



**29 NOVEMBER 1999**

**Meeting No 1302**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.12pm on 29 November 1999 pursuant to Notice 18/1302 dated 25 November 1999.

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### PRESENT

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

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 6.12pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

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 Turnbull, seconded by Councillor Ho -

That the Minutes of the Meeting of Council of 8 November 1999, as circulated to Councillors, be confirmed.

Carried.

Moved by Councillor Greiner, seconded by Councillor Marsden -

That the Minutes of the Extraordinary Meeting of Council of 22 November 1999, as circulated to Councillors, be confirmed.

Carried.

**ITEM 2A. VACANT SITES - PROPOSED ACTION PRIOR TO 2000 OLYMPICS (S007882)**

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

That this matter be dealt with after Item 8.

Carried.

**ITEM 3. BRIDGE STREET UPGRADE (S010450)**

FILE NO:

DATE: 25/11/99

**MEMORANDUM BY THE GENERAL MANAGER****To Council:**

The following issue was discussed at the meeting of the Priorities and Outcomes Committee on Tuesday 2 November 1999.

In 1997 a design was prepared under the Priority Design Program for Bridge Street Upgrade. Refer Attachment A.

Scope of works proposed in 1997 included:

- (a) Lay new granite paving, stone kerb and concrete channel
- (b) Widen footpath, particularly on the southern side of the street
- (c) Plant new street trees, particularly on the widened southern footpath and remove the existing poplar trees

- (d) Install Smartpoles™ to the northern side of the street.

Cost estimates at the time valued the work at \$12 million

The project was lodged as a Development Application No. 669/97 on 3 October 1997, and it was withdrawn on 18 September 1998.

Significant upgrades in the precinct have occurred and are occurring as a result of development consent conditions. Attachment B indicates these works which include:

- (a) AMP frontage (between Young and Phillip Streets - north side)
- (b) MOS frontage (between Phillip and Farrer Place - south side)
- (c) Exchange Building (between Pitt and George - partial north side)
- (d) Dalgety House (between Loftus and Young Street - partial north side)
- (e) Conservatory Redevelopment (eastern end of Bridge Street)

Following a briefing of the Priorities and Outcomes Committee, it was requested that a more modest package of work be identified which would present Bridge Street in a better condition for the Olympic period and the Centenary of Federation.

A reduced Scope of Works has been developed in accordance with this request and it is proposed as follows:

- (a) **Paving** - Footpaths are to be resheeted asphalt at existing levels as part of Council's resheeting program.
- (b) **Road** – The carriageway would be resheeted and linemarked as an extension of Council's resheeting program. Bridge Lane entry would be included in order to resolve levels at its junction with the Bridge St footpath. (\$300,000 from Roads Resheeting allocation)
- (c) **Kerb and channel** –. All of Bridge Street features trachyte kerbs and concrete channel and these would be retained. The only exception, requiring replacement with new stone kerb, is the curved concrete kerb at the south western corner of Bridge Street and Gresham Street.
- (d) **Trees** - The existing twelve (12) Poplar trees would be removed from the southern footpath. This is consistent with the Priority Design Bridge Street Project (as part of the trees upgrade project budget).
- (e) **Lighting** - Installation of Smartpoles™ would be prioritised in Bridge Street as part of the energy Australia roll-out. Poles will be generally located on the northern side of the street as per the original Priority Design Project.

## CONCLUSION

The proposed scope of works would provide much needed repairs as well as substantially improving the material standard of Bridge Street. Traffic function would not be affected. The works would not preclude further granite paving. Removal of the existing 12 poplar trees would further reveal the sandstone facades of the Department of Lands Building, the Department of Education Building and the Chief Secretary's Building. Replanting of plane trees is not recommended at this stage but could be further investigated in association with the scope for footpath widening on the southern side of the street.

## RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 29 November 1999, on Bridge Street Upgrade, it be resolved that the package of work as outlined in the subject Memorandum by the General Manager be implemented and expenditure approved from existing budget allocation, subject to final specifications and costings being approved by the Priorities and Outcomes Committee.

(SGD) GREG MADDOCK  
General Manager

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a Memorandum by the General Manager to Council on 29 November 1999, on Bridge Street Upgrade, it be resolved that the package of work as outlined in the subject Memorandum by the General Manager be implemented and expenditure approved from existing budget allocation, subject to final specifications and costings being approved by the Priorities and Outcomes Committee, and that the question of whether the poplar trees should be replaced by other trees or planter boxes for flowers be further investigated.

Carried.

## ITEM 4. MATTERS FOR TABLING

Pecuniary interest returns that had been lodged in accordance with Sections 449(1) and 449(3) of the Local Government Act were laid on the table.

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

Australian National Maritime Museum	Annual Report 1998/99
New South Wales Fire Brigades	Annual Statistical Report 1997/98

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

That the Disclosure of Pecuniary Interests returns and reports be received and noted.

Carried.

**ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 11 NOVEMBER 1999**

PRESENT

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

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull.

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

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

At 6.11pm, the meeting was adjourned.

At 6.45pm, at the resumption of the Priorities and Outcomes Committee, those present were:-

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

The meeting of the Priorities and Outcomes Committee concluded at 7.02pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 11 November 1999 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

**SMARTPOLES™ AGREEMENT: CITY OF SYDNEY & ENERGY AUSTRALIA - MONITORING OF ENERGY AUSTRALIA MAINTENANCE STANDARDS (GOI-00515)**

**5.1**

That arising from consideration of a report by the Manager, City Asset Maintenance to the Priorities and Outcomes Committee on 11 November 1999, it be resolved that:-

- (A) as a result of the Agreement with EnergyAustralia it be noted that an expanded monitoring program is being implemented and the following action is being taken:
- (i) a staff member from the City Asset Maintenance Unit has been given direct responsibility for street, park and decorative lighting and is responsible for the oversight of the monitoring program;

- (ii) EnergyAustralia will perform weekly night patrols to identify failed lamps, complemented by six-monthly residual current device inspections and annual inspections of each Smartpole™ for safety and damage;
  - (iii) regular meetings with EnergyAustralia will ensure that maintenance is to the satisfaction of the City of Sydney. Inspection reports will be reviewed and response rates on lamp repairs assessed;
  - (iv) the City Asset Maintenance Unit will undertake regular inspections and monitoring of the City's lighting schemes and of EnergyAustralia's performance; regular inspections form a component of urban domain inspections and provide an audit of damage/fault notifications;
  - (v) additional monitoring will be provided through use of the City's electronic incident and customer feedback systems (REACT, IRIMS, City Care 2000); and
  - (vi) pro-active liaison between City Asset Maintenance staff and community meetings and forums will provide additional feedback and monitoring;
- (B) EnergyAustralia be requested to provide weekly reports on contract performance and maintenance to Council's relevant contract manager;
- (C) the General Manager be authorised to negotiate an agreement with EnergyAustralia for the maintenance regime for older light standards in the city; to be of a similar level that applies to the maintenance regime for Smartpoles™;
- (D) the General Manager be requested to investigate and report upon the benefits of converting the older light standards to metal halide or any other modifications to improve the lighting level and maintenance; and
- (E) further reports be submitted to the Priorities and Outcomes Committee at appropriate times.

Carried.

**REQUEST FOR EXPRESSIONS OF INTEREST FOR THE USE AND MANAGEMENT OF PART OF THE CORPORATION BUILDING, 181 - 187 HAY STREET, SYDNEY (S007450)**

**5.2**

That arising from consideration of a report by the Section Manager, City Living and Leisure to the Priorities and Outcomes Committee on 11 November 1999 on the request for expressions of interest for the use and management of part of the Corporation Building, 181-187 Hay Street, Sydney, it be resolved that -

- (A) the draft Expressions of Interest document, as shown at Attachment A to the subject report, and as amended at the meeting of the Priorities and Outcomes Committee, be used to seek expressions of interest; and

- (B) notice of Expressions of Interest be distributed to relevant community and cultural organisations and publicly advertised in suitable newspapers, including Chinese language papers; and
- (C) the General Manager be requested to review the proposed downstairs uses and report back to the Priorities and Outcomes Committee.

Carried.



**ITEM 6. REPORT OF THE CULTURAL AND CITY CARE COMMITTEE - 22 NOVEMBER 1999**

PRESENT

Councillor Dixie Coulton  
(Chairman)

Councillors Nick Farr-Jones, Kathryn Greiner, Robert Ho and Lucy Turnbull

At the commencement of business at 5.11 pm, those present were -

Councillors Coulton, Farr-Jones, Greiner, Ho and Turnbull.

Councillor Fabian Marsden was also present.

**Apology**

The Lord Mayor extended his apologies for his inability to attend the Cultural and City Care Committee owing to an urgent commitment.

