brothels”?

**Answer by the Lord Mayor**

I do not answer hypothetical questions.

**PORTSMOUTH MILLENIUM CELEBRATIONS (S006648)**

6. By Councillor McDermott -

**Question**

Lord Mayor, I acknowledge the response to my questions about Council’s representation at the Portsmouth Millenium Celebrations as contained in the Councillors’ Information Service dated 23 December 1998.

I also understand that representations had been made to you by the Sydney/Portsmouth Sister City Committee suggesting that Commander Steven Townsend would be an appropriate representative.

Has any decision being made with respect to this matter?

**Answer by the Lord Mayor**

The General Manager has advised that no additional information has yet been received from Portsmouth City Council detailing dates, functions or activities and no specific invitation has yet been received.

**NUMBERING OF CITY BUILDINGS (S006648)**

7. By Councillor McDermott -

**Question**

Lord Mayor, my last Question on numbering of premises was asked in September last year. The previous one was asked in May.

Although it is a development condition that premises be numbered, it doesn’t seem that this is enforced before Strata Plans are released for registration and the like.

Can Council not have a system, which it enforces whereby occupation of buildings is not permitted until the numbering conditions have been complied with?

When there is a small BA or DA in existing buildings is it not possible for Council to take a like approach?

**Answer by the Lord Mayor**

Both previous Questions On Notice were answered.

The Director City Development further advises that:-

“A new condition is being imposed on all development approvals as follows:-

**NUMBERING**

- (1) Prior to issue of an Occupation Certificate street numbers and the building name, if any, shall be clearly displayed at either end of the ground level frontage in accordance with the ‘Policy on Numbering of Premises within the City of Sydney’. If new street numbers or a change to street numbers are required, a separate application shall be made to Council.
- (2) Prior to issue of an Occupation Certificate shop numbers must be clearly displayed in accordance with the ‘Policy on Numbering of Premises within the City of Sydney’.

Imposing this condition on all developments enables Council to require numbering of new properties.

The same condition will also be imposed in any building or development consent affecting existing buildings.”

The Deputy General Manager has also advised that:

“Council has written a letter to every property owner, attaching a copy of Council’s Policy on Numbering of Premises within the City of Sydney, requesting that street numbers be displayed in accordance with this Policy. An audit of premises is currently being conducted to determine the level of compliance. Further letters will be sent out to those properties that don’t comply.”

**AUSTRALIAN QUALITY AWARD (S006648)**

8. By Councillor McDermott -

**Question**

Lord Mayor, in November 1997, as you would be aware, Wollongong Council won the Australian Quality Award in connection with which it had been a finalist in 1994 and 1995.

I am advised that these awards are recognised as the country's premier Business Awards. It would of course be a wonderful thing if this Council were to have a like success.

Does this Council enter such awards? If not when will we?

**Answer by the Lord Mayor**

The Deputy General Manager has advised that:

“The City of Sydney has been recognised for excellence in performance in various forums. This includes winning the prestigious National Award for Innovation in Local Government 1998 for the Street Furniture Tender process. The City also won the award for the Engineering, Infrastructure and Urban Design category. Quality approaches to service delivery are being pursued by Living City Services, through achieving certification to ISO 9002 for eight services. The Audit and Review Unit is certified to ISO 9002 and is quality endorsed.”

**PARKING SIGNS (S006648)**

9. By Councillor McDermott -

**Question**

Lord Mayor, I note there are a number of signs in the city, which are intended to indicate where parking is. There is one in York Street on the corner of King, which should have legible arrows pointing north to the MLC Centre and south to the QVB.

Unfortunately the arrows are so faded as to be illegible.

Can the city do something to fix this situation which is scarcely consistent with the aspiration to increase retail parking?

**Answer by the Lord Mayor**

I have asked the relevant Director to assess this matter and, if necessary, to rectify the matter and to report in the Councillors' Information Service.

