CITY OF SYDNEY
FOUNDED 1842

Living City

21 FEBRUARY 2000

Meeting No 1/1304

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45 pm on 21 February 2000 pursuant to Notice 1/1304 dated 17 February 2000.

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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 5.45 pm those present were:-

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

The Acting General Manager, Director City Development, Director City Projects, Director Legal and Secretariat and Acting Director Corporate Resources 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 Greiner -

That the Minutes of the Meeting of Council of 20 December 1999, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. PROPOSED AGREEMENT WITH OLYMPIC CO-ORDINATION AUTHORITY

FILE NO: S010926
DATE: 22/2/00

MINUTE BY THE LORD MAYOR

To Council:

On 10 May 1999 Council was briefed on a proposed agreement with SOCOG and delegated authority to the General Manager to finalise that agreement. An agreement is now proposed with the Olympic Co-Ordination Authority (OCA) which has for some time now been responsible for, amongst other things, issues relating to the Urban Domain in the City. Through the Urban Domain Executive Committee and various sub-committees, the City has been dealing with a number of issues and working with OCA, SOCOG and others to develop plans and methods of managing the Urban Domain to its best advantage during the Games to ensure that the Urban Domain (which includes the City area) remains a safe and enjoyable and at the same time lively and exciting environment during this period.

In addition to this, the City will be the venue for parts of various Olympic events, such as the Marathon and the Triathlon, the Torch Relay and the Paralympic Marathon.

It has been an overriding consideration of both OCA and the City in developing concepts for the Urban Domain to limit the proliferation of unnecessary street vending and hawking or unsightly advertising and to provide attractions which will assist with crowd management. To this end it is proposed that six (6) Olympic Live Sites be established, (three of which will fall within the City controlled area) at which will be a range of activities centred around large outdoor video screens which will relay live coverage and highlights of the Olympic Games together with live entertainment, visitor information and concessions.

The General Manager has been negotiating with the OCA to formalise the basis on which the City land will be used during the Games period and the services to be provided to the OCA during this period. The City will continue to carry out its usual services but has agreed to carry out certain of its services, such as street cleaning, park maintenance and the like at an enhanced level and in addition it will be carrying out special cleaning for Olympic events and the Olympic Live Sites, and will also be providing some design, project management and creative services for the Olympic Live Sites.

The final details of the agreement are still to be finalised. Issues such as the timing of payments; the number of concessions to be permitted at each Live Site; the use of part of Hyde Park for a temporary compound for SOBO for events telecast; the percentage of banners to carry advertising; rights, if any, for the parties to terminate the agreement are still in the process of being resolved.

It is my view that this agreement represents a sensible commercial arrangement between OCA and the City and formalises the cooperative arrangements which already exists. Councillors were briefed on key elements of the proposed agreement earlier today.

RECOMMENDATION:

That arising from consideration of a Lord Mayoral Minute to Council on 21 February 2000 regarding the proposed Olympics-OCA Agreement, it be resolved that -

(A) The Council delegate to the General Manager the power to finalise negotiations with OCA generally on the basis set out in this minute, subject to the concurrence of the Lord Mayor to the final documentation;

(B) Council's attorney be authorised to execute the final documentation.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by the Lord Mayor, seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to Council on 21 February 2000 regarding the proposed Olympics-OCA Agreement, it be resolved that -

(A) authority be delegated to the General Manager to finalise negotiations with OCA generally on the basis set out in the subject minute, subject to the concurrence of the Lord Mayor to the final documentation;

(B) Council's attorney be authorised to execute the final documentation; and

(C) Councillors be briefed prior to finalisation of the Agreement, particularly on the Sydney Olympic Broadcasting Organisation (SOBO) proposal.

Amendment moved by Councillor Greiner, seconded by Councillor Farr-Jones -

That the motion be amended by the deletion in part (A) of the words "the Lord Mayor" and the substitution of the word "Council".

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

Noes (5) - the Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

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

Motion carried.

ITEM 2B. SUBMISSION TO LOCAL GOVERNMENT REMUNERATION TRIBUNAL

FILE NO: A04-01142
DATE: 18/2/00

MINUTE BY THE LORD MAYOR

To Council:

The Local Government Remuneration Tribunal, pursuant to s.243 of the Local Government Act 1993, is required to make an annual determination by no later than 30 April 2000 on the fees payable to councillors and mayors to take effect from 1 July 2000. The Tribunal has commenced its review for the 2000 determination, and Councils have been invited to provide written submissions. The closing date for submissions is 25 February 2000.

Councillors have not received an increase since 1 July 1997, when the annual fee was increased from $17,000 to $18,500. The annual fee for the Lord Mayor has not been increased since 1 July 1995, when it was set at $72,000. For many years, it has been Council's custom to pay a fee to the Deputy Lord Mayor. As the Local Government Act makes no provision for a separate fee for the Deputy Lord Mayor, Council has resolved, since 1995, to reduce the Lord Mayor's fee by $7,000 and pay this amount as a fee to the Deputy Lord Mayor, in addition to the Deputy Lord Mayor's fee as a Councillor.

As the Council embarks on a very busy period of time ahead, it is appropriate that Councillors be satisfactorily remunerated for the time and effort they will need to devote to their civic duties.

I **recommend** to Council that the attached submission be endorsed and forwarded to the Local Government Remuneration Tribunal.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That, arising from consideration of a Minute by the Lord Mayor to Council on Submission to the Local Government Remuneration Tribunal, it be resolved that the submission as shown at Attachment A to the subject Minute by the Lord Mayor, be endorsed and forwarded to the Local Government Remuneration Tribunal.

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors, Coulton, Ho, Marsden and Turnbull

Noes (2) - Councillors Farr-Jones and Greiner

(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 motion.)

