



6 NOVEMBER 2000

Meeting No 1318

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.47pm on 6 November 2000 pursuant to Notice 15/1318 dated 2 November 2000.

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PRESENT

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

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

At the commencement of business at 5.47pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council as he was overseas on business.

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

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

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

That the minutes of the meeting of Council of 16 October 2000, as circulated to Councillors, be confirmed.

Carried unanimously.

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

That the minutes of the Extraordinary meeting of Council of 30 October 2000, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2. MINUTES BY THE LORD MAYOR

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

Carried.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

Disclosure of Interest returns that had been lodged in accordance with Section 449(3) of the Local Government Act 1993 were laid on the table.

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

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

Carried.

Petition

The Chairman (the Lord Mayor) tabled a petition, signed by approximately 1835 persons, protesting against the unfiltered exhaust emission stack proposed for Darling Harbour.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the petition be received and noted and forwarded to the NSW Minister for Urban Affairs and Planning, and NSW Minister for Roads and to Council staff for consideration.

Carried.

**ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE -
17 OCTOBER 2000**

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 5.55 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

Councillor Robert Ho was also present.

The meeting of the Priorities and Outcomes Committee concluded at 6.00 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 17 October 2000 be received, and the recommendation set out below for Item 5.1 be adopted.

Carried.

The Committee recommended the following:-

**ULTIMO AQUATIC CENTRE AND PUBLIC SPACE DESIGN COMPETITION
(S009809)**

5.1

That arising from consideration of a report by the Architect, City Projects, to the Priorities and Outcomes Committee on 17 October 2000 on Ultimo Aquatic Centre and Public Space Design Competition, it be resolved that -

- (A) Council endorse the components of the Brief as outlined in Attachment A to the subject report, as amended at the meeting of the Priorities and Outcomes Committee, and subject to the inclusion in the final brief of a paragraph explicitly specifying the potential importance of reductions in the scope of works so as to achieve a feasible budget;
- (B) authority be delegated to the Lord Mayor to approve the final Brief, subject to (A);

- (C) Council generally endorse the list of proposed members of the Jury (shown in paragraph 8 of the subject report) as amended at the meeting of the Priorities and Outcomes Committee; and that the Lord Mayor be authorised to determine the final make-up of the Jury;
- (D) Council endorse the Competition Program as outlined in paragraph 11 of the subject report;
- (E) Council endorse the Prize Money as outlined in Paragraph 10 of the subject report.

Carried.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 30 OCTOBER 2000

PRESENT

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

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

At the commencement of business at 5.52 pm, those present were -

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

Councillor Fabian Marsden was also present.

Adjournment

At 5.53 pm, the Finance, Properties and Tenders Committee was adjourned.

At the resumption of the meeting of the Finance, Properties and Tenders Committee at 5.56 pm, those present were:

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

Councillor Fabian Marsden was also present.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as he was overseas on business.

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

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

Carried.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.07 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 30 October 2000 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following:-

SEPTEMBER 2000 - QUARTER 1 BUDGET REVIEW (S011648)

6.1

That arising from consideration of a report by the Senior Management Accountant to the Finance, Properties and Tenders Committee on 30 October 2000 on September 2000 - Quarter 1 Budget Review, it be resolved that Council:-

- (A) Note the Quarter 1 forecast showing an operating surplus of \$13.1M.
- (B) Note the Quarter 1 forecast for capital works of \$25.8M.
- (C) Note the Quarter 1 forecast for plant and assets of \$7.0M; and
- (D) Authorise income and expenditure in line with the forecast as detailed in Attachment A to the subject report.

Carried.

ITEM 7. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 30 OCTOBER 2000

PRESENT

Councillor Fabian Marsden
(Chairman)

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

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

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

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.27 pm.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee as he was overseas.

Moved by Councillor Marsden, seconded by Councillor Greiner -

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

Carried.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 30 October 2000 be received, and the recommendations set out below for Items 7.1 and 7.2 be adopted.

Carried.

The Committee recommended the following:-

RETAIL ADVISORY COMMITTEE - MINUTES OF MEETING (S012209)

7.1

That arising from consideration of a report by the Chief Clerk Secretariat to the Community Services, Small Business and Tourism Committee on 30 October 2000, on Retail Advisory Committee - Minutes of Meeting, it be resolved that the minutes of the

meeting of the Retail Advisory Committee held on 22 August 2000, as shown at Attachment A to the subject report, be received and noted.

Carried

RETAIL ADVISORY COMMITTEE - REPORT OF MEETING (S012209)

7.2

That consideration of this matter be deferred to the meeting of Council on 6 November 2000.

Carried.