Moved by the Chairperson (Councillor Coulton), seconded by Councillor Turnbull -

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Cultural and City Care Committee concluded at 5.14 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the Report of the Cultural and City Care Committee of its meeting of 22 November 1999 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following -

**EXTERIOR LIGHTING STRATEGY FOR THE CITY OF SYDNEY (S009041)**

**6.1**

That arising from consideration of a report by the Co-ordinator Special Projects to the Cultural and City Care Committee on 22 November 1999, on the draft City of Sydney Exterior Lighting Strategy, it be resolved that consideration of this matter be deferred to enable -

- (A) comment to be invited from the Sydney Harbour Foreshore Authority;
- (B) consideration of this matter by the Central Sydney Planning Committee.

Carried.

**ITEM 7. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 22 NOVEMBER 1999**

PRESENT

Councillor Fabian Marsden  
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 6.03 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.07 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Farr-Jones -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 22 November 1999 be received, and the recommendation set out below for Item 7.1 be adopted.

Carried.

The Committee recommended the following:-

**CITY OF SYDNEY SOCIAL PLAN 2000-2005 - STATUS REPORT (S009698)**

**7.1**

That arising from consideration of a report by the Senior Project Manager City Service Development to the Community Services, Small Business and Tourism Committee on 22 November 1999, on the City of Sydney Social Plan 2000-2005 - Status Report, it be resolved that -

- (A) Council note the proposed key features of the Plan at Attachment A to the subject report and the timeframe for finalising the plan outlined in the subject report;
- (B) provision for a financial analysis be included in the Plan.

Carried.

**ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 22 NOVEMBER 1999**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 6.08 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

**Order of Business**

The Planning Development and Transport Committee resolved, in accordance with Clause 12 (2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

5. Development Application: Mann Judd House, 159-165 Kent Street, Sydney
1. Progress Report on Development Applications
2. Development Control Plan 1996 Draft Amendment No 11 - Local Orders Policy - Site Rectification of Land
3. Central Sydney Development Control Plan 1996, Adoption of Draft Amendment No 13 - Development Standards and Exhibition of Draft Amendment No 14 - Notification and Advertising
4. Development Application: Former Inwards Parcels Post Shed, 8-10 Lee Street, Sydney
6. Development Application: Former Railway Institute Buildings, 1001 Chalmers Street, Surry Hills

The meeting of the Planning Development and Transport Committee concluded at 6.25 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 22 November 1999 be received, and the recommendations set out below for Items 8.1, and Items 8.3 to 8.5 inclusive, be adopted, with Item 8.6 being noted, and Item 8.2 being dealt with as shown immediately following that Item.

Carried.

The Committee recommended the following:-

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

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

**8.1**

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 22 November 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

**DEVELOPMENT CONTROL PLAN 1996 DRAFT AMENDMENT NO. 11 - LOCAL ORDERS POLICY - SITE RECTIFICATION OF LAND (S007882)**

**8.2**

That arising from consideration of a report by the Executive Manager to the Planning Development and Transport Committee on 22 November 1999, on Central Sydney Development Control Plan 1996 Draft Amendment No. 11 - Local Orders Policy - Site rectification of land, it be resolved that:

- (A) Council exhibit Central Sydney Development Control Plan 1996 Draft Amendment No. 11 - Local Orders Policy - Site Rectification of Land, generally in accordance with the document at Attachment B to the subject report, subject to the inclusion of a clause requiring that the costs for any site rectification improvement works be allocated to the owner/developer; and as amended at the meeting of Council.
- (B) authority be delegated to the General Manager to finalise matters relating to Central Sydney Development Control Plan 1996 Draft Amendment No. 11 - Local Approvals Policy - Site rectification of land, for the purposes of a public exhibition in accordance with section 72 (Development Control Plans) of the Environmental Planning and Assessment Act 1979, and Part 3 (Development Control Plans) of the Environmental Planning and Assessment Regulation, 1994.

Amendment moved by Councillor Turnbull, seconded by Councillor Marsden -

That the motion be amended by -

- (1) the deletion of clause (B) and the substitution of the following new clause (B) -

- (B) authority be delegated to the Lord Mayor to finalise matters relating to the Central Sydney Development Control Plan 1996 Draft Amendment No. 11 - Local Orders Policy - Site Rectification of Land, for the purposes of a public exhibition in accordance with the provisions of the Local Government Act 1993;
- (2) the addition of the following new clauses (C), (D) and (E):
  - (C) authority be delegated to the Lord Mayor to adopt the Central Sydney Development Control Plan 1996 Draft Amendment No. 11 - Local Orders Policy - Site Rectification of Land, with such amendments as may be necessary or appropriate having considered public submissions (if any) made during the exhibition period;
  - (D) should the Policy also need to be approved as a Development Control Plan (DCP), then authority be delegated to the Lord Mayor to make such amendments as necessary and exhibit the Policy as a DCP;
  - (E) authority be delegated to the Lord Mayor to adopt the DCP with amendments as may be necessary or appropriate having regard to submissions (if any) made during the exhibition period.

Carried.

**CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996, ADOPTION OF DRAFT AMENDMENT NO. 13 - DEVELOPMENT STANDARDS AND EXHIBITION OF DRAFT AMENDMENT NO. 14 - NOTIFICATION AND ADVERTISING (S007532)**

**8.3**

That consideration of this matter be deferred to the meeting of Council on 29 November 1999.

Carried.

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

**DEVELOPMENT APPLICATION: FORMER INWARDS PARCELS POST SHED, 8 - 10 LEE STREET, SYDNEY (D/99/00684)**

**8.4**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 22 November 1999, in relation to Development Application D99-00684 made by Toga Building Company Pty Ltd for the site at 8-10 Lee street Sydney, known as the Inwards Parcel Shed for adaptive re-use of Parcels Post Shed for budget accommodation comprising the provision of 62 rooms and four refurbished rail carriages along the eastern boundary with a maximum of 300 beds,

communal facilities and off street parking for 12 cars and a minim bus, it be resolved that authority be delegated to the General Manager to determine the application, in consultation with the Chairman of the Planning Development and Transport Committee and the Director City Development, having regard to the conditions listed in the subject report and to the requirement to expand and increase the common areas and provide toilet amenities closer to the common areas on the ground floor.

Carried.

Note - Ms Sylvia Smits addressed the meeting of the Planning Development and Transport Committee on Item 8.4.

**DEVELOPMENT APPLICATION: MANN JUDD HOUSE, 159-165 KENT STREET, SYDNEY (D1999/00563)**

**8.5**

That consideration of this matter be deferred to the meeting of Council on 29 November 1999.

Carried.

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

Note - Mr Lawrence Rodney addressed the meeting of the Planning Development and Transport Committee on Item 8.5.

**PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Item 8.6 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: FORMER RAILWAY INSTITUTE BUILDINGS, 1001 CHALMERS STREET, SURRY HILLS (D99/00742)**

**8.6**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to the Planning, Development and Transport Committee on 22 November 1999, in relation to Development Application D99-0000742 made by Jahn Associates Architects for the former Railway Institute buildings at 1001 Chalmers Street, Surry Hills for the conversion of the buildings to a hotel, cafe and restaurant, it be resolved that consent be granted subject to the following conditions:-

## **Schedule 1A**

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

#### **APPROVED DEVELOPMENT**

- (1) The development shall be carried out in accordance with Development Application No: D99/00742, dated 24 September 1999, the Statement of Environmental Effects Version 2 prepared by JBA Urban Planning Consultants Pty Ltd and dated September 1999 and the drawings detailed below and prepared by Jahn Associates Architects:-

#### **Drawings**

DA001	Landscape Plan	Dated 13 September 1999
DA100	Basement Plan	Dated 16 September 1999
DA101	Ground Floor Plan	Dated 16 September 1999
DA102B	First Floor Plan	Dated 15 November 1999
DA103B	Second Floor Plan	Dated 15 November 1999
DA104	Roof Plan	Dated 16 September 1999
DA105B	Section A-A	Dated 15 November 1999
DA106B	North & East Elevations	Dated 15 November 1999
DA107B	South & West Elevations	Dated 15 November 1999

and as amended by the following conditions:

#### **REPORTS TO BE COMPLIED WITH**

- (2) The development shall be carried out in accordance with the recommendations of the following reports:-



- (a) The Heritage Impact Statement prepared by Rod Howard Heritage Conservation Pty Ltd and dated September 1999.
- (b) The BCA Compliance Report prepared by Trevor R Howse & Associates Pty Ltd and dated 16 September 1999.
- (c) The Acoustic Report prepared by Renzo Tonin & Associates Pty Ltd and dated 29 October 1999.

and as amended by the following conditions.