Motion carried.

Extension of time

During discussion on Item 2B, pursuant to the provisions of Clause 23(3) of the Local Government (Meetings) Regulation 1999, it was moved by Councillor Ho, seconded by Councillor Marsden -

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

Carried.

ITEM 2C. 2002 GAY GAMES AND CULTURAL FESTIVAL

FILE NO:
DATE: 22/2/00

MINUTE BY THE LORD MAYOR

To Council:

The 6th International Gay Games and Cultural Festival is to be held in Sydney from 2 November to 9 November 2002. Associated with the Games is a Cultural Festival to commence on 25 October and run through the Games period to conclude on 9 November.

The Gay Games organisers have approached the City to seek support for the Games and for the Cultural program. It is anticipated that about 12,000 people will participate in the sporting programs and an additional 3,000 will come from various countries to participate in the Cultural program. Approximately 40% of those participating in the 31 official sports will come from North America, a further 20% from Europe and 10% from Asia and the Pacific, 16% will be drawn from Australia and New Zealand and the remainder from other nations. The bulk of the sporting events will take place at Homebush Bay, whilst the focus for the Cultural program will be within the City. The Gay Games organisers believe there will be significant economic and other benefits to the City that will flow from the Games and the Cultural Festival.

Tourism New South Wales and Games organisers estimate up to A$100m will be spent by Games participants and visitors.

Robyn Archer has been appointed Artistic Director of the Cultural program, and it is proposed that the bulk of the Festival events will utilise City of Sydney venues – the Opera House, Angel Place Recital Hall, the Capitol Theatre, the Town Hall and other venues. The Cultural program will also have a significant public events component which will utilise the City's open spaces. The State Government will make a contribution to both events, and a significant proportion of the costs associated with the Games and the Cultural Festival will be met by corporate sponsorship.

It would seem to me appropriate that the City's contribution be finalised in the light of contributions by other Government bodies, such as the State Government and South Sydney Council.

RECOMMENDATION:

That Council give in principle support to the 2002 Gay Games and Cultural Festival, and delegate the Lord Mayor to negotiate and conclude a sponsorship agreement with the Sydney 2002 Gay Games Ltd.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by the Lord Mayor, seconded by Councillor Greiner -

That arising from consideration of a Minute by the Lord Mayor to Council on 2002 Gay Games and Cultural Festival, Council give in principle support to the 2002 Gay Games and Cultural Festival, and delegate authority to the Lord Mayor to negotiate and conclude a sponsorship agreement with the Sydney 2002 Gay Games Ltd.

Carried unanimously.

ITEM 2D. REVIEW OF SOUTH SYDNEY COUNCIL'S DRAFT SEX INDUSTRY POLICY

FILE NO: S010923
DATE: 18/2/00

MINUTE BY THE LORD MAYOR

To Council:

This Mayoral Minute explains the proposed policies and identifies implications of South Sydney City Council's Draft Sex Industry Policy. It provides:

- a summary of recent events relating to the policy;
- an overview of the draft policy; and
- key issues and implications.

Summary of recent events

- South Sydney City Council's (SSCC) Draft Sex Industry Policy is to supersede the South Sydney Brothels Policy, adopted in 1996;
- The Draft Sex Industry Policy has been previously exhibited for public comment;
- The Supreme Court of NSW granted East Sydney Neighbourhood Association (ESNA) an *ex parte* injunction deferring the adoption of amended policy until 14 February;
- Following the injunction, SSCC resolved to place the amended draft policy on public exhibition for 28 days for public comment, from 14 February 2000 to 13 March 2000;
- The new version of the draft policy currently on exhibition, proposes to remove the 'anti-clustering exemption for safe house brothels', prohibit spruiking and add health precautions.

Overview of the Draft Sex Industry Policy

The *Draft Sex Industry Policy* supersedes the *South Sydney Brothels Policy*, adopted in 1996. It provides a comprehensive policy framework for the sex industry and has been broadened beyond the scope of brothels to:

- encompass the variety of 'sex industries' that operate in the South Sydney area;
- add planning guidelines and assessment criteria for their location, design and operation; and
- add health and safety standards for their design and operation.

The policy should be read in conjunction with:

- *South Sydney LEP 1998* which makes certain sex industry premises permissible in specific land use zones; and
- *South Sydney DCP 1997 – Urban Design*, which contains performance controls for development.

The expanded policy applies to all 'sex industry premises', which are grouped into three broad types with corresponding controls:

- *Brothels* (which are further classified, as below)
- *Sex On Premises Venues*
- *Sex Industry Premises* where sexual activity does not take place on site (including Restricted Premises and Escort Agencies)

Brothels are further categorised as:

Type of Brothel	**Characteristics**	**Planning restrictions**
Commercial brothel	sex workers are employed 'in house' but do not reside on the premises	Permissible in zone 3 – Business & zone 10 Mixed use Requires DA
Safe House Brothel	for street sex workers, who do not reside on the premises or are not based 'in house'	Permissible in zone 3 – Business & zone 10 Mixed use Requires DA
Local business brothel	a small brothel operated in a dwelling with a maximum of 2 non-resident sex workers;	Permissible in zone 3 – Business & zone 10 Mixed use Requires DA, but must comply with definition of 'local business' and amenity tests.
Home business brothel	operated in a dwelling by resident sex workers(max of 2).	Permissible in zone 2a, 2b – residential, zone 3 – Business & zone 10 Mixed use. DA not required, but must conform with 'home business' definition.

In total, the Draft Sex Industry Policy provides 13 definitions related to the land use and operation of the sex industry.