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

ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 30 OCTOBER 2000**PRESENT**

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.28 pm those present were -

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

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee as he was overseas.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

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:

3. Sydney Ports Corporation Darling Harbour Application to Operate a B-Double Truck Route
4. Preliminary Development Application Advice: Scots Church, 2-4 York Street (also known as 40-44 Margaret Street) Sydney
5. Development Application: 144-150 Liverpool Street and 21-25 Hargrave Street Sydney
1. Access Committee
2. Draft Amendment No. 9 to Sydney Regional Environmental Plan No. 26 - Submission to Department of Urban Affairs and Planning

The meeting of the Planning Development and Transport Committee concluded at 7.55 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 30 October 2000 be received, and the recommendations set out below for Items 8.1 to 8.5 be adopted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

ACCESS COMMITTEE (S000782)

8.1

That arising from consideration of a report by the Chief Clerk Secretariat to the Planning Development and Transport Committee on 30 October 2000, on Access Committee, it be resolved that the minutes of the meetings of the Access Committee held on 8 August and 22 August 2000, as shown at Attachments A and B to the subject report, be received and noted.

Carried.

DRAFT AMENDMENT NO. 9 TO SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 26 - SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING

8.2

That consideration of this matter be deferred to the meeting of Council on 6 November 2000.

Carried

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

SYDNEY PORTS CORPORATION DARLING HARBOUR APPLICATION TO OPERATE A B-DOUBLE TRUCK ROUTE (T02-00457)

8.3

That consideration of this matter be deferred to the meeting of Council on 6 November 2000.

Carried.

Note - This matter was dealt with by Council as Item 12 on the Business Paper.

Note - Mr Chris Wilson, Mr Francis Wauchope, Snr Sgt Danny McConville, Mr Peter Schumack, Mr Bill Sawell and Mr Francois LaRue addressed the meeting of the Planning Development and Transport Committee on Item 8.3.

PRELIMINARY DEVELOPMENT APPLICATION ADVICE: SCOTS CHURCH, 2-4 YORK STREET (ALSO KNOWN AS 40-44 MARGARET STREET), SYDNEY (S013266)

8.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 30 October 2000, on Preliminary Development Application Advice: Scots Church, 2-4 York Street (also known as 40-44 Margaret Street) Sydney, it be resolved that-

- (A) a Conservation Management Plan for the site shall be submitted to Council for approval;
- (B) all future development applications for the site shall have regard to the approved Conservation Management Plan;
- (C) upon approval of the Conservation Management Plan, in accordance with the provisions of Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996, Council may consider waiving compliance with the requirement of Clause 28B(2) (which requires a Development Plan to be in force for the subject land and the consent authority being satisfied that a development is consistent with that Development Plan) for a period of 6 months.

Carried.

Note - This matter was also the subject of a further report to Council - see Item 13 in these Minutes.

Note - Mr Ashley King addressed the meeting of the Planning Development and Transport Committee on Item 8.4.

DEVELOPMENT APPLICATION: 144-150 LIVERPOOL STREET AND 21-25 HARGRAVE STREET SYDNEY (D/00/00497)

8.5

That consideration of this matter be deferred to the meeting of Council on 6 November 2000.

Carried.

Note - This matter was dealt with by Council as Item 14 on the Business Paper.

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

ITEM 9. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 6 NOVEMBER 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 4.42 pm those present were -

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

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee as he was overseas.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

The meeting of the Planning Development and Transport Committee concluded at 5.22 pm.

Report of the Committee

Note - the two items listed in the Report of the Special Meeting of the Planning Development and Transport Committee were voted on separately at the meeting of Council, as follows:

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

That the Report of the Special Meeting of the Planning Development and Transport Committee held on Monday 6 November 2000 be received, and the recommendation set out below for Item 9.1 be adopted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT ON DESIGN EXCELLENCE AND COMPETITIVE PROCESSES – REPORT ON SUBMISSIONS (S009696)

9.1

That arising from the consideration of a report by the Director City Development to the Special Meeting of the Planning Development and Transport Committee on 6 November 2000, on a Draft Amendment to Central Sydney Development Control Plan 1996 on Design Excellence and Competitive Processes, it be resolved that:

- (A) Council adopt the Draft Amendment to Central Sydney Development Control Plan 1996 on *Design Excellence and Competitive Processes*, in accordance with the amended document shown at Attachment A to the subject report, as amended at the special meeting of the Planning Development and Transport Committee, by adding the words “of itself” after “sufficient reason” in the last paragraph of 12.1, Competitive Process - Strategy;
- (B) authority be delegated to the Lord Mayor to make minor amendments to clause 12.2.13, The Competition Jury, to clarify the wording of the DCP, in consultation with Councillors;
- (C) Council authorise the Lord Mayor to approve any amendments necessary to the Draft Development Control Plan on *Design Excellence and Competitive Processes* that arise from the Central Sydney Planning Committee’s consideration of the draft plan.

Carried unanimously.

Note - Mr Mark Quinlan addressed the Special Meeting of the Planning Development and Transport Committee on Item 9.1.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the recommendation set out below for Item 9.2 of the Special Meeting of the Planning Development and Transport Committee held on 6 November 2000 be adopted.