#### **APPROVED DESIGN**

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

#### **DESIGN DETAILS**

- (4) Final details, in the form of a materials schedule and sample board, of all new external and internal finishes and colours, including external hard surfaced areas and glazing, shall be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **SECTION 61 CONTRIBUTION**

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in respect of the proposed restaurant in the single storey 1889 building which is to be operated separately from the proposed hotel use.

The contribution shall be made in accordance with the following:

##### **(a) Cash Contribution Required**

- (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

(i) The amount of the contribution will be equivalent to 1% of the development cost of the restaurant fit out and associated works to the single storey 1889 building, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".

(c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(i) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

(i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **HERITAGE**

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

(7) Significant fabric disturbed in the process of development should be salvaged for re-use elsewhere within the building in consultation with the conservation architect.

(8) The removal or addition of any fitments/fixtures attached to significant fabric must involve least possible damage and should be reversible.

(9) Further documentation to demonstrate the general methodology, design (including detailed plans/elevations) materials and heritage impact for the following:

(a) Insertion of skylights into the c.1891 building;

(b) The end wall and access walkway within the first floor hall space;

- (c) Insertion of new doorways into external elevations;
- (d) Demolition of former storeroom for the provision of a rear fire escape, with new external doorway;
- (e) Installation of the new glazed roof over the proposed reception area;
- (f) Conversion of the former classroom to toilet facilities;
- (g) Provision of a disabled access ramp to the Chalmers Street entrance;
- (h) Demolition of the corridor and stair for the provision of a reception waiting room;
- (i) Demolition of the stage area for the provision of a new stair and lift;
- (j) Insertion of eight doorways into the Central Corridor;
- (k) Bridge connection and gate providing access to the cafe;
- (l) Demolition of the passage adjacent to the stage and restoration of the facade of the 1891 building.

are to be submitted to the Director of City Development for approval prior to the release of the construction certificate.

- (10) An interpretation strategy, with recommendations for interpretation through design, appropriate signage and exhibition material should be prepared for the Railway Institute Building to assist users to understand the history and significance of the building and the site. The interpretation strategy is to be submitted to the Director of City Development for approval prior to the release of the construction certificate.
- (11) The hardwood flooring in the small hall should be retained, preserved and revealed as part of the refurbishment, unless the applicant can provide detailed evidence demonstrating the necessity for its removal. Final design details are to be submitted to the Director of City Development for approval prior to the release of the construction certificate
- (12) The conversion of the former Reading/Smoking room into a cafe is to be undertaken in a careful and sympathetic manner. The refurbishment should ensure the conservation and interpretation of significant fabrics, such as the ceiling roses, wall vents, timber floorboards. Intrusive elements, such as the fluorescent lighting, ceiling fans, and surface mounted conduits should be removed and replacement with more sympathetic elements. Final design details are to be submitted to the Director of City Development for approval prior to the release of the construction certificate

- (13) All new glazing for the windows must be carefully selected to compliment the external facade. Final design details are to be submitted for to the Director of City Development for approval prior to the release of the construction certificate.
- (14) The restaurant area in the 1899 building is to retain its original spatial arrangement and is to remain free of partitions. Removal of the c.1924 stage is permissible. Significant fabric, as identified in the Conservation Plan must remain intact and unencumbered by the introduction of new services. Final design details are to be submitted for to the Director of City Development for approval prior to the release of the construction certificate.
- (15) The three new external doorways shall be as visually unobtrusive as possible. The openings for the doors are to be no wider than necessary in order to satisfy BCA requirements. The new doors and all new finishes associated with the creation of the new doors are to match or compliment the existing materials and adjacent finishes of the external facade. All final design details are to be submitted to the Director of City Development for approval, prior to release of the construction certificate.
- (16) A services plan is required to be submitted and approved by the Director of City Development prior to the release of the construction certificate. The plan must include an assessment of the impact of new services to significant fabric, and should demonstrate how minimal intervention into significant fabric has been achieved.
- (17)
  - (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
  - (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

#### **RECEIVING DEVICE**

- (18) A separate development application is required to be submitted for the installation of any external satellite antenna or the like. Such application shall be submitted and approved by prior to the installation of any such device.

**EXTERNAL LIGHTING**

- (19) A separate development application is required to be submitted for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by the Director of City Development prior to the installation of any external lighting.

**OPERATION OF HOTEL, CAFE AND RESTAURANT**

- (20) The premises shall be used as a hotel, cafe and restaurant and for no other purpose without the consent of Council. The hotel shall not be used for residential purposes as defined in the Central Sydney Local Environmental Plan 1996 or for the purpose of long term accommodation in the form of a boarding house or the like.
- (21) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (22) The hours of operation of the restaurant and cafe shall be regulated as follows:
- (a) The hours of operation of the restaurant and cafe shall be restricted to between 6.00am and midnight seven days a week.
  - (b) Notwithstanding (a) above, the premises may operate between midnight and 6.00am, for a trial period of 12 months from the date of commencement of these extended hours. The operator(s) of the uses shall inform Council in writing of the date upon which these extended hours commenced.
  - (c) A further application may be lodged before the end of the trial period to continue the trading hours outlined in (b) above. Consideration of such an application will be based on, inter alia, the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.
- (23) The removal of recycled bottles and glasses 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 surrounding area.

- (24) Signs shall be placed in clearly visible positions within the cafe and restaurant requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (25) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.
- (26) Gaming machines, amusement devices or the like are not permitted to be installed in the premises.
- (27) The provision of outdoor seating facilities as detailed on approved plan Drawing No DA101 – Proposed Ground Floor Plan shall only be in conjunction with the provision of a simultaneous food service from the restaurant or cafe.
- (28) All outdoor seating and associated furniture shall be kept strictly within the boundaries of the area defined on the approved plan Drawing No DA101 – Proposed Ground Floor Plan.
- (29) The design and appearance of all outdoor furniture, including tables, chairs, planters, umbrellas, etc shall be the subject of Council approval prior to the commencement of the use. The furniture must comply with the requirements of the Outdoor Cafe Policy 1996.
- (30) All outdoor furniture and planting shall be maintained at all times in a physically sound and aesthetically acceptable condition.
- (31) All outdoor furniture outside the fence line shall be stored within the building when not in use.
- (32) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.

## **NOISE**

- (33) The use of the premises must not give rise to any one or more of the following:
  - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
- (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
- (d) An "offensive noise" as defined in the Noise Control Act 1975.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

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

- (34) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (35) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

#### **SIGNS**

- (36) A separate development application for any proposed signs which are either externally fitted or applied or visible from outside the buildings must be submitted for the approval of Council prior to the erection or display of any such signs.
- (37) Portable signs or goods for sale or display must not be placed on the footway or other publicly accessible areas.

#### **VENTILATION**

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

## Schedule 1B

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

#### PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (39) Prior to the removal of any significant building fabric or furnishings from the site, and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to submit the following to Council, for deposit in the City of Sydney Archives:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
    - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
    - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
    - (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
    - (iv) A summary report of the photographic documentation, detailing:
      - a. the project description, method of documentation, and any limitations of the photographic record; and
      - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
    - (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.



- (b) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal of any building fabric or any demolition at the site.
- (c) The archival photographic recording work is to be carried out on an ongoing basis as original fabric is opened up under the supervision of the conservation architect.

#### **STORMWATER AND DRAINAGE**

(40) 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 DOMAIN PLAN**

(41) 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.
- (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.

#### **ALIGNMENT LEVELS**

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

**DISABLED ACCESS**

- (43) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

**STRUCTURAL CERTIFICATION**

- (44) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be submitted to the attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

**WASTE**

- (45) 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.
  - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
  - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
    - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
    - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.

- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note: Certification will also be required on completion of the building, prior to issue of an Occupation Certificate.

### **ELECTRICITY SUBSTATION**

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

### **PUBLIC UTILITY SERVICES**

- (47) 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 (e.g. Energy Australia, Sydney Water, Telstra Australia, in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.
  - (c) Documentary evidence is to be submitted to and approved by the Certifying Authority confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

## Schedule 1C

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

#### DESIGN OF FOOD PREMISES

(48)

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

OR

- (ii) the Principal Certifying Authority prior to the commencement of the work, ie.
  - a. \*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
  - b. \*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

## Note

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

**WASTE MANAGEMENT**

(49)

- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
  - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
  - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
    - a. Type and quantities of material expected from demolition and excavation;
    - b. Name and address of transport company;
    - c. Address of proposed site of disposal;
    - d. Name/address of company/organisation accepting material;
    - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;

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

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

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

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

#### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (51) The following environmental protection measures are required:
- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
  - (b) Such statement must include:
    - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;



- (ii) The proposed method of discharge;
  - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
  - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
  - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
- (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the protection of the Environment Operations Act (NSW) 1997, 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.