The policy includes:

- *general planning controls* - for all types of sex industry premises; and
- *additional planning controls* - for specific uses such as 'commercial brothels'

In 2.1 - *General planning controls*, there is a proposed 'anti-clustering' control on the cumulative impact of sex industry premises, which states that "*Council **may** refuse consent to a sex industry premises if there is a sex industry premises located within a radius of 75m, as measured from any points of client access and/or egress of the proposed building.*

The initial policy included exemptions to the anti-clustering control for certain sex industry premises, as set out below:

All sex industry premises	Kings Cross Precinct and the Business 3 Zone on William Street
Sex on Premises Venues	Business 3 Zone on Oxford Street, Darlinghurst & King St, Newtown

However, following the case in the Supreme Court of NSW, SSCC have amended the draft policy to:

- remove the 'anti-clustering exemption for safe house brothels' within 75m of William Street;
- prohibit spruiking; and
- add health precautions.

Key issues and implications

Comparative approach

The approaches of the City of Sydney and South Sydney City Council to the control of the sex industry are significantly different.

Whilst the areas either side of the common local government boundary are of similar urban character, the planning controls differ significantly, namely:

1. Anomalies in land use at LGA boundary

(i) The City's LEP 1996 prohibits brothels in the City Edge zone. In the adjacent Mixed uses zone, SSCC permit all types of brothels with consent. (Refer to attached map) Whilst Council's City Edge zone on the borders of Surry Hills has seen a reduction in the number of brothels in the past 3 years, it is understood that the adjacent SSCC Mixed Use area has seen an increase in the number of brothels.

2. Home occupation

(ii) The City's LEP 1996 prohibits prostitution in the definition of a 'home occupation'. Through its draft policy, SSCC define a 'Home business brothel' as one that can operate in a dwelling with a maximum of 2 resident sex workers and not require a development application. I am greatly concerned that, when prostitution is defined as a 'home occupation', it is highly likely that it will detrimentally affect the amenity and character of a residential/mixed use area.

William Street

As an existing major city thoroughfare, William Street has the potential to become one of the city's grand civic boulevards and an important city gateway. The implementation of the proposed Cross City Tunnel will provide the catalyst for this physical transformation and improvement to occur.

The current SSCC sex industry policy accepts and will allow the retention of the existing sex industry character of William Street. This is of significant concern to Council, as it does not meet the City's expectations for the desired future character of that area.

Rather than perpetuating the existing run-down character of the precinct, the draft policy should seek to improve and upgrade the William Street in a manner consistent with its potential as one of the city's great streets.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 21 February 2000, on Review of South Sydney Council's Draft Sex Industry Policy, it be resolved that Council -

(A) receive and note the Minute by the Lord Mayor on South Sydney City Council's Draft Sex Industry Policy; and

(B) request the Director City Development to:

(i) undertake an analysis of the South Sydney City Council's Draft Sex Industry Policy; and

(ii) prepare a draft submission on that policy for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a Minute by the Lord Mayor to Council on Review of South Sydney Council's Draft Sex Industry Policy, it be resolved that Council -

(A) receive and note the Minute by the Lord Mayor on South Sydney City Council's Draft Sex Industry Policy;

(B) express concern that South Sydney City Council is seeking to concentrate prostitution on the border with the City of Sydney, and in particular to promote prostitution along the two major arterials into the City from the East;

(C) request the Director City Development to:

(i) undertake an analysis of the South Sydney City Council's Draft Sex Industry Policy;

(ii) prepare a draft submission on that policy for the consideration of Council; and

(iii) consult with the Department of Urban Affairs and Planning on State Planning Policy regarding this issue.

Carried unanimously.

ITEM 2E. CONTRACTOR ISSUES

FILE NO: SOO3807
DATE: 21/2/00

Note - At this stage of the meeting, a Minute by the Lord Mayor was put to the meeting. The Minute by the Lord Mayor introduced a Memorandum by the General Manager on Contractor Issues.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That consideration of this matter be deferred to the end of the meeting and dealt with at "Confidential Items".

Carried.

ITEM 3A. QUARTERLY REVIEW (S00 3239)

FILE NO: S00 3239
DATE: 16/2/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

At a briefing of Councillors on 21 February 2000, the Acting General Manager will provide a quarterly review of operations against the Corporate Plan.

RECOMMENDATION:

That the Memorandum by the General Manager to Council on 21 February 2000, on Quarterly Review of Operations by the Acting General Manager for the quarter ended 31 December 1999, be received and noted.

(SGD) CLIFF HAYNES
Acting General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on Quarterly Review of Operation, it be resolved that -

(A) the Memorandum by the General Manager to Council on 21 February 2000, on Quarterly Review of Operations by the Acting General Manager for the quarter ended 31 December 1999, be received and noted.

(B) it be noted that the Lord Mayor will meet with the General Manager to discuss deleting superseded performance requirements.

Carried.

ITEM 3B. UNDERGROUND EDWARDIAN PUBLIC CONVENIENCES - TENDER AND LEASE

FILE NO: S001963
DATE: 7/2/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

The Priorities and Outcomes Committee, at its meeting of 29 December 1999, considered a report from the Senior Property Manager in relation to the adaptive re-use of the underground public conveniences located at Macquarie Place Park, Wynyard Park, Hyde Park and Hickson Road.

All other matters considered by the Priorities and Outcomes Committee at that meeting have been dealt with by the Committee using the Committee's delegated authority or by the Lord Mayor using the delegation of Council during the recess.

The recommendation of the Priorities and Outcomes Committee on the Underground Edwardian Public Conveniences is attached and is submitted to Council for consideration.