Carried.

**DEVELOPMENT APPLICATION: 387 GEORGE STREET, SYDNEY
(D2000/00264)**

9.2

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 6 November 2000 in relation to Development Application D2000/00264 made by Lionmar Holdings Pty Ltd for the site at 387 George Street, Sydney for alterations and additions to the existing building, conservation works, and an award of Heritage Floor Space, it be resolved that authority be delegated to the Lord Mayor to determine the application subject to the applicant providing a revised proposal within 21 days.

Carried unanimously.

Note - Mr Peter Georges addressed the Special Meeting of the Planning Development and Transport Committee on Item 9.2.

**ITEM 10. RETAIL ADVISORY COMMITTEE - REPORT OF MEETING
(S012209)**

Moved by Councillor Marsden, seconded by Councillor Greiner -

That arising from consideration a report by the Chief Clerk Secretariat to the Community Services, Small Business and Tourism Committee on 30 October 2000 and to Council on 6 November 2000 regarding recommendations made by the Retail Advisory Committee at its meeting held on 24 October 2000 concerning Car Parking, Law Enforcement and Food Safety and Hygiene, it be resolved that -

- (A) Council request the General Manager to undertake a study of car parking in the city, its availability, cost and accessibility for after hours and weekends, and report on options utilising such excess parking to attract shoppers to come to the city in these times;
- (B) Council request the General Manager to review and report on Council's Law Enforcement procedures, including:
 - (i) the busking, hawking and general nuisance issues raised by the Retail Advisory Committee;
 - (ii) the number of Law Enforcement Officers and whether this number is appropriate;
 - (iii) the number and category of incidents reported;
 - (iv) response times;
 - (v) the capacity of Council's staff to deal effectively with each type of incident;
 - (vi) a comparative study of the powers of enforcement Council has compared to statutory authorities such as Sydney Harbour Foreshore Authority, and Councils in other large cities.
- (C) Council request the General Manager to review food handling practices within food outlets in its Local Government Area, and provide a report including but not limited to the following:
 - (i) the appropriateness of including a condition in relevant development consents which would require a minimum level of accreditation for food handlers in specific locations;
 - (ii) investigation of what food handling certification would be appropriate.

Carried.

ITEM 11. DRAFT AMENDMENT NO. 9 TO SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 26 - SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING (S013784)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Deputy Director City Development and Manager Planning Policy to the Planning Development and Transport Committee on 30 October 2000, and to Council on 6 November 2000, on Draft Amendment No. 9 to Sydney Regional Environmental Plan No. 26, it be resolved that Council endorse the submission on the Draft Amendment No. 8 to Sydney Regional Environmental Plan No. 26 and Draft Ultimo/Pymont Urban Development Plan 1998 Update, as at Attachment A to the subject report, and forward it to the City West Planning Office of the Department of Urban Affairs and Planning.

Carried.

ITEM 12. SYDNEY PORTS CORPORATION DARLING HARBOUR APPLICATION TO OPERATE A B-DOUBLE TRUCK ROUTE (T02-00457)

Committee of the Whole

At 6.15 pm the Council resolved to form itself into a Committee of the Whole, pursuant to Section 373 of the Local Government Act 1993, for the purpose of dealing with issues relating to Sydney Ports Corporation Darling Harbour Application to operate a B-Double truck route.

Note - Mr Chris Wilson, Traffic Consultant to the Sydney Ports Corporation, addressed the meeting of the Committee of the Whole on this issue.

Note - Further information provided by Sydney Ports Corporation on this matter was circulated to Councillors at the meeting.

At 6.23 pm the Council reconvened to consider the report by the Committee of the Whole.

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

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

That arising from consideration of a report by the Traffic Manager to the Planning, Development and Transport Committee on 30 October 2000 and to Council on 6 November 2000 on Sydney Ports Corporation Darling Harbour, Application to operate a B-Double Truck Route on roads within the City of Sydney, it be resolved that -

- (A) Given the unique qualities and constrained road environment of the Sydney Central Business District and that fact that both Council and other Government agencies have been working to reduce heavy vehicle traffic including coaches and buses on the City's streets, Council adopt the recommendation of the Sydney Traffic

Committee Meeting of 18 October 2000 that the application not be supported based on the following reasons:

- (i) It is not in the interest of the local community and the users of the City;
 - (ii) It would diminish pedestrian and environmental amenity in an area which has seen substantial growth and development in the past five years. This will continue with the ongoing redevelopment of King Street Wharf as well as new projects at KENS Site, 30-38 Hickson Road and 168 Sussex Street;
 - (iii) Significant operational and road safety concerns in relation to excessive wheel tracking of this type of vehicle at various locations along the proposed route. The potential hazardous weave on the Market Street on ramp and the increased likelihood for intersection gridlock and traffic congestion in an already busy area of central Sydney
 - (iv) The City street system is not conducive to the movement of heavy vehicles, hence clause 87 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* which prohibits the driving of lengthy (more than 12.5 metres) vehicles in central areas of Sydney and certain other roads on certain days and times. Semi-trailer activity has caused much wear and tear on street corners in central Sydney, such as the corner of Sussex and King Streets. The use of larger vehicles, such as B Double trucks, will only exacerbate the problem and increase potential risks to pedestrians.
- (B) The applicant, Police Service and RTA be advised of the decision, and the reasons as outlined in the impact assessment referred to the Sydney Traffic Committee;
- (C) The Transport and Access Unit investigate the formulation of a policy in relation to heavy vehicles, including coaches, buses, B Double trucks, semi-trailers, cranes and other large vehicles within the Sydney CBD;
- (D) The City agrees with the objections raised by the NSW Police Service and the representative of the Member for Port Jackson.

Carried unanimously.

ITEM 13. PRELIMINARY DA ADVICE – CONSERVATION MANAGEMENT PLAN: SCOTS CHURCH, 2-4 YORK STREET (ALSO KNOWN AS 40-44 MARGARET STREET), SYDNEY (S013266)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 6 November 2000, on Preliminary Development Application Advice - Conservation Management Plan: Scots Church, 2-4 York Street (also known as 40-44 Margaret Street) Sydney, it be resolved that:

- (A) the Conservation Management Plan (Volume 1 – Study Report) prepared by Brian McDonald and Associates Pty Ltd dated 24 October 2000 shall be modified as follows:
- (i) in accordance with the evidence presented with the Conservation Management Plan, the level of significance of the external fabric of the building, and the Assembly Hall and associated entrance lobbies, shall be upgraded to ‘Exceptional’ significance.
 - (ii) the conservation policies relating to the external fabric of the building and the Assembly Hall and associated entrance lobbies, shall be modified to the satisfaction of Council such that they are consistent with acceptable conservation practice for building elements with an “Exceptional” level of significance.
 - (iii) other minor amendments shall be made to the Conservation Management Plan following further consultation with Council’s Heritage Officers. These amendments shall be to the satisfaction of Council.
- (B) upon completion of the required modifications to the Conservation Management Plan, the revised Plan shall be considered at a future meeting of Council.
- (C) the Development Unit provide formal pre-Development Application advice to Council in relation to the winning entry of the Scots Church Design competition.

Carried unanimously.

Note - This matter had also been the subject of a report to the meeting of the Planning Development and Transport Committee held on 30 October 2000 - see Item 8.4 in these Minutes.

ITEM 14. DEVELOPMENT APPLICATION: 144-150 LIVERPOOL STREET AND 21-25 HARGRAVE STREET SYDNEY - ADDITIONAL REPORT (D/00/00497)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 30 October 2000 and to Council on 6 November 2000, in relation to Development Application D/00/00497 made by Summit Projects Australia for the site at 144-150 Liverpool Street and 21-25 Hargrave Street for demolition of the existing building and construction of a new Nine level mixed use building providing basement level parking, ground level retail units and 23 residential units to the upper floors, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/00/00497 dated 16/06/00 and Statement of Environmental Effects prepared by City Plan Services, dated June 2000 and drawings numbered 9836-SK-01A, 03A, 9836-02-01-02A, 03A, 04A, 05A, 9836-03-01-02A, 9836-04-01-01A, 02A prepared by Engelen Moore dated 09/06/00 and 26/09/00 and as amended by the following conditions:

FLOOR SPACE RATIO

- (2) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 4.67:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 3080 sq.m.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

- (3)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 54.82 (AHD).
 - (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (4) The following restriction applies to buildings approved for residential use:
 - (a) The accommodation portion of the building (levels 2-9) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.

- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 2-9 from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

SECTION 61 CONTRIBUTION

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid 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, 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) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.

- (ii) 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.

ARCHITECT NOT TO CHANGE

- (6) The architect of the project as approved should not be changed without prior notice to Council.

DEMOLITION/SITE RECTIFICATION

- (7) The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of \$165,250 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$165,250 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or

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

VEHICULAR SPACES

- (8) The following car parking requirements apply:-
- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 13 residential spaces;
 - (ii) 1 business/commercial premises spaces;
 - (iii) 1 of service vehicle spaces located close to service entrance;

- (b) 6 spaces for cycle racks or equivalent cycle storage area.
 - (c) 4 spaces for motor cycles.
 - (d) 1 car wash bays with appropriate plumbing and drainage.
 - (e) 1 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.
 - (f) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (9) The layout of the car parks and service vehicle areas shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (10) All loading, unloading and other construction activities shall be accommodated on-site except that:-
- (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying,
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified 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.
- (11) All costs of traffic management measures associated with the development shall be borne by the developer.
- (12) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.

LOADING

- (13) All loading and unloading operations must be carried out via the rear entrance at all times.

REMOVAL OF GRAFFITI

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

FIT-OUT OF RETAIL UNITS

- (15) A separate development application(s) must be submitted at the appropriate time for the fit-out of the retail premises.