#### **BARRICADE PERMIT**

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

#### **MECHANICAL VENTILATION**

- (53) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
  - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
  - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).

- (i) Supply Air Ducts, Shafts and Fans - Blue
  - (ii) Return Air Ducts, Shafts and Fans - Pink
  - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
  - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
  - (v) Mixing Boxes and Conditions - Yellow
  - (vi) Fire Dampers and Electric Heaters - Red
- (d) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

### **STRUCTURAL DOCUMENTATION**

- (54) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
  - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
    - (i) The relevant clauses of the Building Code of Australia (BCA);
    - (ii) The relevant conditions of Development Consent;
    - (iii) The Architectural Plans incorporated with the Construction Certificate; and

- (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
  - (v) Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) Notes:
- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
    - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
    - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
    - c. Evidence of relevant experience in the form of a CV/Resume;
    - d. Appropriate current professional indemnity insurance.
  - (ii) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
  - (iii) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
  - (iv) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
  - (v) Council reserves the right to randomly audit any structural documentation.

## **Schedule 1D**

### **Conditions to be complied with during construction**

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

- (55) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
  - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
  - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
  - (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

#### **USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**

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

## **CONSTRUCTION DURING THE OLYMPICS**

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

## **LOADING AND UNLOADING DURING CONSTRUCTION**

- (58) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (59) 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.

## **USE OF MOBILE CRANES**

- (60) Permits are 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.

#### **PROTECTION OF TREES**

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

#### **OBSTRUCTION OF PUBLIC WAY**

- (62) 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.

#### **CONTROL OF VERMIN**

- (63) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority.

## **Schedule 1E**

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

#### **OCCUPATION CERTIFICATE**

- (64) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

#### **FOOD PREMISES**

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

**EITHER**

- (a) an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

**OR**

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fit-out, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (66) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale and the premises will be registered on Council's Food Premises Database.

**MECHANICAL VENTILATION**

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

**Note:**

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

- (68) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.

**STRUCTURAL CERTIFICATION**

- (69) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and

- (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (f) Council reserves the right to randomly audit any structural documentation.

### **LANDSCAPING**

- (70) The site must be landscaped in accordance with the approved landscape plan DA100 dated 13 September 1999 prior to the occupation of the buildings. All landscaping shall subsequently be maintained to the approval of Council.

### **WASTE**

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

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



- (72) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

#### **NUMBERING**

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

## **Schedule 2**

### **Prescribed Conditions**

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

Carried.

Note - This matter had been deferred from an earlier stage of the meeting

## **ITEM 2A. VACANT SITES - PROPOSED ACTION PRIOR TO 2000 OLYMPICS**

FILE NO: S007882

DATE: 25/11/99

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

#### To Council:

In 1991 there were 22 vacant sites in Central Sydney. This occurred where development, for various reasons, ceased after commencement; in some cases leaving large excavations. Such sites were generally perceived as visual blights on the city landscape.

In 1997 the City of Sydney Act (the Act) was amended in recognition of the detrimental impact vacant sites have had on the visual amenity of the city. The amendments to the Act (s60) enable Council to implement agreements with the owners of development sites to require sites where development has ceased to be rectified with temporary measures until development recommences on the site. The Act, under s59, also enables Council to issue orders to require site rectification if construction activity on a site has stopped.

The number of dormant vacant sites has now been reduced to five. These are the following:

	<i>Address</i>	<i>Owner</i>
1.	<i>487-503 George, 101-109 Bathurst and 486-494 Kent Streets</i>	<i>Genting Australia Investments Holdings Pty Ltd</i>
2.	<i>Site bounded by George, Pitt, Goulburn and Liverpool Streets</i>	<i>World Square Pty Ltd</i>
3.	<i>330-332 George Street</i>	<i>National Australia Bank</i>
4.	<i>68 Liverpool &amp; 339-343A Sussex Streets</i>	<i>Super Progress Pty Ltd</i>
5.	<i>589 George Street</i>	<i>Sunlord Holdings Pty Ltd</i>

Four of the five sites are located along George Street, the major north south pedestrian route through Central Sydney. The City and the State Government have invested \$250 million in the public domain preparing Sydney for the 2000 Olympic Games. Of this amount, \$70 million has been spent just in George Street in upgrading the footpaths.

In order to achieve site beautification of these vacant sites prior to the Olympic Games works must be progressed now. I therefore propose that the Director City Development be instructed to issue Notices to each of the owners of the above vacant sites to commence site rectification and beautification.

**RECOMMENDATION:**

That arising from consideration of a Minute by the Lord Mayor to Council on 29 November 1999, on Vacant Sites - Proposed Action Prior to 2000 Olympics, it be resolved that the General Manager be instructed to issue Notices under Section 59 and Section 60 of the City of Sydney Act 1988 (and any other relevant legislation) on the owners of the remaining vacant sites identified in the subject Minute by the Lord Mayor, to require site rectification and beautification to commence to ensure works are completed by 30 June 2000.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 29 November 1999, on Vacant Sites - Proposed Action Prior to 2000 Olympics, it be resolved that the General Manager be instructed to issue Notices under Section 59 and Section 60 of the City of Sydney Act 1988 (and any other relevant legislation), or pursuant to deeds entered into with developers in the City of Sydney resulting from consents, on the owners of the remaining vacant sites identified in the subject Minute by the Lord Mayor, to require site rectification and beautification to commence to ensure works are completed by 30 June 2000.

Carried unanimously.

**ITEM 2B. WATTLE STREET PEDESTRIAN BRIDGE**

FILE NO: S007258  
DATE: 29/11/99

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

Further to a briefing of Councillors on Monday 29 November 1999 regarding the Wattle Street Bridge ("WSB"), this minute seeks the consent of Council as owners of part of the land to be included in the WSB to the lodgement of the development application ("DA") for the project.

The project was managed initially by the Sydney Harbour Foreshores Authority. In October 1999 the project was handed over to the City of Sydney Council to manage. A design for the bridge was presented to Council at a briefing on 22 February 1999. At that briefing, Council requested changes to the design, relating mainly to the proposed access to the bridge via ramps and stairs.

The WSB is a pedestrian bridge over Wattle Street, linking Quarry Street and Wentworth Park. Other parties from whom owner's consent to lodgement of the DA will be sought are the Department of Land and Water Conservation for Wentworth Park, and the Department of Education and Training for the school at the corner of Quarry Street and Wattle Street.

The land owned by Council which is required for the purpose of the project consists of land on the footway at Quarry Street and Wattle Street, and a stratum of land above Wattle Street.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 29 November 1999, on the Wattle Street Bridge, it be resolved that Council grant consent, as owner of land on the footway at Wattle Street and Quarry Street and a stratum above Wattle Street, to the lodgement of a development application for the Wattle Street Bridge, subject to a further briefing of Councillors to demonstrate how the design meets Councillors' satisfaction, and approval of tender specifications and costings by the Priorities and Outcomes Committee.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 29 November 1999, on the Wattle Street Bridge, it be resolved that Council grant consent, as owner of land on the footway at Wattle Street and Quarry Street and a stratum above Wattle Street, to the lodgement of a development application for the Wattle Street Bridge, subject to a further briefing of Councillors to demonstrate how the design meets Councillors' satisfaction, and approval of tender specifications and costings by the Priorities and Outcomes Committee.

Carried unanimously.

**ITEM 9. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 23 NOVEMBER 1999****PRESENT**

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

Councillors - Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.50pm, those present were -

The Lord Mayor, Councillors Marsden and Turnbull.

**Apology**

Councillor Dixie Coulton extended her apologies for her inability to attend the meeting owing to a prior commitment.

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

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

**Adjournment**

At 5.51pm, the meeting was adjourned.

At 6.12pm, at the resumption of the Priorities and Outcomes Committee, those present were:-

The Lord Mayor, Councillors Marsden and Turnbull.

Councillor Ho was also present.

The meeting of the Priorities and Outcomes Committee concluded at 6.50pm.

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

That the Report of the Priorities and Outcomes Committee of its meeting of 23 November 1999 be received, with Items 9.1 to 9.3, inclusive, being dealt with as shown immediately following those Items.

Carried.

The Committee recommended the following:-

**ESTABLISHMENT OF A SMALL PERMITS APPEALS PANEL (S010284)**

**9.1**

That arising from consideration of a Memorandum by the General Manager to the Priorities and Outcomes Committee on 23 November 1999 on the establishment of a Small Permits Appeals Panel, it be resolved that a Small Permits Appeals Panel be established with terms of reference, constitution and functions as shown at Attachment A to the subject memorandum, as amended at the meeting of the Priorities and Outcomes Committee.