(SGD) CLIFF HAYNES
Acting General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 21 February 2000, and from consideration of a report by the Senior Property Manager to the Priorities and Outcomes Committee on 29 December 1999 in relation to the adaptive re-use of the underground public conveniences located at Macquarie Place Park, Wynyard Park, Hyde Park and Hickson Road, it be resolved that approval be given to -

(A) accepting the tender by the consortium made up of Jim Dimopoulos, Con Micos, Steve Fragias and Dereck Chan for the construction and management of café/florists at Macquarie Place Park, Wynyard Park and Hyde Park, subject to -

(i) development consent being obtained;

(ii) the tenderers providing a satisfactory income stream to Council for each premises having regard to the rental estimates provided by the Manager, Property and Assets in a memo dated 9 December 1999 and tabled at the meeting of the Priorities and Outcomes Committee of 29 December 1999;

(iii) the successful tenderers being advised that the underground sections of these public conveniences are in the process of being excluded from the listing in the Central Sydney Heritage Local Environmental Plan 1998;

(iv) a satisfactory construction timetable, having regard to the Sydney Olympic Games; and

(v) each premises being subject to separate and severable agreements;

(B) accepting the tender of Dennis Dorizas for the construction and management of a cafe at Hickson Road, subject to -

(i) development consent being obtained;

(ii) the tenderer providing a satisfactory income stream to Council having regard to the rental estimates provided by the Manager, Property and Assets in a memo dated 9 December 1999 and tabled at the meeting of the Priorities and Outcomes Committee held on 29 December 1999;

(iii) a satisfactory construction timetable, having regard to the Sydney Olympic Games.

(C) the granting of owners consent to the lodgement of the relevant development applications;

(D) the granting of the appropriate leases or licences under the Crown Lands Act, subject to the relevant Minister's approval for the adaptive re-use of the underground public conveniences located in Crown reserves;

(E) the granting of a lease under the Roads Act 1993, subject to the Minister's consent, for the adaptive re-use of the public convenience located under High Street, fronting Hickson Road north of Napoleon Street;

(F) the delegation of authority to the General Manager to finalise the lease terms and conditions; and

(G) the execution of all relevant documentation by Council's Attorney.

Carried.

ITEM 4. MATTERS FOR TABLING

A pecuniary interest return that had been lodged in accordance with Section 449(3) of the Local Government Act 1993 was laid on the table.

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

Local Government and Shires Associations of NSW	Annual Report 1998-1999
Drummoyne Council	Annual Report 1998-1999
Sydney Paralympic Organising Committee	Annual Report 1998-1999
Olympic Co-ordination Authority	Environment Report 1998
Sydney Harbour Foreshore Authority	Annual Report 1998-1999
State Transit	Annual Report 1998-1999

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

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

Carried.

ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 21 DECEMBER 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 6.15 pm, those present were:-

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

Adjournment

At 6.16 pm, the meeting of the Priorities and Outcomes Committee was adjourned.

At the resumption of the meeting of the Priorities and Outcomes Committee at 6.30 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

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

Report of the Committee

That the Report of the Priorities and Outcomes Committee of its meeting of 21 December 1999 be received, and the recommendations set out below for items 5.1 to 5.6 be noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE UNDER DELEGATED AUTHORITY

The Priorities and Outcomes Committee recommended that Council note that Items 5.1 and 5.3 were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

ANDREW (BOY) CHARLTON POOL: ADDITIONAL DESIGN INFORMATION (S006461)

5.1

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

That further to Resolution of Council on 29 November 1999 and arising from consideration of a report by the Project Manager, City Projects to the Priorities and Outcomes Committee on 21 December 1999, on the design clarifications of the Andrew (Boy) Charlton Pool redevelopment, it be resolved that:-

(A) Approval be given to the recommendations contained in the subject report for the revised layout of the Cafe;

(B) The recommendations outlined in paragraph 4 of the subject report in regard to the final design be accepted;

(C) Approval be given to the commencement of documentation for the Andrew (Boy) Charlton Pool;

(D) The General Manager is to report back to the Priorities and Outcomes Committee on options for timing, details of project costs, and design flexibility; and

(E) The Director City Projects is to investigate and assess illumination of the peripheral areas and access ways.

Carried.

PART "B" - DETERMINED BY COUNCIL

Note - Item 5.2 was approved by the Lord Mayor on 10 January 2000 under the delegated authority of Council during the Christmas/New Year recess.

PROPOSED ECONOMIC BENEFIT STUDY ON THE MUSEUM OF CONTEMPORARY ART (S010400)

5.2

That arising from consideration of a proposal by the Manager Special Projects to the Priorities and Outcomes Committee on 21 December 1999 on the Museum of Contemporary Art Concept Evaluation, it be resolved that Council endorse the brief, as circulated to Councillors, for the purpose of feasibility, economic impact, and options for the City's involvement in an enhanced MCA.

Carried.

PART "A" (CONTINUED) - DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE UNDER DELEGATED AUTHORITY

BRIDGE STREET UPGRADE - STREET TREES (S010450)

5.3

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

That further to Resolution of Council on 29 November 1999 and arising from consideration of a report by the Project Manager, City Projects to the Priorities and Outcomes Committee on 21 December 1999 on Bridge Street Upgrade - Street Trees, it be resolved that:-

(A) The removal of the deformed Plane Trees and all the Poplars from Bridge Street be endorsed;

(B) The proposal not to plant new trees in Bridge Street (south side) due to the narrow footpath and conflict with services be endorsed;

(C) The proposal not to pursue flower planting in Bridge Street due to the narrow footpaths be endorsed; and

(D) Street Tree planting in Bridge Street as part of any future upgrade, which incorporates kerb realignment and footpath widening be endorsed.

Carried.