**AIRPORT TAXIS (S006648)**

10. By Councillor McDermott -

**Question**

Lord Mayor, there is an unending stream of articles in our newspapers about difficulties with taxis at our domestic and international terminals. It is often stated that those difficulties will give a poor image of Sydney come the Olympics.

My own experience is that, whilst some of them are quite good, some of the “marshals” seem to think that they should have been working for one ‘Adolf’ about 60 years ago.

It is not uncommon, in particular, to see a long line of taxis matched by a long line of people with the only thing preventing the two from meeting to their mutual satisfaction is an over-officious marshal.

I have frequently been told by taxi drivers that there are “hundreds” of taxis corralled in an area out of sight whilst there are hundreds of people lined up for their services.

If this situation endures it will be the City of Sydney, which will suffer a damaged reputation, particularly during the Olympics.

What, if anything, has this Council done to attempt to have an improvement brought about?

**Answer by the Lord Mayor**

I have asked the General Manager to see if there is any way that Council could use its good offices to support a solution being achieved.

I am happy to write to both the Taxi Council and the Minister for Transport on this issue.

**PARKING TICKET MACHINES (S006648)**

11. By Councillor McDermott -

**Question**

Lord Mayor, I have received a letter from a supplier of parking tickets in another state and, reflecting on recent publicity about difficulties we have had with our ‘show and display’ machines I have no doubt there have been approaches from other sources and that they, like this correspondent, suggests there is a ready solution.

Has Council progressed in overcoming the problems, which were recently publicised?

**Answer by the Lord Mayor**

The Deputy General Manager advises that:

“It is known that Council has experienced problems with paper products used in the parking ticket machines. This has been examined by Council staff, resulting in the acquisition of paper from an alternate supplier in December 1998. Subsequent testing proved totally successful and this paper is currently being introduced to all machines operated by Council. Staff will continue to evaluate alternatives on an ongoing basis.

Testing of new coin mechanisms to overcome the current problems with coin jamming is also being undertaken and these tests are proving successful.”

**MRS MACQUARIE'S POINT (S006648)**

12. By Councillor McDermott -

**Question**

Lord Mayor, I note that the Royal Botanic Gardens has plans for "greening Mrs Macquarie's Point". I sit in my "other office" in Macquarie Street daily and watch buses crawl around the point. Certainly the initiative appears to have some good points.

What, if anything, has the City done to attempt to work in with these plans, particularly the relocation of the buses?

**Answer by the Lord Mayor**

I have asked the Director City Development to report on this matter in the Councillors' Information Service.

**IMAX FILM (S006648)**

13. By Councillor McDermott -

**Question**

Lord Mayor, I recently asked a Question Without Notice on the Council's involvement in the development of an IMAX film.

You undertook to look into the matter and the fact that the intended Director, Bruce Beresford, was no longer going to direct our movie?

What is the state of play in this regard?

**Answer by the Lord Mayor**

I have asked the General Manager to let Councillors know what the present position is.

**PUBLIC LIABILITY INSURANCE (S006648)**

14. By Councillor McDermott -

**Question**

Lord Mayor, is Council insured with respect to injuries suffered by members of the public during fireworks displays, as apparently occurred at the Opera House on 24 January 1999?

**Answer by the Lord Mayor**

The Deputy General Manager advises that:-

“Council does have adequate public liability insurance to cover its own activities, functions and responsibilities.

It is understood that the incident referred to was not a Council activity. Where Council does engage contractors, Council requires the contractors and any sub-contractors to have adequate insurance and to provide appropriate indemnities to Council.”

## **QUESTIONS WITHOUT NOTICE**

### **ST VALENTINE'S MESSAGE (S006321)**

1. By Councillor Tsang -

#### **Question**

Lord Mayor, at a confidential briefing this afternoon, you may have noticed a Valentine's message on the whiteboard which read "KG 4 FS".