Amendment moved by Councillor Turnbull, seconded by Councillor Ho -

That the motion be amended by the addition of the following words at the end of the motion -

“and at the meeting of Council”.

The amendment was carried on the following show of hands -

Ayes (6) - The Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner

Substantive motion carried.

The Terms of Reference for the Small Permits Appeals Panel are as follows -

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**TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL**

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**SMALL PERMITS APPEALS PANEL****1. Preamble**

The jurisdiction of the Small Permits Appeals Panel is limited to determining applications which would not otherwise be dealt with by Council or the Central Sydney Planning Committee or Council's Planning Development and Transport Committee.

**2. Terms of Reference**

- (a) Pursuant to the provisions of Section 82(A) of the Environmental Planning and Assessment Act 1979, and upon a request from an applicant and on payment of a fee to Council, the Panel is to review determinations of development applications made under delegated authority. (Such reviews are not available for applications made under Section 96 of the Act).
- (b) The Panel shall consider items referred to it by the Lord Mayor, Council, or the General Manager.
- (c) The Panel may determine delayed development applications.
- (d) The Panel is not to deal with applications to waive statutory charges, for example applications under Section 61 or Section 94 of the Environmental Planning and Assessment Act 1979.
- (e) Panel determinations must comply with Council policies.
- (f) The Panel should draw to the attention of Council any policies or controls that, in its opinion, need review.

**3. Appeal Panel Membership**

The Appeal Panel generally shall comprise:-

- (i) The Chairperson of the Planning Development and Transport Committee (or an alternate approved by the Lord Mayor);
- (ii) The Director of City Development (or an alternate approved by the General Manager, who is a senior officer of Council); the Council officer must not be subordinate to the original decision maker, nor be the actual decision maker; and
- (iii) A member of an approved list of external persons comprising not more than eight persons.

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**TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL**

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In addition, the Lord Mayor and General Manager are ex officio members of the Panel and may choose to join Panel meetings.

**4. Frequency of Appeals Panel Meetings**

The Small Permits Appeals Panel will meet as determined by the Chairperson, and may meet at short notice. The venue will be the Finance Room, Sydney Town Hall, or another venue as determined by the Chairperson. The time of the meeting shall be nominated by the Chairperson.

**5. Fee**

The fee for reviews of minor development applications shall be 50% of the DA fee up to a maximum of \$400, if the applicant requested that the matter be considered by the Small Permits Appeals Panel.

**6. Site Visit**

Site visits may be undertaken, at the discretion of the Chairperson of the Committee, before the Panel meeting.

**7. Determination of Applications**

Subject to the Preamble and the Terms of Reference, Council delegates authority to the Panel to determine applications made under Section 82(A) of the Environmental Planning and Assessment Act 1979.

Decisions of the Panel are to be conveyed to the applicant within three (3) working days of the Panel determination.

**8. Term of Office**

Appeals Panel members (other than ex officio members) shall be appointed annually. Membership will lapse on 28 February each year.

**9. Appeals Panel Meetings**

The meetings shall be open to the public. Applicants will be invited to attend and make submissions. The purpose of the Panel is to expeditiously review actions and decisions made by Council staff and to assess the merits of an issue. Legal representation is not encouraged. The Panel will not have its own legal representative.

**10. Appeal Rights**

Appeal rights are notified to all applicants as part of the normal determination of DAs.



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**TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL**

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**11. Quorum**

A quorum of the Panel shall be the Chairperson of the Planning Development and Transport Committee (or her alternate), the Director City Development (or his alternate) and one other member.

**12. Conflict of Interest**

Appeal Panel Members will be required to declare any conflict of interest in relation to any matter that comes before them. In such instances, that member will be ineligible to participate in that particular appeal matter.

**13. Fees for Panel Members (other than the Chairperson and Director of City Development)**

An annual fee shall be paid to the Panel representatives, other than the Chairperson, the Director of City Development or their alternates. The amount of the annual fee shall be determined by the General Manager in consultation with the Lord Mayor.

**14. Review**

The functions of the Panel will be reviewed within twelve months.

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**STRATEGIC PROPERTY ISSUES: KENSINGTON STREET TERRACES,  
BROADWAY - CARLTON UNITED BREWERIES (S008220)****9.2**

That arising from consideration of a matter relating to Kensington Street Terraces, Broadway, Carlton United Breweries, it be resolved that Council defer consideration of this matter to enable further advice to be provided and to enable further consultation to be held with the relevant property owners.

Amendment. At the request of the Chairman (the Lord Mayor) and by consent, the motion was amended by the addition of the following words at the end of the motion -

“and that ownership of the road, ie Kensington Street, be clarified.”

Motion, as amended by consent, carried.

**ANDREW (BOY) CHARLTON POOL: APPROVAL TO PROCEED TO FINAL  
DOCUMENTATION (S006461)****9.3**

That arising from consideration of a report by the Project Manager, City Projects to the Priorities and Outcomes Committee on 23 November 1999, on the design clarifications of the Andrew (Boy) Charlton Pool redevelopment, it be resolved that:-

- (A) in relation to design and maintenance issues previously raised by Councillors in respect of Development Approval (D/99/00436) -
- (i) Council accepts the use of timber decking adjacent to the pool as represented in the DA submission;
  - (ii) Council accepts the use of 25 micron anodised aluminium louvres;
  - (iii) Council accepts in principle the lighting proposal as represented in the DA submission; with further assessment of the spill prevention baffles during detail documentation;
  - (iv) in relation to energy efficiency, Council accepts that environmentally sustainable design principles have been investigated and incorporated to the extent practicable;
  - (v) Council accepts the revised proposal, as outlined in the subject report, for shading to the toddler and learner pools;
  - (vi) Council accepts that the design proposal for the eastern elevation between pool deck and water level is of sufficient quality to be complementary to the proposed redevelopment above pool deck level;

- (vii) in respect of access for people with disabilities, it be noted that Council wishes that two suitable lifts be provided; this requirement may be subject to further discussion at a future meeting of the Priorities and Outcomes Committee;
  - (viii) Council accepts that no further investigation on the matter of a stainless steel pool tank need be undertaken;
  - (ix) in relation to the Domain Trust Interface, Council notes that if additional work is to be undertaken outside the boundary that it be completed according to the guidelines set out in Schedule 1B of the Development Consent;
  - (x) in respect of a café/entry area, the General Manager is directed to provide café space at the entry level area; detailed design of the café and associated space is to be referred back to the Priorities and Outcomes Committee; and
  - (xi) in respect of the Nigel Hellyer Sculpture, Council notes that on completion an appraisal of the installation will be undertaken in accordance with Schedule 1B of the DA Consent; and
- (B) authority be delegated to the General Manager to instruct Lippmann Associates to proceed with preparing documentation for Construction Certificate Submission and final documentation prior to tendering the project late next year.

Amendment moved by Councillor Turnbull, seconded by Councillor Ho -

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 report by the Project Manager, City Projects to the Priorities and Outcomes Committee on 23 November 1999, on the design clarification for the Andrew (Boy) Charlton Pool redevelopment, it be resolved that:-

- (A) in respect of the café entry area, the General Manager be directed to provide café space at the northern end of the entry level area; detailed design of the café and associated space is to be referred back to the Priorities and Outcomes Committee for its approval;
- (B) authority be delegated to the Priorities and Outcomes Committee to approve the final design and maintenance issues, subject to the Director of City Projects giving the Priorities and Outcomes Committee a detailed briefing on the following issues:
  - (i) details of the timber decking adjacent to the pool;
  - (ii) whether or not the use of 25 micron anodised aluminium louvres is sufficient;
  - (iii) the lighting proposal as represented in the DA submission, including assessment of the spill prevention baffles;
  - (iv) energy efficiency and the incorporation of environmentally sustainable design principles;

- (v) shading to the toddler and learner pools;
- (vi) the quality and complementarity of the design proposal for the eastern elevation between pool deck and water level and the proposed redevelopment above the pool deck level;
- (vii) provision of two lifts to provide access for people with disabilities;
- (viii) additional work outside the boundary (The Domain Trust Interface) and its compliance with the guidelines set out in Schedule 1B of the DA Consent;
- (ix) an appraisal of the installation of the Nigel Hellyer Sculpture upon the completion of the sculpture, in accordance with Schedule 1B of the DA Consent.

The amendment was declared carried.