PART "B" (CONTINUED) - DETERMINED BY COUNCIL

Note - Items 5.4 to 5.6 inclusive were approved by the Lord Mayor on 10 January 2000 under the delegated authority of Council during the Christmas/New Year recess.

AMENDED ROADS RE-SHEETING PROGRAM 1999-2000 (S010958)

5.4

That arising from consideration of a report by the Section Manager, City Asset Maintenance, City Service Development to the Priorities and Outcomes Committee on 21 December 1999, on Amended Roads Re-sheeting Program 1999-2000, it be resolved that:-

(A) The proposed specification for the Bridge Street Upgrade be implemented and that expenditure of $316,322 be approved from the existing budget allocation for major maintenance;

(B) Approval be given to the urgent works required for Little Hay Street (removing existing brick paving, laying concrete sub-base and re-sheeting in asphalt), at an estimated cost of $100,000;

(C) The Major Maintenance Program projects listed below, and any other appropriate projects, be rescheduled to commence late in the current financial year to enable some of the additional costs to be met from the Capital Works Program in the 2000-2001 financial year:-

Pitt Street, Park Street to Liverpool Street
Kent Street, Liverpool Street to Bathurst Street
Castlereagh Street, Bathurst Street to Liverpool Street
Market Street, Sussex Street to George Street
Phillip Street, Hunter Street to King Street
Cumberland Street, at Lower Fort Street
Erskine Street, Sussex Street to York Street
Elizabeth Street, Hay Street to Eddy Avenue (west side)
Bathurst Street, Day Street to Kent Street
Phillip Street, Pitt Street to Bridge Street
Bathurst Street, Day Street to Sussex Street

(D) The Director City Projects to report back to the Priorities and Outcomes Committee on options for lighting improvements in the Haymarket precinct.

Carried.

MULTI-PURPOSE CONVENTION AND ENTERTAINMENT VENUE - LOWER TOWN HALL (S006819)

5.5

That arising from consideration of a report by the Deputy Director, Design to the Priorities and Outcomes Committee on 21 December 1999 on the Multi-Purpose Convention and Entertainment Venue - Lower Town Hall, it be resolved that consideration of this matter be deferred to a meeting of the Priorities and Outcomes Committee to be held on Wednesday 29 December 1999.

Carried.

SYDNEY TOWN HALL CURATORIAL POLICY AND COMMEMORATIVE MEMORIALS FOR THE OLYMPIC GAMES IN SYDNEY IN 2000 AND THE CENTENARY OF FEDERATION IN 2001 (S010240)

5.6

That arising from consideration of a report by the Document Technology Manager to the Priorities and Outcomes Committee on 21 December 1999 on the Sydney Town Hall Curatorial Policy and Commemorative Memorials for the Olympic and Paralympic Games in Sydney in 2000 and the Centenary of Federation in 2001, it be resolved that consideration of this matter be deferred to a meeting of the Priorities and Outcomes Committee to be held on Wednesday 29 December 1999.

Carried.

ITEM 6. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 29 DECEMBER 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 11.55 am, those present were:-

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

Councillor Robert Ho was also present.

Closed Meeting

At 1.00 pm, the meeting of the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item 6.4 on the agenda.

The meeting of the Priorities and Outcomes Committee concluded at 1.25 pm.

Report of the Committee

That the Report of the Priorities and Outcomes Committee of its meeting of 29 December 1999 be received, and the recommendations set out below for items 6.1 to 6.5 be noted.

Carried.

The Committee recommended the following:-

PART "B" - DETERMINED BY COUNCIL

Note -Items 6.1, 6.2 and 6.5 were approved by the Lord Mayor on 24 January 2000 under the delegated authority of Council during the Christmas/New Year recess.

SYDNEY TOWN HALL CURATORIAL POLICY AND COMMEMORATIVE MEMORIALS FOR THE OLYMPIC GAMES IN SYDNEY IN 2000 AND THE CENTENARY OF FEDERATION IN 2001 (S010240)

6.1

That arising from consideration of a report by the Document Technology Manager to the Priorities and Outcomes Committee on 29 December 1999 in relation to the Sydney Town Hall Curatorial Policy and commemoration of the Olympic and Paralympic Games in 2000 and the Centenary of Federation in 2001, it is recommended that:-

(A) in order to progress this matter, the Lord Mayor, using the delegated authority of Council during the Council recess, approve for public exhibition the Sydney Town Hall Curatorial Policy as shown at Attachment A to the subject report and as amended at the meeting of the Priorities and Outcomes Committee;

(B) interested parties be advised of the public exhibition process which is to close by the end of January 2000. As soon as practicable after the conclusion of the public exhibition period the Policy, with any proposed amendments, be submitted to Council;

and further, it be resolved that -

(C) the Olympic and Paralympic Games in 2000 be recognised as eligible for commemoration by way of memorial, represented by a joint plaque, for public display in Sydney Town Hall;

(D) a new plaque be prepared to commemorate the Centenary of Federation;

(E) the preferred option for the memorials be a new design plaque of a smaller scale and contemporary design which is more sympathetic to the Vestibule and Vestibule entrance corridor architecture;

(F) the preliminary designs for the memorials, and the design of the faces upon which future memorials and plaques are to be mounted, be referred to the Priorities and Outcomes Committee for approval;

(G) an invitation be extended to His Excellency the Governor General to officiate at a suitable unveiling ceremony in January 2001;

(H) the two wall niches at the northern end of the Vestibule be retained and restored as illustrative of the original intent of the architectural design with the other walls retained in their present brick in-filled configuration and used for the display of future memorials and plaques;

(I) the display of memorials, and other objects in the Town Hall Collection, be implemented with the Town Hall Collection Advisory Panel as approving authority in line with Attachment B to the subject report and not inconsistent with the Sydney Town Hall Curatorial Policy, as adopted by Council;

(J) the General Manager estimate the necessary expenditure of these projects; funds to be approved as part of the 1999/2000 and 2000/2001 budget process;

(K) significant souvenir items that may be available to the City of Sydney as part of the celebration of these events be procured for inclusion in the Sydney Town Hall Collection; and

(L) in relation to the refurbishment of the Grand Staircase, costings are to be obtained for the three options of -

(i) simple repainting of existing scheme;

(ii) partial reinstatement of the original stencilled patterns below the dado line; or

(iii) full restoration.