Lord Mayor, my question is through you to Councillor Greiner. Does this mean that you are joining Lucy Turnbull in the Sartor Living City Team in this Council election?

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

Councillor Greiner?

#### **Councillor Greiner**

Through you, Lord Mayor. Councillor Tsang, I actually read this quite differently. I read this as "KG is four times better than Frank Sartor."

### **MINUTES OF COUNCIL/COMMITTEE MEETINGS (S006324)**

2. By Councillor Greiner -

#### **Question**

Lord Mayor, I note in the City of Sydney Annual Report 1997/98, inter alia, a key result under "Governance" being that "Minutes of Council and Central Sydney Planning Committee are now available on the City's Website," and also "Resolutions of Council are provided within 48 hours of the Council meeting if required. Final resolutions are provided within 24 hours of Minutes of Meetings being finalised and approved."

Why are Councillors not provided with Minutes of the meeting until the next meeting some three weeks later if Council keeps to its regular meeting cycle?

Why are Councillors not provided with draft copies of the minutes within 48 hours of the Council meeting?

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

Councillor Greiner, I think you asked three questions. Let me answer the one, firstly, about final minutes being provided within 24 hours of being approved. That presumably is when Council confirms the minutes as being an accurate record, and I believe that happens.

The normal procedure in all organisations is that minutes are prepared and cleared by the Chairman. That is normal protocol. That happens here and has always happened here. It has happened here certainly for all the time I have been on Council, well before I was Lord Mayor.

In relation to meetings of sub-committees, this issue has been raised before. It is my understanding that that information is available on demand. I don't know whether, Chief Clerk Secretariat, some of it is sent out automatically?

### **Chief Clerk Secretariat**

Lord Mayor, there is no reason why Councillors can't get Council minutes as soon as they are printed. It is just that they will need them again anyway for confirmation at the next meeting of Council.

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

If Councillors wish to have them, once they have been cleared, there is no reason why Councillors can't get a copy. Perhaps, Chief Clerk Secretariat, you could put in place a system to deal with that.

The other thing that I was going to allude to was the fact that, of course, all Councillors do have access to Council files and therefore have access to all the information on those files and therefore minutes of all sub-committees are available.

Can I say that the Council has, between staff committees and external committees, quite a number of groups, committees and organisations and the needless mailing out of reams of paper seems to me pointless. You are better off asking for and getting it when required.

### **ACCESS TO COUNCIL FILES (S006322)**

3. By Councillor McDermott -

#### **Question**

Lord Mayor, the last time I asked for a Council file that you have just said we have free access to, the matter had to go through the General Manager and I was given the information I sought.

Is it not the case that what you have just said is incorrect; we do not have free access to Council's files Or, if it is correct, why am I not given access to files when I ask for them?

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

I am not aware that you have called for any file to which you have not been given access, unless it is a confidential file, a personnel file or a file of a nature that you are not entitled to. The general run of Council's files are available. As a Councillor, I availed myself of that service. I am not aware that you have been deprived of access to any file. You do not have to ring the General Manager for a file; you ring the Chief Clerk Secretariat or Records. If there is doubt, it is referred to the General Manager.



**CLOSED CIRCUIT TELEVISION CAMERAS (S006323)**

4. By Councillor Jahn -

**Question**

Lord Mayor, you will recall the recent event in Hyde Park which involved an attack on the War Memorial at the southern sector of Hyde Park. I read that at the time, realising that we have already a well advanced surveillance camera system.

Can you please advise us whether or not the camera system takes in Hyde Park and the War Memorial and, if it does not, whether it could and what progress there is with its development?

**Answer by the Lord Mayor**

There are three issues involved in answering your question, Councillor Jahn.

The first is yes, we do intend to have four closed circuit television cameras in Hyde Park South. My advice is that they will be so located as to provide surveillance of the War Memorial.

The second point is that the protocols that govern the operation of the cameras are for serious crime or apprehended serious crime like assault or serious property crime. I have already asked the General Manager to review the protocols in respect of the War Memorial.