The substantive motion was declared carried

**ITEM 10. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996,  
ADOPTION OF DRAFT AMENDMENT NO. 13 - DEVELOPMENT  
STANDARDS AND EXHIBITION OF DRAFT AMENDMENT NO. 14 -  
NOTIFICATION AND ADVERTISING (S007532)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Development and Transport Committee on 22 November 1999, and to Council on 29 November 1999, regarding Draft Amendment No. 13 and Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, it be resolved that Council -

- (A) exhibit Draft Amendment No. 13 to Central Sydney Development Control Plan 1996, generally in accordance with Attachment "A" to the subject report;
- (B) exhibit Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, generally in accordance with the proposed draft that is Attachment "B" to the subject report and for a period of 28 days;
- (C) authorise the Lord Mayor to make amendments to Draft Amendment No. 13 and 14 to Central Sydney Development Control Plan 1996 prior to adoption/exhibition, as a result of the Central Sydney Planning Committee's consideration of the matter;
- (D) delegate to the Lord Mayor the authority to adopt Draft Amendment No. 13 to Central Sydney Development Control Plan 1996, with such amendments as may be necessary or appropriate having considered all (if any) public submissions made during the exhibition period, and with such amendments as may be necessary, having given other Councillors three days to respond to the revised Draft Amendment; and
- (E) delegate to the Lord Mayor the authority to adopt Draft Amendment No. 14 to Central Sydney Development Control Plan 1996, with such amendments as may be necessary or appropriate having considered all (if any) public submissions made during the exhibition period, and with such amendments as may be necessary, having given other Councillors three days to respond to the revised Draft Amendment.

Carried.

**ITEM 11. DEVELOPMENT APPLICATION: MANN JUDD HOUSE, 159-165 KENT STREET, SYDNEY (D1999/00563)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 22 November 1999, and to Council on 29 November 1999, in relation to Development Application D1999/00563 made by GIO Personal Investment Services Ltd for the site at 159-165 Kent Street, Sydney for demolition of the existing building and construction of a new 26 level residential building with 7 basement parking levels, it be resolved that consideration of this matter be deferred to enable further discussion with the applicant.

Carried.

**ITEM 12. DEVELOPMENT APPLICATION: 710 GEORGE STREET, SYDNEY (D99-00801)**

Moved by the Lord Mayor, seconded by Councillor Turnbull -

That consideration of this matter be deferred until after Item 13.

Carried.

**ITEM 13. INVESTMENTS HELD BY COUNCIL AS AT 31 OCTOBER 1999 (AO2-00360)**

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

That arising from consideration of a report by the Management Accounting Officer to Council on 29 November 1999, on Investments Held by Council as at 31 October 1999, it be resolved that the report be received and noted.

Carried.

Note - This item had been deferred from an earlier stage of the meeting.

**ITEM 12. DEVELOPMENT APPLICATION: 710 GEORGE STREET, SYDNEY (D99-00801)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Planning Workshop Australia to Council on 29 November 1999, in relation to Development Application D99-00801 made by Cody Outdoor Advertising Pty Ltd for the site at 710 George Street (southern façade) to erect an illuminated advertising roof sign, it be resolved that consent be granted subject to the following conditions:-

## **Schedule 1A**

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

- (1) Development must be in accordance with Development Application No. D99-00801 dated 8 October 1999 and the Statement of Environmental Effects: Proposed Signage, 710 George Street, Sydney prepared by Scott Carver Urban Planning dated October 1999 and drawing numbered Job No. 14551/EIA prepared by Barry Smith Bateman & Associates Pty Ltd dated 3 September 1999 and as amended by the following conditions:
- (2) The sign be relocated to a site upon the wall which presently bears the advertisement and not protrude above the parapet.
- (3) The detail of the lighting devices, their locations, luminosity and means of ensuring that there is no light spillage beyond the face of the sign to be illuminated, to be submitted, to the satisfaction of the Director, City Development, prior to the issue of a construction certificate under the Environmental Planning and Assessment Act, 1979.
- (4) The repainting and upgrading of the southern elevation of the host building shall be completed to the satisfaction of the Director, City Development prior to the issue of an occupation certificate.
- (5) The entire structure covered by this development consent, including the false parapet to the George Street elevation shall be completed, to the satisfaction of the Director, City Development, prior to the issue of an occupation certificate.
- (6) The sign and any associated structure must be removed and the building/site reinstated, within a period of 5 years from the date of consent.
- (7) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

## **HOURS OF WORK AND NOISE**

- (8) 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 be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays. 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".

## **USE OF MOBILE CRANES**

- (9) 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 before hand 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.
- (10) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see(b));



- (b) A Structural Certificate for Design, submitted in the form of Attachment S1 (Section 1), OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
    - (i) the relevant clauses of the Building Code of Australia (BCA);
    - (ii) the relevant conditions of Development Consent;
    - (iii) the Architectural Plans incorporated with the Construction Certificate, and
    - (iv) the relevant Australian Standards listed in the BCA (Specification A1.3)
  - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (11) 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 after:
- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings and;
  - (b) The drawings listed on the Certificate have been checked with those listed on the final Design Certificate/s.

#### Notes

- (c) An appropriately qualified practising structural engineer certifying shall have:-
    - (i) Tertiary qualifications in Civil or Structural Engineering;
    - (ii) Member of the Institution of Engineers Australia and listed on the National Professional Engineers Register NPER (Structural);
    - (iii) Appropriate current professional indemnity insurance acceptable to the building owner.
  - (d) Council reserves the right to randomly audit any part of the structural documentation and to inspect the site.
- (12) Advertising material on the approved wall sign shall not constitute “ambush marketing” and all proposals for advertising on the sign shall be referred to SOCOG for comment in all circumstances where this is a relevant issue.

(13) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.

(14) The sign shall not flash.

Carried.

**ITEM 14. QUESTIONS ON NOTICE****SCULPTURE - CHINATOWN (S006649)**

1. By Councillor Greiner -

**Question**

Lord Mayor, I have received several complaints from the Chinese community regarding the 'dead tree' sculpture installed in Chinatown. Apart from their aesthetic considerations, they are also very concerned about the cost to ratepayers.

Could you please identify the cost of overruns and the total cost involved in the project?

**Answer by the Lord Mayor**

There were no cost overruns.

The Director City Projects advises that -

“*Golden Water Mouth* is an artwork by the Chinese artist Lin Li which was commissioned for the Sydney Open Museum at the request of the Chinatown Liaison Committee. The Chinatown Liaison Committee voted to contribute \$60,000 towards the total budget of \$180,000.

Total budget expenditure of artwork was \$175,000 coming well under budget.”

**DEVELOPMENT APPLICATIONS (S006649)**

2. By Councillor Greiner -

**Question**

Lord Mayor, residents in the CBD & The Rocks precincts are concerned they are not being made aware of impending developments in their area (unless these developments are actually adjacent to their residences).

South Sydney Council publish Developments Applications received in the South Sydney Bulletin, thereby keeping the community informed of what is being proposed for the area.

Therefore, could Council please consider following South Sydney's example by publishing all Development Applications received in one of the local weekly papers, ie the City of Sydney Times? This would give the whole community an opportunity to respond to proposals which are of concern.

**Answer by the Lord Mayor**

Councillors will be briefed on Monday 29 November 1999 on Central Sydney Development Control Plan 1996 - Exhibition of Draft Amendment No 14 - Notification and Advertising.

**KIOSKS (S006649)**

3. By Councillor Greiner -

**Question**

Lord Mayor, regarding the installation of new kiosk in Martin Place and surrounds, could you please advise if there has been a study done to evaluate the kiosks in terms of their size, capacity for storage and services in order to assist the kiosk vendors in assessing their requirements?

**Answer by the Lord Mayor**

The Deputy General Manager advises that -

“Over 12 months ago all then existing kiosk operators were fully consulted and invited to comment on the design of the kiosks - internal layout, fitout, etc.

Over the past 12 months Council staff have regularly visited the kiosk operators to assist in the management of the kiosks. In recent weeks, following discussion with kiosk operators, Council staff have arranged in some cases for the glass on the awnings to be changed from tinted glass to opaque glass to improve shading. In other instances, umbrellas are being introduced to assist in the shading of flowers and fruit from the sun and rain.

There has been no formal evaluation of the kiosks other than through the feedback from the individual operators. Storage is an issue, but there are obvious physical constraints to the kiosks which the operators need to manage themselves.

Every assistance possible has been provided to the kiosk operators.”

## QUESTIONS WITHOUT NOTICE

### BUSHFIRE APPEAL FUNDS (S009530)

1. By Councillor Turnbull -

#### Question

Lord Mayor, I draw your attention to the editorial in the Daily Telegraph today about the Bushfire Appeal Fund. Would you like to comment on that story?