Carried.

MULTI-PURPOSE CONVENTION AND ENTERTAINMENT VENUE - LOWER TOWN HALL (S006819)

6.2

That arising from consideration of a report by the Deputy Director, Design to the Priorities and Outcomes Committee on 29 December 1999 in relation to the Multi-Purpose Convention and Entertainment Venue - Lower Town Hall, it be resolved that:-

(A) implementation of this project be deferred until after the Sydney Olympic Games;

(B) the Lower Town hall be released for hire in 2000 but not in 2001;

(C) a detailed briefing be provided to the Priorities and Outcomes Committee on a design/architectural competition, such briefing to include -

(i) detailed design review process;

(ii) design of the Druitt Street entrance to Town Hall House following completion of the Cross City Tunnel;

(iii) adequate public access, including lift access, to the ground floor and level 1, Sydney Town Hall;

(iv) reconfiguration of the toilets on the ground floor and level 1, Sydney Town Hall;

(v) redesign of Sydney Square to better integrate with Sydney Town Hall;

(vi) redesign of the connection (including buildings) between Sydney Town Hall and Town Hall House, including Marconi Square;

(vii) access for delivery and tradesmen’s vehicles and loading of vehicles at Sydney Town Hall; and

(viii) redesign of the area between the north-east corner of Sydney Town Hall and the railway entrance.

Carried.

PART "A" - DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE UNDER DELEGATED AUTHORITY

The Priorities and Outcomes Committee recommended that Council note that Item 6.3 was determined by the Priorities and Outcomes Committee under delegated authority.

Carried

HOMELESSNESS STRATEGY: STREET OUTREACH SERVICE SPECIFICATIONS AND IMPLEMENTATION STRATEGY (S008854)

6.3

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

That arising from consideration of a report by the Senior Project Manager, Homelessness Strategy to the Priorities and Outcomes Committee on 29 December 1999, in relation to Homelessness Strategy: Street Outreach Service Specifications and Implementation Strategy, it be resolved that:-

(A) the aim of this program is to -

(i) identify at any time the total number of persons living on the streets of central Sydney and document their particular needs;

(ii) reduce the number of such persons finding it necessary or desirable to live on the streets by 10 per cent within the first six months of implementation of the program, and by 20 per cent in the first year of operation; and

(iii) identify deficiencies and efficiencies in the provision of such services.

(B) subject to incorporation of the principles outlined in (A) (i), (ii) and (iii), approval be given to the service specifications for the Street Outreach Service shown in Attachment A to the subject report;

(C) subject to incorporation of the principles outlined in (A) (i), (ii) and (iii), approval be given to the Expression of Interest process, including the time frame, shown in Attachment C to the subject report;

(D) the allocation of recurrent funds specified in the budget, as shown at Attachment B to the subject report, be noted;

(E) it be noted that the City of Sydney's contribution for the 1999/2000 financial year totals approximately $110,000 (three months recurrent including establishment costs) and that provision will be made in future budgets for the continuation of this program;

(F) the program be reviewed at six monthly intervals; and

(G) submissions be made to relevant State and Federal agencies, and to private organisations, for financial support for this program.

Carried.

PART "B" (CONTINUED) - DETERMINED BY COUNCIL

Closed Meeting

At 1.00 pm, the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provision of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 6.4 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Item 6.4 was then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session at an earlier stage of the meeting (see Item 3B).

UNDERGROUND EDWARDIAN PUBLIC CONVENIENCES - TENDER AND LEASE

Note - The resolution of Council on this matter can be found under Memorandum by the General Manager - Item 3B.

Note - Item 6.5 was dealt with by the Priorities and Outcomes Committee in open session.

STREET NAME SIGNS

6.5

That arising from consideration of a report by the Deputy Director, Design to the Priorities and Outcomes Committee on 29 December 1999 in relation to the Street Name Signs, it be resolved that:-

(A) Council notes that the current street sign design conflicts with the original design approved previously by Council and that more care should be taken in future in bringing to Council's attention earlier relevant decisions;

(B) the current street name signs continue to be used in streets where Smartpoles™ are predominant; whilst the original 1992 design continue to be used for all other streets and locations;

(C) a comprehensive survey be undertaken of all intersections in central Sydney with a view to ensuring that all intersections have at least eight street name signs and that any required installations be undertaken prior to the Sydney Olympic Games; and

(D) a comparison of the two signs be undertaken indicating production and maintenance costs and details of longevity; such a report to be submitted to the Priorities and Outcomes Committee.

Carried.

ITEM 7. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 14 FEBRUARY 2000

PRESENT

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

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

At the commencement of business at 5.36 pm, those present were -

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

Councillor Fabian Marsden was also present.

Councillor Turnbull arrived at the meeting of the Finance, Properties and Tenders Committee at 5.37 pm during discussion on Item 1.

The Finance, Properties and Tenders Committee concluded at 5.47 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 14 February 2000 be received, and the recommendations set out below for Items 7.1 and 7.2 be adopted.

Carried.

The Committee recommended the following:-

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

7.1

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 14 February 2000, on Investments Held by Council as at 31 December 1999, it be resolved that the report be received and noted.