The reason why Council debated this and decided not to extend the role of the cameras to small property crimes, traffic or parking offences is that (a) there are privacy issues and (b) it is diluting the resources that should be there for making the City safe rather than worrying about such matters.

In relation to the War Memorial, I think it is of sufficient heritage, historical and, I suppose, psychological significance that we probably should change the protocols for that particular location to also cover graffiti and vandalism.

The third point is that the camera system has been very successful. We have had five cameras in operation since Christmas in the Cinema precinct. My understanding is that something like 40 or 50 arrests were made by Police during that time and that the cameras were involved and significantly assisted in, contributed to or caused well over half those arrests.

I am pleased to advise Council that tonight at 6 o'clock I believe another eight cameras will come on line in the Haymarket. As we usher in the Year of the Rabbit, the year of tranquillity, we hope to have something available to help support that tranquillity in the Haymarket and Chinatown. They are coming into being and the rest of the program, to a total of 46 cameras, will be on line by about April.

### **KIOSKS IN THE CITY (S006325)**

5. By Councillor Cotman -

#### **Question**

Lord Mayor, the curtilage of many of the kiosks in the City seems to be altered after their installation, with consequent impact on the quality of the adjoining footpath. As an example, the flower kiosk opposite 400 George Street and outside McDonalds has had a wire hoarding recreated around it. The brand new Council footpath has been jackhammered to allow for some service connections to the kiosk.

Who is paying the cost of these works?

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

Councillor Cotman, because we are such a smart Council, we have a very good contract with Telstra, for which you can congratulate the General Manager, and the costs of all the telephone connections are in fact Telstra's.

In respect of the Energy Australia power connections, I am not sure of the arrangements. But they are external agencies. In fact, they are the main cause of the delay in rolling out the program. General Manager, do you wish to add anything?

#### **General Manager**

With removal, one tile gets broken when they go in and then after that the tiles are lifted. So it is one replacement tile when they go in. But it is certainly as the Lord Mayor said, Telstra's costs are all borne by Telstra.

### **CULTURAL FACILITIES IN THE CITY (S006321)**

6. By Councillor Tsang -

#### **Question**

Lord Mayor, I understand that there has been significant progress in the provision of cultural facilities in the City of Sydney.

Can you give Council an update?

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

Yes, Deputy Lord Mayor. As we sit here, on the eve of the Year of the Rabbit, ready for prosperity and tranquillity and a great deal of fun, I am very pleased to advise the Council that, thanks to negotiations jointly by the Deputy Lord Mayor and myself, the New South Wales Government has agreed to transfer two properties in full title to the City of Sydney. They are the Haymarket Library, where we recently extended the top floor to expand the Asian library service we provide there, and the Corporation Building, which is in need of an upgrade.

Those two assets will be transferred to the City for, I think, \$1.00, and I have that in writing from the Treasurer.

The Haymarket Library building was upgraded in 1991. We intend to spend \$2 million on the Corporation Building to upgrade and restore the building and we intend to make about 60% of the building initially a Chinese Cultural Centre.

I believe that the City Projects Division is preparing a scheme that will be the subject of a briefing of Councillors. It will be discussed in due course, the development application lodged and we hope that work will start three-quarters of the way through this year. This means that we had allocated \$1 million towards the acquisition of those properties in the \$40 million gap that we identified and that, of course, is \$1 million that we don't have to find.

We will therefore be able to go forward. That, of course, adds also to the Capitol Theatre which is another major City investment in the area.

#### **STATEMENTS ATTRIBUTED TO THE LORD MAYOR (S006324)**

7. By Councillor Greiner -

##### **Question**

Lord Mayor, it has come to my attention that certain statements have been attributed to you concerning me in the Ultimo/Pymont area. I ask you to categorically deny that you made the following statements:

- (i) That I am the purchaser of the eight terraces in Harris Street up for auction recently;
- (ii) That if I am elected I will remove all pensioners' buses etcetera; and
- (iii) That if I am elected I will remove pensioners' rate rebates?