WINDOW CLEANING

- (16) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.

SIGNS

- (17) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

NOISE

- (18) 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 Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

- (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.

Schedule 1B

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

DESIGN MODIFICATIONS

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

- (a) deleted;
- (b) The decorative stainless steel panels to the ground floor of Hargrave Street shall be designed to the satisfaction of the Director City Development. To this end large scale details shall be submitted to Council.

TELECOMMUNICATIONS PROVISIONS

- (c) Appropriate ducting and areas within the plant room shall be provided for a minimum of two telecommunication carriers or other providers to provide telecommunication access and broadband cabling to each apartment of the building. Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

EXTERNAL RECEIVING EQUIPMENT

- (d) A separate development application must be submitted at the appropriate time for the installation and use of any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

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

PUBLIC DOMAIN PLAN

(20) 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. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.

- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 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.

MODELS

- (21) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (22) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.

- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

ACCESS FOR PERSONS WITH A DISABILITY

- (23) Access to the building shall be in accordance with the requirements of “The City of Sydney Access Policy December 1992”.

REFLECTIVITY INDEX OF GLAZING

- (24) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

ACOUSTIC PRIVACY BETWEEN UNITS

- (25) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
 - (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
 - (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.

- (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

REFUSE

(26) The following requirements apply to storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (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:

- (d) Certification will also be required on completion of the building, prior to issue of an Certificate.

SANITARY FACILITIES

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

SUPPORT LOADS

- (28) 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).

Schedule 1C

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

WASTE MANAGEMENT

- (29)
- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
 - (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:

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

Note:

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

CERTIFICATION OF MECHANICAL VENTILATION

- (30) 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 CERTIFICATION

- (31) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (32) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
 - (a) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Interim Policy for Temporary Protective Structures*.
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.

- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (33) 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.

BARRICADE PERMIT

- (34) 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.

GEOTECHNICAL REPORT

- (35) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;

- (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
 - (c) The completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
 - (d) A Dilapidation Report of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:

(36)

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (c) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (d) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

(37) 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 7.30 am and 5.00 pm on Mondays to Saturdays, inclusive, and no work must be carried out on Sundays or public holidays.
- (b) 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'.
- (c) The applicant is to liaise with the operator of the adjacent restaurant in order to schedule noise intrusive works outside the hours of 12.00 noon to 2.30 pm Monday to Saturday during demolition and excavation.

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(38) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

LOADING AND UNLOADING DURING CONSTRUCTION

(39) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

CONTROL OF VERMIN

- (40) 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. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

USE OF MOBILE CRANES

(41) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

NO OBSTRUCTION OF PUBLIC WAY

- (42) 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.

CONSTRUCTION VEHICLES TO BE COVERED

- (43) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE

- (44) 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.

MATERIALS

- (45) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

MECHANICAL VENTILATION

- (46) 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.

FIRE SAFETY CERTIFICATE

- (47) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (48) The fire hydrants shall be relocated to comply with the BCA.
- (49) The doors to the fire hose reels shall be removed to comply with D1.6(g) of the BCA.

STRUCTURAL INSPECTION CERTIFICATE

- (50) 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:

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.

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.

Council reserves the right to randomly audit any structural documentation.

- (51) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council.

Notes

An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 must have:-

- (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
- (iii) Evidence of relevant experience in the form of a CV/Resume;
- (iv) Appropriate current professional indemnity insurance.
- (v) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

- (vi) Council reserves the right to randomly audit any geotechnical documentation.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (52) Prior to issue of an Occupation Certificate, a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1994) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

TRADE WASTE

- (53) 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.
- (54) The proposed garbage room shall be redesigned to comply with Council's Code for Waste Handling in Buildings.

ENCLOSED AREAS TO BE VENTILATED

- (55) All fully enclosed office/work areas not provided with natural ventilation shall be mechanically ventilated or air-conditioned in accordance with F4.5 of the Building Code of Australia and Council's Ventilation Code.

EXHAUST DISCHARGE POINTS

- (56) All exhaust discharge points located on the roof shall be relocated so as they are no closer than 6 metres from any boundary.

Carried.

ITEM 15. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2001 (A04-01171)

Moved by Councillor Turnbull, seconded by Councillor Coulton-

That arising from consideration of a report by the Chief Clerk Secretariat to Council on 6 November 2000, on Proposed Schedule of Meetings and Briefings 2001, it be resolved that Council adopt the schedule of meetings and briefings for 2001, as shown at Attachment A to the subject report and as amended at the Council meeting.

Carried.