Carried.

DECEMBER 1999 - QUARTER 2 BUDGET REVIEW (S005638)

7.2

That arising from consideration of a report by the Senior Management Accountant to the Finance, Properties and Tenders Committee on 14 February 2000, it be resolved that Council:-

(A) Note the Quarter 2 forecast showing an operating surplus of $32.9M.

(B) Note the Quarter 2 forecast for capital works of $53.1M which remains unchanged from the original adopted budget.

(C) Note the Quarter 2 forecast for plant and assets of $7.6M which remains unchanged from the original adopted budget; and

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

Carried.

ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 14 FEBRUARY 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.00 pm those present were -

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

The meeting of the Planning Development and Transport Committee concluded at 7.20 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 14 February 2000 be received, and the recommendations set out below for Items 8.1 to 8.4 inclusive, and 8.7 be adopted, with Items 8.5 and 8.6 being noted.

Carried.

The Committee recommended the following:-

PART "A" - TO BE DETERMINED BY COUNCIL

STREET SAFETY CAMERA PROGRAM – PUBS AND 24 HOUR LICENSED PREMISES (S002128)

8.1

That arising from consideration of a report by the Project Manager, Street Safety Camera Program (Safe City) to the Planning Development and Transport Committee on 14 February 2000, on Street Safety Camera Program - Pubs and 24 Hour Licensed Premises, it be resolved that consideration of this matter be deferred until such time as a report of the six monthly review of the Street Safety Camera Program is completed.

Carried.

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS AND ANNUAL SUMMARY FOR 1999 (A03-00138/1)

8.2

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 14 February 2000, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

DEVELOPMENT APPLICATION: 363-365 GEORGE STREET, SYDNEY (D1999/00562)

8.3

That consideration of this matter be deferred until the meeting of Council on 21 February 2000.

Carried.

Note - The Planning Development and Transport Committee requested that a site inspection be arranged prior to the meeting of Council on 21 February 2000.

Note - Mr Victor Comino addressed the meeting of the Planning Development and Transport Committee on Item 8.3.

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

DEVELOPMENT APPLICATION: 469-481 KENT STREET SYDNEY (CIVIC HOUSE) (D99-00907)

8.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 14 February 2000, in relation to Development Application D99-00907 made by Cox Richardson Architects and Planners for the site at 469-481 Kent Street Sydney for alterations and additions and conversion of the premises to a backpackers hostel, associated uses and a basement level bar, it be resolved that -

(A) an amended plan for the proposal be sought to address the following issues:-

(1) Retention of the existing Kent Street parapet details of the southern bay of Civic House into the additions proposed or the suitable reproduction of those details in a revised parapet detail for the premises (including the existing step southern bay of Civic House).

(2) The provision of a second fire stair to the premises discharging into Kent Street.

(3) The applicant shall investigate documentary and physical evidence to ascertain the size, location and proportions of the cart dock arches shown on the Fire Writers Plan (c dated 1927) of Civic House accompanying the application. The investigation should also consider other ground floor openings in Civic House. Findings of this investigation should be reflected in a revised ground floor facade of Civic House.

(4) The amended plan is also to address an alternative access to the bar so that Kent Street is the sole access point and that the rear lane be used as a fire exit only.

(5) Attention be given to increasing the level of mechanical ventilation through the building so that windows can be sealed to prevent noise affecting the amenity of the neighbourhood.

(B) the amended plan(s) shall be lodged within 21 days of this resolution;

(C) this matter be referred to the next meeting of the Planning Development and Transport Committee for further consideration, subject to receipt of the amended plans in the appropriate form.

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

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Items 8.5 and 8.6 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

INTEGRATED DEVELOPMENT APPLICATION: RAILWAY HOUSE, 19-31 YORK STREET, SYDNEY (D1999/00759)

8.5

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

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 14 February 2000, in relation to Development Application D1999/00759 made by Memo Corporation Australia Pty Ltd for the site at 19-31 York Street Sydney, for Conservation and Refurbishment Works and the Award of Heritage Floor Space, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

APPROVED DEVELOPMENT

(1) Development must be in accordance with Development Application No. 1999/00759 dated 29 September 1999 and Statement of Environmental Effects prepared by The Rice Daubney Group dated 27 September 1999, and drawings numbered DA01.1/5, DA02/5, DA03/5, DA04/5, DA04.1/3, DA04.2/3, DA04.3/3, DA04.4/3, DA04.5/3, DA04.6/3, DA04.7/3, DA04.8/3, DA04.9/3, DA04.10/3, DA05/6, DA06/3, DA07/3, DA08/3, DA09/3, DA09.1/2, DA09.2/2, DA09.3/2, DA09.4/2, DA09.5/2, DA09.6/2, DA09.7/2, DA09.8/2, DA09.9/2, and DA09.10/2, all dated 22 September 1999, and drawings numbered SK18A, SK19A, SK21A, SK22A, SK23A, SK24A and SK25A, all dated 1 December 1999, all prepared by The Rice Daubney Group, and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

(2) The owner may be awarded 4,423m^2 of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-

(a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;

(b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-

(i) ensure the continued conservation and maintenance of the building; and

(ii) limit any future development of the site to the total area of the conserved building, the area of which shall be certified by a Registered Surveyor prior to execution of the deed.

(c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.

(d) The owner will only be registered as the owner of 4,423m^2 of heritage floor space following the completion of paragraphs (a) - (c) of this condition.

(e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

SECTION 61 CONTRIBUTION

(3) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

(a) **Cash Contribution Required**

In accordance with the adopted *"Central Sydney Contributions Plan 1997"* a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

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.

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.