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

Councillor Greiner, you are probably capable of doing all those things. Can I say it is news to me that you are and I absolutely, categorically, 100 per cent deny that I ever said any such thing. In fact, I have not mentioned you to anyone for at least six months.

#### **CITY HERITAGE FLOOR SPACE BANK (S006322)**

8. By Councillor McDermott -

##### **Question**

Lord Mayor, we are aware from previous discussions today that on 18 January 1999 Council passed a motion with regard to a proposal for a City Heritage Floor Space Bank.

Could Councillors please be informed, perhaps through the General Manager, what the results of our prognostications are with regard to our legal position?

**Answer by the Lord Mayor**

I doubt if the General Manager has advice yet. When he has it, it would probably be appropriate for a briefing. Where are you up to with that, General Manager?

**General Manager**

We have had some discussions internally and the Director Legal and Secretariat has taken some advice, which I have not yet seen. Is that a fair summary?

**Director Legal and Secretariat**

Yes, and an issues paper is being prepared by staff for further discussion with Councillors.

**CLOSED CIRCUIT TELEVISION CAMERAS (S006323)**

9. By Councillor Jahn -

**Question**

Lord Mayor, further to the previous answer you gave to me in relation to the War Memorial, would you be willing to consider inclusion of the Cenotaph in the protocols provisions as presumably it is in the category of cultural significance.

**Answer by the Lord Mayor**

Yes, Councillor Jahn, I would. Can I say that, because we were very concerned about privacy issues when we set up the protocols, we made it quite clear that any significant changes in the protocols could only be done by Council. So it will have to come back to Council anyway.

The answer is yes, the Cenotaph and the War Memorial are probably in a position where we ought to include graffiti as part of the surveillance. The problem is that there may not be a camera overlooking the Cenotaph; that is the only technical issue. If there is no camera there, then it is not relevant, but Council staff will have a look at that.

**ANNUAL REPORT 1997/98 (S006325)**

**10.** By Councillor Cotman -

**Question**

Lord Mayor, on page 74 of the Annual Report 1997/98, under the item "Promotion and Cultural Development", expenses (actual) have been noted as \$9.361 million in comparison to budget of \$7.046 million. This represents an increase of about 30 percent over the budget expenditure, an increase about which I do not believe we were informed.

Can we please have a detailed explanation of the reason for this budget blowout?

Incidentally, two-thirds of the figures in the column "Actual expenditure 1996/97" are different from the previous Annual Report (ie 1996/97).

**Answer by the Lord Mayor**

I shall ask the General Manager to respond.

**General Manager**

I do not have it in front of me, but I would imagine that it refers to the Customs House phasing. I will ask the Deputy General Manager to go through it tomorrow morning and give you a detailed answer. That is the major issue, I think, and it was a timing issue.

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

I shall ask the Deputy General Manager to prepare a report via the Councillors' Information Service. Can I say that those actual projections come through every quarter and Council approves and notes the report.

**CLOSED CIRCUIT TELEVISION CAMERAS (S006324)**

**11.** By Councillor Greiner -

**Question**

Lord Mayor, in reference to our discussion on closed circuit television cameras, could we organise the following:

- (i) a formal visit by all Councillors to the television monitoring room - understanding, of course, that it is a highly restricted area;
- (ii) a briefing on the success to which you referred earlier;
- (iii) a review of the protocols to cover some of the comments made by my colleagues tonight concerning graffiti and vandalism on property;

- (iv) with the General Manager's concurrence, a review by Council officers of the sites - including the Cenotaph, the War Memorial, the Archibald Fountain, perhaps Queen's Square and others - and also a review of the extra cameras that may be required to be in place to cover those sites.

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

Firstly, as to a tour of the security room, the answer is yes. I think that should be organised as part of the briefing schedule.