Note - The amended schedule of meetings and briefings for 2000 is as follows:

2001 PROGRAM OF MEETINGS

MONDAY 12 FEBRUARY	• COMMITTEES
MONDAY 19 FEBRUARY	• COUNCIL
MONDAY 26 FEBRUARY	• BRIEFINGS
MONDAY 5 MARCH	• COMMITTEES
MONDAY 12 MARCH	• COUNCIL
MONDAY 19 MARCH	• BRIEFINGS
MONDAY 26 MARCH	• COMMITTEES
MONDAY 2 APRIL	• COUNCIL
MONDAY 9 APRIL	• BRIEFINGS
MONDAY 16 APRIL	• RECESS (Easter Monday - Public Holiday)
MONDAY 23 APRIL	• RECESS
<i>(WEDNESDAY 25 APRIL</i>	<i>Anzac Day Public Holiday)</i>
MONDAY 30 APRIL	• COMMITTEES
MONDAY 7 MAY	• COUNCIL
MONDAY 14 MAY	• RECESS
MONDAY 21 MAY	• BRIEFINGS
MONDAY 28 MAY	• COMMITTEES
MONDAY 4 JUNE	• COUNCIL
MONDAY 11 JUNE	• RECESS (Queen's Birthday Public Holiday)
MONDAY 18 JUNE	• BRIEFINGS
MONDAY 25 JUNE	• COMMITTEES
MONDAY 2 JULY	• COUNCIL
MONDAY 9 JULY	• RECESS
MONDAY 16 JULY	• RECESS
MONDAY 23 JULY	• BRIEFINGS
MONDAY 30 JULY	• COMMITTEES

2001 PROGRAM OF MEETINGS

MONDAY 6 AUGUST	• COUNCIL
MONDAY 13 AUGUST	• BRIEFINGS
MONDAY 20 AUGUST	• COMMITTEES
MONDAY 27 AUGUST	• COUNCIL
MONDAY 3 SEPTEMBER	• BRIEFINGS
MONDAY 10 SEPTEMBER	• COMMITTEES
MONDAY 17 SEPTEMBER	• COUNCIL
MONDAY 24 SEPTEMBER	• BRIEFINGS
MONDAY 1 OCTOBER	• RECESS
MONDAY 8 OCTOBER	• RECESS
MONDAY 15 OCTOBER	• COMMITTEES
MONDAY 22 OCTOBER	• COUNCIL
MONDAY 29 OCTOBER	• RECESS (Local Government Association Conference)
MONDAY 5 NOVEMBER	• BRIEFINGS
MONDAY 12 NOVEMBER	• COMMITTEES
MONDAY 19 NOVEMBER	• COUNCIL
MONDAY 26 NOVEMBER	• BRIEFINGS
MONDAY 3 DECEMBER	• COMMITTEES
MONDAY 10 DECEMBER	• COUNCIL
MONDAY 17 DECEMBER	• EXTRAORDINARY COUNCIL (if required)
MONDAY 24 DECEMBER	• RECESS

The recess continues until the first Committee meetings of 2002.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that Item 18 on the Business Paper be brought forward and dealt with before Items 16 and 17.

ITEM 18. ELIZABETH STREET AND KIPPAX STREET, SYDNEY ADJACENT 320-324 ELIZABETH STREET AURORA HOTEL – OWNERS CONSENT (S013700)

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

That arising from consideration of a report by the Senior Property Manager to Council on 6 November 2000 on Elizabeth Street and Kippax Street Sydney, adjacent 320-324 Elizabeth Street Aurora Hotel - Proposed Lease of Stratum, it be resolved that -

- (A) preliminary consideration of the proposal indicates a number of unsatisfactory features and design aspects and accordingly Council is not of a mind to give approval to the lodgement of a development application, even on a without prejudice basis, until these issues are better resolved;
- (B) authority be delegated to the Lord Mayor to grant owner's consent to the lodgement of a development application on a without prejudice basis provided that the Director City Development has recommended that these issues have been adequately resolved.

Carried unanimously.

ITEM 16. QUESTIONS ON NOTICE

RATES - STRUCTURE AND AGGREGATION POLICY (S010694)

1. By Councillor Greiner -

Question

Lord Mayor, multiple correspondence has been received from city residential ratepayers complaining about the current rating structure and aggregation policy.

According to a memo I received dated 26 September 2000, a letter sent to 74 ratepayers from Mr Colombage on 14 July 2000 refers to "an internal processing error".

1. Were these 74 ratepayers located in the one facility?
2. What could possibly cause staff members to deviate from the current aggregation policy?
3. Notwithstanding 1 and 2 above, will you now review Council's aggregation policy in the light of the increase in residential unit owners in the city in the last financial year?
4. If not, why not?
5. At the very least, will you ensure that Council communicates the aggregation policy to all current and future residential unit owners clearly, simply and honestly?

Answer by the Lord Mayor

The Acting General Manager advises that:

- “1. Of the 74 ratepayers referred to:
16 own properties at 460-482 Jones Street,
20 own properties at 96-118 Gloucester Street, and
38 own properties at 127-153 Kent Street.
2. The processing error that enabled multiple car and storage spaces to be aggregated to the unit was caused by a previous staff member's misunderstanding of the policy and its application. It was not a deliberate act to deviate from the current policy, but human error.