#### Answer by the Lord Mayor

The story in the Daily Telegraph basically said we had failed to spend all of the \$10 million we raised through the Lord Mayor's Bushfire Appeal for the 1994 bushfires. This is factually wrong. All those funds were disbursed by the due date. We set up a special Trust for the Lord Mayor's Bushfire Appeal, and raised \$10,158,000. All those funds were expended by 31 December 1995, as required under the terms of the Trust.

The funds went to a range of uses, about half for Bushfire Brigade Services equipment and close to half to the Community Disaster Relief Fund of the Department of Community Services for replacing houses and so on; various other smaller amounts were given to other organisations, such as people who look after animal safety in the bush. So that story is factually wrong.

There is an older fund, called the NSW Bushfire, Flood and Drought Relief Fund, which dates back about 30 or 40 years, which is legally flawed. It has about \$605,000 in it. We were unable to use that fund as the vehicle for the Bushfire Appeal because it cannot raise funds under the Charitable Collections Act. It is not incorporated. Its constitution is very vague, so constitutional change is very difficult, and it also does not attract tax exemptions. I instructed the staff some time ago to wind up that Fund, and that is now in the process of happening.

The Executive Committee of that Fund, which includes the General Manager, the President of the Local Government Association and Edith Pigott the Chairperson of the NSW Division of the Australian Red Cross, recommended disbursement of those funds in various ways, and that is being done. I was going to transfer the funds to a new Fund, but legal advice I obtained said we had to disburse them. So we are disbursing them. The broader Committee of that Fund includes various political representatives, which is probably how the story got leaked to the media out of context. A meeting has been called for mid-December to wind up the Fund and disburse the moneys.

At the same time the staff are preparing a new deed, a new Memorandum of Articles for a new trust fund which will be called, I think, the Lord Mayor's Disaster Relief Fund, because it could be for a natural disaster, a bomb, or such. This new Trust Fund is to be set up legally solid, so that it can raise funds, attract tax deductions, and within the framework of that Fund we can set up special appeals which can be used for future disasters, so that if a future disaster happens, unlike 1994 when we had to go away and draft a new deed in a desperate hurry, we can just get this off the shelf at any time.

In summary, it is about regularising the procedure for the future.

It is unfortunate that the journalist chose to write a story without checking with me because it is completely wrong, although I think he made one attempt to contact me. I have been advised that the Daily Telegraph has agreed to print a correction tomorrow morning.

## **DISBURSEMENT OF NSW BUSHFIRE, FLOOD AND DROUGHT RELIEF FUND (S006324)**

2. By Councillor Greiner -

### **Question**

Lord Mayor, regarding the disbursement of the \$600,000 or thereabouts, from the NSW Bushfire, Flood and Drought Relief Fund, and I alert you to a conflict of interest with the Australian Red Cross, newspaper reports suggest that the money is going to the St Vincent de Paul, Salvation Army, Australian Red Cross and the Seventh Day Adventist Church, each receiving in the vicinity of \$75,000 for Disaster Welfare Training. As well, the NSW Government will receive effectively \$270,000 of that money for specific purposes.

It seems that the money could have stayed out in the community with voluntary agencies. Why does it not go to, for example, Bushfire Brigades, or the State Emergency Services who do so much in training? They could perhaps use that money better than the NSW Government.

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

It is a Trust Fund held by the Department of Community Services - it is not the Government itself. I was not present at the meeting at which the recommendations were framed, but they were put to me and I discussed them with a member of staff at the time and I was happy to support them.

Firstly, I believe that Edith Pigott declared an interest, so she acted quite properly, and secondly, the judgment of the people concerned was that for the end purpose of these Funds, that to involve the Department's Trust Fund was actually the best overall use. This is a recommendation to a meeting - the decision has not yet been taken. The recommendations were put to me and I endorsed them for the purposes of the meeting, and the meeting has to decide what to do. They are all good causes and I don't mind either way which way the money goes. I invite the General Manager to comment.

### **General Manager**

I chaired the meeting, and I would just like to add that Councillor Peter Woods was there, representing the Local Government Association, and there was discussion as to what were the appropriate agencies. There was a whole raft of agencies that could see themselves as benefitting from these funds. We didn't change the recommendations that were put to us,

I was happy to accept them, as Chairman of the meeting, and they go to a final meeting around 17 December 1999. I saw no reason to change them.

I think the funds are being disbursed appropriately and legitimately in the context of where the funds should go, but I am sure there are other organisations which would love to have the funds. I don't want to get into that argument. I was trying to disburse the funds legally and logically and I feel we met that obligation. It will go forward in December.

Part of the difficulty with this issue is, and I think this is what the Lord Mayor was alluding to, this is not an organisation with clearly defined members and processes, it is unclear. It would seem to me in the circumstances that what we are doing is reasonable and fair. I would suggest that the person who ran the story this morning feels the funds should go somewhere else. That is a legitimate argument, but I feel that what we have done is fair.

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

Could I suggest, General Manager, that the staff member who made the recommendations prepare a minute to explain the rationale for the disbursements, and that the minute go to the general meeting as well. I have not been involved in the recommendations, but I have endorsed them. I invite the Director, Legal and Secretary to comment.

**Director Legal and Secretariat**

There were two objectives of the NSW Bushfire, Flood and Drought Relief Fund. The first was to provide assistance for the relief of suffering caused by such things as floods, droughts and bushfires, and the second was to provide assistance for training and development of proper procedures.

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

So we are consistent with that objective. This fund was not properly constituted. The new fund will be properly constituted and will provide much more flexibility.

**DAMAGE TO CARS (S009528)**

**3. By Councillor Ho -  
Question**

There are a few shopkeepers, particularly around the Argyle Tavern, who said that every night four or five cars are broken into. Should I notify Council or go to the police?

**Answer by the Lord Mayor**

It is a police matter. But if there is a lighting issue, I am sure the Deputy General Manager would love to get involved. But breaking and entering is definitely a police matter. If it is in The Rocks-Sydney Cove Authority area I am happy to raise the issue of

lighting with The Sydney Cove Authority but the actual law enforcement and protection of property is a police matter.

#### **DAMAGE TO CARS IN THE CITY (S009526)**

4. By Councillor Coulton -

##### **Question**

Lord Mayor, were you aware that around St Mary's Cathedral and the Art Gallery car windows are being broken every day, probably five cars a day, and one morning about a month ago eight windows were smashed in one morning outside the Art Gallery? What can be done about it?

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

I will refer the matter to the relevant head of Police for the area.

#### **HILTON HOTEL - FIRE SAFETY ISSUES (S006324)**

5. By Councillor Greiner -

##### **Question**

Lord Mayor, newspaper advertisements a couple of weeks ago by the owners of the Hilton Hotel complex, complained about Council's inappropriate sign-off on fire safety issues.

Can you give Council a guarantee that these fire safety issues have been resolved to the satisfaction of the owners?

Can you also give Council a guarantee that you will meet with the owners so that they no longer have to take out newspaper advertisements complaining about your inability to meet with them?

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

I have had some assurance from the General Manager and I am happy for the General Manager to issue a note to all Councillors about the fire safety process that was followed there, and he will do that.

Apropos that company meeting with me, it was they who broke off meetings with me about a year ago, when I had been having mediation meetings with them and the Hilton. My door is always open to resolve an issue of a building of that size. Of course I would meet with them, but they seem to prefer to spend money on newspaper advertisements, that are so vague as being of no purpose whatsoever. They have not asked me for a meeting, that I am aware of.



**CONGRATULATIONS TO SECURITY PERSONNEL (S009530)**

6. By Councillor Turnbull -

**Question**

I would like to ask through you, Lord Mayor, whether the General Manager has warmly congratulated the security personnel on duty early on Friday morning when they detected an assault rifle?

**Answer by the Lord Mayor**

The General Manager has warmly congratulated them and I have conveyed those congratulations through the General Manager as well and I intend to acknowledge those staff in the near future at the first opportunity, personally. It was good surveillance at 2 am, in a laneway which is right near my apartment building, to notice a dozen young people, some of them putting things inside their belts, which raised suspicion with our staff as to the likely concealment of weapons, and caused them to alert police. The very rapid response of the police was a very good operation which found a loaded assault rifle which had one bullet in the barrel and thirty bullets in the magazine, ready for use. Three people were arrested.

I congratulate the police and our staff. It shows that the net we have put out in the city involving CCTV, the lighting, and I think the licensed premises accords, is working.

The area of licensed premises and enforcement of conditions and that general question is something the General Manager and I are talking more about. I would like to see us getting tougher and turning the screws on some of those establishments and we will keep doing so until we achieve our aims. We are much better placed now to catch crime than we were and I congratulate all concerned.

**SURVEILLANCE OPERATION (S009527)**

7. By Councillor Farr-Jones -

How many cameras and surveillance staff are there?