Secondly, as to a briefing on the success of closed circuit television cameras, yes, in due course when we get the latest statistics. The Police were basically saying that the statistics were preliminary, but as soon as we can, hopefully in the next month.

On the question of protocols, I want to get a report up to Council to cover not just the War Memorial and possibly the Cenotaph, but also what we haven't devised are protocols for the management of major events.

An issue arose just before New Year's Eve where I received a request to allow a feed from our control room to our operations centre for New Year's Eve. After discussions with the General Manager, we formed the view that it would be unwise because it is contrary to the protocol, although there was notional agreement for use of major events.

There is a real question, once the cameras start being used for other than crime, that you start getting into a lot of grey areas. I am after a report to Council on some aspects of the protocols relating to the War Memorial, the Cenotaph and major events.

In other words, at what point are we deemed to be managing a major event and what are they allowed to look for. For example, do we let them look for levels of rubbish and filled litter bins which can help direct the control centre to get our trucks out there to empty them. Do we get them to look for crowd congestion. All those things we have to think through. Even though it is a major event, it is not necessarily a free-for-all to turn the cameras on whoever you like. There has to be a reason for observing something.

That will come forward as soon as we have a report prepared. All those aspects will come before Council. We will probably have a discussion and a briefing just to think all that through. We have to be careful to keep defending civil liberties issues because they are quite significant. These cameras are very powerful.

### **FOOTPATHS IN THE CITY (S006322)**

**12.** By Councillor McDermott -

#### **Question**

Lord Mayor, at a recent Council briefing you agreed with a suggestion I made that, although we spend tens of millions of dollars on our footpaths, we are not protected against two problems which have bedevilled us in the past. The first of those is that footpaths are not reinstated by other public authorities as we originally instructed them.

The second one is that these public authorities come along week after week, dig up, put back, dig up, put back, rather than having a protocol with us whereby they manage their time and only one authority digs up and they all do whatever has to be done.

At that time, you indicated to me that we may have to go to law, but we are working on the possibility of protocols with other public authorities.

Could you bring Councillors up to date on this issue?

**Answer by the Lord Mayor**

I am not further advanced. I do not have any new information, except that the same position applies.

The evidence is that, with all the recent work with Telstra and others, where they were actually digging up the pavers, they are so much more sensitive to the standard of footpaths, they are actually reinstating them properly and re-laying the concrete base. This is different to when they dig up bitumen, they dig a trench and put a little mound down, think that they have done their job and walk away.

The same rule applies. If, in some cases, they do the wrong thing, I have said to the General Manager and the Director Legal and Secretariat: litigate. We have to set an important legal precedent about what their obligations are.

There was discussion, as Councillor McDermott said, about protocols and agreements. There are about ten agencies, some of which are Federal, over which we have little control. With the State, we have not a lot of control but at least we can sometimes appeal to the Minister

General Manager, can either you or the Deputy General Manager update me on that?

**Deputy General Manager**

Lord Mayor, policy guidelines have currently been prepared to determine the general guidelines for the reinstatement of the new granite paving. These guidelines have been circulated amongst staff and will form the basis of the detailed protocols that service providers will be required to apply when reinstating the footpaths. The preparation of these protocols is currently occurring.

**OPENING OF EXHIBITION SPACE, CUSTOMS HOUSE (S006323)**

13. By Councillor Jahn -

**Question**

Lord Mayor, you mentioned earlier that there had been invitations issued for the opening of the Level 4 City Exhibition Space at Customs House.

Can you tell us what is being opened and who is opening it?

**Answer by the Lord Mayor**

I believe the opening is on Tuesday 23 February 1999 at 6.00pm. It is the Level 4 City Exhibition Space at Customs House. I am opening it and the Minister for Urban Affairs and Planning is an official guest. All Councillors will, of course, receive invitations.