3. A review of the rating strategy is conducted every year. When undertaking the review for the 2001/2002 financial year, the aggregation policy in particular will be reassessed with this particular situation taken into consideration. Steps have already commenced to gather all relevant information in order to complete a comprehensive examination.
4. In addressing the ratepayer's complaints, Council staff have explained the current rating policy and the process of review undertaken annually. The Council's rating staff have always endeavoured to act honestly and fairly when carrying out their duties. Every effort is made to answer customer enquiries politely and accurately and to the customer's satisfaction. I have no doubt that these efforts will continue both in relation to the aggregation policy and all other areas of communication."

I will ask the Acting General Manager to ensure the aggregation policy is reviewed in the context of the rating process for the next budget. However, you should be aware that there are some difficult policy issues limiting our options in this area.

FOOTPATH MAINTENANCE (S010694)

2. By Councillor Greiner -

Question

Lord Mayor, I have received complaints and queries regarding the process by which the granite paving is restored to the footpaths after subterranean work has been undertaken.

I am led to believe that in George Street between Hunter and Bridge Streets, the footpath was lifted but replaced with bitumen, not granite paving.

Could Council officers investigate if this is so and why the granite paving has not been replaced? As well, has Council clearly articulated a policy on the replacement of the granite paving?

Answer by the Lord Mayor

The Acting General Manager advises that:

"It is understood that the footway opening referred to is actually located on the eastern side of George Street, between Hunter Street and Martin Place. The opening was carried out by Rockfield Construction for communication trenching.

Restoration of the trench with granite paving is programmed for 1 November 2000.

Current practice is that contractors temporarily restore their openings in asphalt pending permanent restoration by the City.

Negotiations are continuing between the City and the Public Utility Authorities to achieve a legally binding agreement for improved arrangements for service openings and restorations in the City's roads and footways. The City is not satisfied with the Utilities' response to specific issues such as work quality, response time, and minimum area of restoration as specified in the City's Restoration Policy, and is seeking a higher standard."

PITT STREET MALL - MAINTENANCE (S010694)

3. By Councillor Greiner -

Question

Lord Mayor, on the issue of paving, the Pitt Street Mall paving is in tatters, particularly at the Market Street end where the paving is cracked and broken.

Could we have a report to Councillors concerning the repaving of the Pitt Street Mall and when this is likely to occur?

Answer by the Lord Mayor

The Acting General Manager advises that:

"Pitt Street Mall is a heavily trafficked area where approximately 100 pavers are repaired or replaced per month.

468 pavers were repaired or replaced in July and August to upgrade this area for the Olympic Period.

Only emergency type repairs were undertaken during the Olympics.

Repairs to pavers damaged over the Olympic Period were completed by 31 October 2000. A new cycle of replacements will commence on 6 November 2000."

It would be pointless and wasteful to completely repave Pitt Street until we remove vehicles from the street.

BUSKING POLICY (S106094)

4. By Councillor Greiner -

Question

Lord Mayor, I have corresponded my concerns to Council officers about buskers using amplifiers or battery operated amplified equipment in Pitt Street Mall.

Has the review of the Busking Policy occurred yet as previously stipulated in documentation and correspondence concerning buskers in the city?

If not, why not, and could we please include a review of amplified music?

Answer by the Lord Mayor

The Acting General Manager advises that:

“The Busking Policy was adopted by Council on 26 June 2000.

The Busking Review Committee, which had been appointed, was to continue at least until December 2000 to monitor the effectiveness of the Policy and advise on busking issues that emerge. No timetable for a formal review by Council was set.

Consideration will be given to reports received from the Busking Review Committee and Councillors will be informed, via the Councillors’ Information Service, of any action taken in respect of amplified music or any other specific issues.”

QUESTIONS WITHOUT NOTICE

TICKETS TO OLYMPIC GAMES (S010700)

1. By Councillor Greiner -

Question

Lord Mayor, is it true that you provided residents from neighbouring Councils with tickets to Olympic Games venues? If so, whom did you ask and, if not to ingratiate yourself with them, why did you invite them?

Answer by the Lord Mayor

You know that the City had some seats available at the Olympic and Paralympic Games. We had a couple of suites. We went to great lengths to ensure that they were fully utilised to the benefit of a broad cross section of people.

We made a point of making available access to Olympic and Paralympic venues to a whole range of people starting with about 25 mayors, mostly international mayors, the Olympic Mayors Group and all our Council advisory committees including the Access Committee, Central Sydney Planning Committee, the Development Advisory Committee, the Look of the City Committee, the Global Sydney Committee, our cultural strategic partners, Sculpture Walk Advisory Committee, Traffic Committee, City Venues Management Board.