**Answer by the Lord Mayor**

There are 46 cameras and two staff at any time. They are set up so that they scroll through. I would just ask the General Manager that if the Councillors wish to organise a time through the Chief Clerk, Secretariat, there can be an official inspection of the surveillance room. It's 24 hours a day, it's very good and feed gets sent straight to the police station whenever they see something relevant.

**CORRESPONDENCE - SMARTPOLES™ AND HARBOURSIDE BRASSERIE (S009528)**

8. By Councillor Ho -

**Question:**

Lord Mayor, I have been getting faxes and letters from SmartPoles™ and Harbourside Brasserie with complaints. I have received about six or seven of them already. Will the Council take any action in responding?

**Answer by the Lord Mayor:**

The issue of the Harbourside Brasserie is, I think, a dispute between the tenant and the new hotel about the sound and the sound attenuation and the conditions of consent. I understood that the General Manager and the Director City Development were sorting that out. I invite the General Manager to respond to that.

**General Manager:**

The Department of Urban Affairs and Planning originally awarded the consent and one of the development conditions related to sound attenuation which they very kindly referred to us to resolve. We have been meeting between the tenant and the landlord in terms of sound attenuation. There is obviously a commercial dispute going on between the two parties as well as the sound issue in itself.

We have issued an approval at one sound level and Harbourside Brasserie is not happy with that decision. They have met with the Director City Development and myself and they are certainly not happy with the outcome and discussions are continuing. I have written to them, probably three weeks ago, and the Director City Development and I met with them a fortnight ago but the matter is not resolved and is still in progress.

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

In relation to SmartPoles™ let me say, Councillor Ho, that I have sought a meeting with Goldspar for some weeks now and I have never dealt with a more frustrating process in my entire career as Lord Mayor or, in fact, probably in my entire business life. It would appear that they don't just want to have a meeting and talk about issues. There are constantly obstacles put in the way.

My Personal Assistant had three conversations with Mr Rawson-Harris today. There has been an exchange of several letters. At the same time Goldspar are refusing to accept the orders we place, even when re-lodged a second time. I am becoming concerned that they will be unable to fulfil the terms of their contract and, in fact, they are putting the entire SmartPole™ program for next year in jeopardy.

We will continue to attempt to deal with the issue of their obligations under the contract linked with supply. If we fail to satisfy ourselves that they can supply, then the matter will become one of significant litigation; because it is possible the City cannot finalise its lighting program prior to the Olympic Games as a consequence of the difficulties we are having with this company.

I would have thought that a request from me for a meeting would be simple enough but it would appear that the principal of Goldspar has methods that are a bit different to what I am used to. We will persevere for a little while longer and those of you that are in regular contact with Mr Doug Rawson-Harris should convey to him the substance of what I have said tonight, as I would have expected from past experience.

### **TRAFFIC DIRECTION IN PITT STREET (S006324)**

9. By Councillor Greiner -

#### **Question**

Lord Mayor, about two years ago traffic in Pitt Street was redirected from running north-to-south to south-to-north. This put enormous pressure on Market Street traffic. Could you please inform Council when you plan to change the flow of Pitt Street to its original north-to-south flow?

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

I can't do that because I am not sure that Council is intending to change the flow. There is a study being done. The preliminary advice from the Roads and Traffic Authority and our traffic people is that the direction will stay as it is. But we are having a special study done to test that, as we promised we would. It is under way now.

I have to tell you, Councillor Greiner, that the RTA has a very strong view against reversing Pitt Street. They believe that the intersection efficiency on the corner of Park Street is much more important and that the whole system is better off this way. We are having a study done because we haven't yet accepted that. These things usually take one or two months. I invite the General Manager to comment.

#### **General Manager**

It is difficult at the moment because clearly there is some work on the corner opposite McDonalds in conjunction with the Citibank building so we don't have a "standard conditions" situation. At the moment traffic is down to one lane some days, so traffic counts at the moment are not being done in a regular situation.

### **CHINATOWN RENOVATIONS (S009528)**

10. By Councillor Ho -

#### **Question**

I have received a letter from a gentleman who has asked me to raise the following issues. Firstly, is there such a thing as a Chinese committee in this Council and if so, are its meetings open to the public? and secondly, he kept asking how has the \$6 million for renovations in Chinatown been spent? I asked him to contact the General Manager but he still comes back to me. His name is Victor Shen.

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

Councillor Ho, please make sure the General Manager has the relevant questions. General Manager, please give Councillor Ho a detailed response.

### **TRAFFIC LIGHT PHASING (S006324)**

11. By Councillor Greiner -

#### **Question**

Lord Mayor, would you write on our behalf to the RTA, which I believe would be the appropriate authority for traffic phasing of the lights, asking it to review the phasing of the lights from William Street, through Park Street through Druitt Street to the approaches to the Anzac Bridge, with a view to increasing the speed at which traffic is allowed to flow? The traffic clears once you have come down the hill on Druitt Street. There is nothing stopping it, but it is all the lights that are banking all the traffic up, the phasing all the way through Park Street.

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

I will ask the Manager, Transport and Access to investigate and provide a response, and if necessary take the matter up with the RTA. One thing you have to realise with traffic phasing is that when you give to cars you take away from pedestrians and it's probably a matter of balance. I will ask the Manager, Transport and Access to look at that and see whether there have been recent changes that have caused more traffic congestion in Park Street, and if necessary we will take it up with the RTA.

**TRAFFIC LIGHT PHASING, WILLIAM STREET (S009526)**

12. By Councillor Coulton -

**Question**

What can be done about the synchronization of traffic lights going the other way, along William Street towards Kings Cross?

**Answer by the Lord Mayor**

We will add that to Councillor Greiner's question about synchronization of the lights. That is what the cross city tunnel is for, it's about taking all that traffic out of there.

**WATER POLLUTION INFRINGEMENT (S009528)**

13. By Councillor Ho -

**Question**

Two weeks ago a businessman asked me to ask a question of Council. At 3 am he employed a contractor to shampoo the carpets at his restaurant in Goulburn Street. A ranger issued him with an infringement notice for \$750 for water pollution. I cannot see any difference between a man trying to keep his shop clean by shampooing the carpets, and a Council tanker hosing down the street and washing polluted water into the storm water drain. If the water is polluted, can the Council's Health Unit tell us what kind of chemical can be used so that the water can be run into the storm water but will not pollute the storm water drain?

**Answer by the Lord Mayor**

I will ask the General Manager to respond to the first part of the question. With respect to the second part, General Manager, you might consider providing shops with advice on what is acceptable.

**General Manager**

Councillor Ho raised this matter with me before the meeting. Without knowing the property, someone was shampooing carpets in the building and disgorging water into the street, then into Sydney Harbour. This incurred a fine; people are fined significant amounts for this, and we don't give warnings for that particular issue.

With regard to the City, we are not allowed to flush the streets in a lot of circumstances, except when there have been large amounts of water, for the same reason, that we can't have any of our chemicals going straight to the stormwater drains, and it costs us a lot of money to clean streets in other ways rather than putting out the flushers all the time and using chemicals.

When cleaning carpets, contractors have to take waste water away. You have to have it in a unit, which is more expensive, but they have to wash the carpet and then take that water away and dispose of it properly. If we find people discharging it down stormwater drains, it ends up in Sydney Harbour, and that cannot be encouraged in any way. There is a very hefty fine, I acknowledge that. The person may have been totally unaware of that, but we don't give warnings in that situation.

I am happy to get our health surveyors to visit the person to talk about how to clean the carpets. I have written a memo to Councillor Ho and asked the Director Living City Services to talk to him about it, but that was the circumstance; if people want to clean their carpets they have to dispose the water which is then chemically infested and treat that separately.

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

I understand this is a requirement of the Environmental Protection Authority, not City of Sydney requirements. How is that different from detergent from your washing machine?

**General Manager**

Detergents go into the sewer not the stormwater drain. When you look at the City, it looks much better after it's rained, which sounds very trite. It's simply that we can't go out there with chemicals and wash all the ground down, which would be very simple. The solution is "elbow-grease" which is really manpower-intensive, and over time it gets a slightly different colour. But the problem is, we can't go and wash all the streets, because it would end up straight in Sydney Harbour.

**SEMINAR ON WATER POLLUTION (S009528)**

**14.** By Councillor Ho -

**Question**

Could the Council Health Department organise a seminar to help people understand so that they won't get fined?

**Answer by the Lord Mayor**

I have asked the General Manager to find ways to communicate with these people and he will do that.

**ITEM 15. NOTICES OF MOTION**

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

At 7.45pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 20 December 1999 at which  
meeting the signature herein was subscribed.