**PARKING METERS IN THE CITY (S006324)**

**14.** By Councillor Greiner -

**Question**

Lord Mayor, on a number of occasions my colleague, Councillor McDermott, has raised questions about the faulty parking meters in the City. A Council officer stated at a recent residents' meeting that the Council was waiting for parts and hence many meters were not working in the City.

Why is it then that, on a recent trip to Bondi Beach, the same parking meters are operational in that area without any of the faults that appear on those in the City?

**Answer by the Lord Mayor**

As you are aware, we have had a problem with tampering with our meters. I understand that staff have been conducting trials with a coin system to design amendments that will prevent the current process whereby people try and extract coins. My understanding is that the trials so far have proved encouraging.

There has also been an operation with the New South Wales Police which has been successful and a number of people have been arrested. I also believe that Council has employed one or two extra staff to supervise the meters. I am dissatisfied with the level of maintenance on the meters, but I think it is caused substantially by vandalism. Staff are under strict instructions to take action to resolve this matter so that our breakdown rate is lower than what it is now. They have, however, been extremely successful overall and continue to be so. I will be waiting anxiously for staff advice as to progress.

Deputy General Manager, when will the pilot be over?

**Deputy General Manager**

Lord Mayor, we have done a couple of things. We did have a problem during the heavy rain with the paper. The paper has been replaced and, with the last heavy rain, it was successful.

The coin mechanism has been a problem. We have tested some prototypes and that looks encouraging. We are actually expanding that. In another week or two we will change all the coin mechanisms. That will take a month or so to do.

In addition, we have some more resources for maintenance and our objective is to reduce the breakdown rate to 5 per cent. Basically, we have given ourselves three months to do that.



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

Can you keep us regularly informed, Deputy General Manager?

**“SHAPING OUR CITIES” (S006322)**

15. By Councillor McDermott -

**Question**

Lord Mayor, the Department of Urban Affairs and Planning has prepared a document called “Shaping our Cities”, which calls for representations from bodies like ourselves on how to integrate the activities of government departments such as those who pull up our footpaths. It seems to me that this would provide us with an opportunity to look at the strategic planning issue that this Council looked at some years ago and review the papers that were prepared to make a submission to the State Government.

My question is: are you prepared to look into that?

**Answer by the Lord Mayor**

Have we been invited to make a submission, Director City Development?

**Director City Development**

Yes, Lord Mayor, and I have already asked the Manager Planning Policy to prepare a report.

**Business of which due notice had not been given**

At this stage of the meeting, pursuant to the provisions of Clause 13(3) of the Local Government (Meetings) Regulation 1993, the following motion was moved.

Moved by Councillor Greiner, seconded by Councillor McDermott -

That, as a matter of urgency, Councillors be briefed by senior officials from the Sydney Organising Committee for the Olympic Games (SOCOG) for the following reasons -

- (A) Sydney is the Host City and as a result of that we, the Councillors, have a responsibility to the broader community.
- (B) The Lord Mayor, who has represented ex officio the City’s interests on SOCOG, has rarely, if ever, reported back to Council on matters to do with SOCOG.

- (C) The following issues which parade through the press daily are issues of concern:
- (i) a report by the New South Wales Audit Office that taxpayers could be asked to “reach deeper into their pockets”. What is the financial exposure of the State and/or the City?
  - (ii) that Olympic organisers will take the axe to the City’s beautification budget next year which will affect suburbs around the City and Darling Harbour;
  - (iii) Sydney’s ability to raise a further \$250 million in sponsorships this year and the ramifications thereof;
  - (iv) the impending visit of IOC Coordinating Commissioner and what that means to the City.

The motion that this matter be dealt with as a matter of urgency at this meeting was lost on the following show of hands -

Ayes (3) Councillors Cotman, Greiner and McDermott

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

Motion lost.

### **ITEM 13. NOTICES OF MOTION**

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

At 5.55 pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 8 March 1999 at which  
meeting the signature herein was subscribed.