Our city partners who contributed a lot of money to city improvements were all invited to various events, city sponsors, Sydney City marketing partners, city restaurateurs and hoteliers, Writers Festival Board, MCA Board, SOCOG torch relay staff who have been working all round Australia and overseas for 120 days, SOCOG General Managers who were otherwise not invited, some State Government officials, planners and architects who had served on various committees, office bearers of our precinct committees and our residents groups, charities, community organisations, religious leaders, police, media, homeless persons staff and city staff.

To the extent that we had tickets available, we ensured that we tried to give access to a lot of people who had assisted the City over time, and to people who have been office-bearers of residents' groups. We extended that, as we often do with City events, to people outside the city boundaries to a limited extent.

TICKETS TO OLYMPIC GAMES (S010700)

2. By Councillor Greiner -

Question

Whom did you ask, from outside the boundaries?

Answer by the Lord Mayor

I don't know who we asked, we asked a number of people. Leaders of community groups.

TICKETS TO OLYMPIC GAMES (S010700)

3. By Councillor Greiner -

Question

Who drew up the list?

Answer by the Lord Mayor

People write in on issues, and people make representations on behalf of organisations, and we have a list of organisations that make representations to us. Leaders of those community groups would have been on the list. I can assure you that people from outside the city boundaries formed a very minor component of the people I invited. I make no apology for the City dealing with people outside its boundaries, as it often does on many issues.

TICKETS TO OLYMPIC GAMES (S010700)

4. By Councillor Greiner -

Question

Now that you have provided us with a list of the people who came from the city, would you please provide a list of all the people who came from outside the Council boundaries?

Answer by the Lord Mayor

I don't have that list. Councillor Greiner, you are having fun but you are not asking a question. If you want to put out a media release, put out a media release.

They were local community organisations that are in the city area and on the edge of the city and have dealings with the city. That is a perfectly reasonable formula.

Call to Order

During Question Time the Chairman (the Lord Mayor) called Councillor Greiner to order for interrupting the meeting.

ITEM 17. NOTICES OF MOTION**MANAGEMENT AND OPERATION OF ANDREW BOY CHARLTON AND PRINCE ALFRED PARK POOLS (S010706)**

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

That Council review the decision of the General Manager made under delegated authority for Tender 2016 "Management and Operation of Andrew Boy Charlton & Prince Alfred Park Pools", with particular reference to Recommendation B(v) and (vi) as they are contrary to the Tender.

Amendment moved by Councillor Turnbull, seconded by Councillor Coulton -

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

- (A) That having regard to the Notice of Motion lodged by Councillor Greiner in respect of the award of the tender for the Management and Operation of Andrew Boy Charlton and Prince Alfred Park Pools (S010206) it be noted as follows:
- (i) That the Council's delegation to the General Manager limited his authority to allow up to a 4 year period on the basis of a series of one year options for the operation of the Andrew Boy Charlton pool. None of the parties approached by the General Manager was prepared to enter a contract on the basis of a series of one year options. Operators require a reasonable term as they will be required to incur significant expenditure in connection with the opening and marketing of the pool following its redevelopment;
 - (ii) the matter was submitted to the Lord Mayor acting as Council during the recess to vary the earlier resolution. The Acting Director Legal and Secretariat has advised that the approval given by the Lord Mayor on 5 October 2000 is within the delegated authority given to him by Council and that the General Manager has acted within his delegated authority;
 - (iii) that in respect of parts (B)(v) and (B)(vi) of the 5 October 2000 approval, this was negotiated in the light of several matters, including Council's requirement for the right to terminate the agreement at its discretion (by way of a series of options), the need for the operator to incur expenditure in connection with the opening and marketing of the redeveloped pool, and the desirability from Council's perspective that the operator do so. The operator indicated that it needed to recoup such expenditure over a 5-7 year period. Part (B)(v) was negotiated to ensure that the operator did not feel inhibited from enhancing the pool, but Council did not give away its rights to re-tender if it wished to after 3 years of operation by RANS;
 - (iv) Council considers that the outcome is a highly acceptable one, having regard to the reputation of the RANS Group and the importance of some competition in this sector for the City's operations.

- (B) That notwithstanding the Lord Mayor and the General Manager have been acting within authority, and having regard to the matters set out above, Council hereby formally affirms its concurrence with the terms of the Lord Mayor's approval of 5 October 2000.

The amendment was carried on the following show of hands -

Ayes (4) - the Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull

Noes (2) - Councillors Farr-Jones and Greiner.

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

Ayes (5) - the Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Marsden and Turnbull

Noes (1) - Councillor Greiner.

Motion carried.

Note - Councillor Farr-Jones indicated a wish to abstain from voting on this matter. Pursuant to the provisions of clause 24(1) of the Local Government (Meetings) Regulation 1999, Councillor Farr-Jones is taken to have voted against the amendment.

Call to Order

During discussion on Item 17 the Chairman (the Lord Mayor) called Councillor Greiner to order and warned her not to make statements that contained imputations.

At 7.08pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 27 November 2000 at which
meeting the signature herein was subscribed.