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**

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

LOT CONSOLIDATION

(4) All land titles within the site, including that part occupied by Transport House (excluding the Stratum lot owned by the State Rail Authority), must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.

REPORT TO BE COMPLIED WITH

(5) The development shall be in accordance with the recommendations of the "Draft Conservation Plan for Railway and Transport Houses, 11-31 York Street, Sydney", prepared by Allman Johnston Associates and dated August 1999, except where amended by the following conditions:

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

(6) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.

(a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

(7) The form of recording is to be as follows:-

(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.

HERITAGE

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

(9) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the approved scope of works.

(10) A revised scope of works, including plans, documentation and drawings, which reflect the amendments required by the Heritage Council in their general terms of approval for the development is to be prepared and submitted to Council for approval prior to the release of the Construction Certificate. All work must be completed and approved by the Director, City Development prior to the registration of the HFS award.

(11) The applicant is to prepare an on-going maintenance schedule which outlines all cyclic future maintenance works and inspections to be undertaken. The maintenance schedule is to be submitted to Council for approval prior to the release of the construction certificate. All works identified as yearly works in the cyclic maintenance schedule are to be carried out to the satisfaction of the Director, City Development prior to the registration of the HFS award.

(12) The conservation expert (as noted in condition 8) is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of the HFS award.

(13) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, or irreversible damage to original fabric (not identified in the scope of work of the application) of the heritage item.

(14) Detailed design documentation, including detailed plans/elevations, material samples and methodology for the following:

(a) Reconstruction of the main York Street entrance at ground floor level;

(b) New entrance at the York Street ground floor; and

(c) The reconstruction of the office space, where the existing fire stairs are to be removed;

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

(15) A representative sample of the original timber floorboards are to be exposed and conserved on each level of the building. Detailed drawings, demonstrating where on each floor the applicant proposes to expose the timber floors, are to be submitted to the Director of City Development for approval, prior to the release of the construction certificate.

(16) The installation of sprinklers in the main and rear corridors are to be limited to ensure that damage to the terrazzo and ceilings is minimal. Final design details of installation locations, including drawings are to be submitted to the Director of City Development prior to the release of the construction certificate.

(17) All significant fabric to be removed is to be salvaged for reuse elsewhere within the building. In particular, the ceramic tiles to be removed during the refurbishment of the toilets, and adjacent corridor areas, are to be retained for the repair and restoration of the central corridors.

(18) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.

EXTERNAL LIGHTING

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

BUILDING NAME

(20) Any change to the name of the building is to be subject to the approval of Council.

REMOVAL OF GRAFFITI

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

SEPARATE APPLICATION FOR SPECIFIC USE AND FITOUT OF INDIVIDUAL TENANCIES

(22) A separate development application must be submitted at the appropriate time for the specific use and fitout of each tenancy.

NOISE

(23) 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.

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

(24) 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.

WINDOW CLEANING

(25) 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

(26) 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.

FUTURE PARTITIONING

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

ANNUAL FIRE SAFETY STATEMENT FORM

(28) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1B

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

DESIGN MODIFICATIONS

(29) As required by the Heritage Council of NSW, the design of the building shall be modified as follows:

(a) The proposed entrance to the retail space shall be brought forward and accommodated within the thickness of the external wall and the ramp for access for people with a disability shall be provided by grading the proposed new pavement within the floor of the building and shall not intrude into the adjacent stratum allotment. The entrance shall also be reduced to a single door the width of the existing central window;

(b) The existing side and upper lights adjacent to the above entrance shall be replicated (assuming that the existing window as a single entity is to be relocated to the reconstructed northern bay), and the trachyte base shall remain under the side windows;

(c) The proposed awning over the new entrance shall be deleted.

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

PUBLIC ART

(30) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

(31) 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.

(ix) The provision of smart pole(s), (to be provided at the applicants cost).

(e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

RECEPTACLES FOR CIGARETTE BUTTS

(32) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. The receptacle/s must:-

(a) be located entirely on private property and must not be located on or over Council's footpath;

(b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;

(c) not obstruct any required access/egress path for people with disabilities;

(d) be appropriately secured to the building; and

(e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council.

ACCESS FOR PEOPLE WITH DISABILITIES

(33) 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.

PAVING MATERIALS

(34) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

SANITARY FACILITIES

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

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

(36) 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.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:

(a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;

(b) 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

(c) 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;

(d) 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;

(e) 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

(37) 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

(38) 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

(39) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of 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 route of construction vehicles to and from the site.

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

APPLICATION FOR BARRICADE PERMIT FOR ENCLOSURE OF A PUBLIC PLACE REQUIRED FOR CONSTRUCTION/BUILDING WORKS

(40) 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.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

(41) 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) 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) **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

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

(a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

(b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;

(c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

(d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

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

CONSTRUCTION DURING THE OLYMPICS

(43) 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

(44) The following requirements apply:-

(a) 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.

(b) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES DURING CONSTRUCTION

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

CONTROL OF VERMIN

(46) 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.

NO OBSTRUCTION OF PUBLIC WAY

(47) 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.

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

FIRE PROTECTION

(48) Prior to the release of the Construction Certificate, details of the proposed fire separation arrangements between the two stratum allotments shall be submitted.

(49) Prior to the release of the Construction Certificate, certification shall be submitted regarding the fire resistance level of the following building elements where it is proposed that they be incorporated within the altered building:

(a) Fire walls;

(b) Lift and stair shafts and any construction protecting openings thereto;

(c) Service shafts and any construction protecting openings thereto;

(d) Floor slabs where separating different building classifications;

(e) Other structural elements in levels containing Class 6 parts not provided with complying fire compartments;

(f) Substations and switchrooms;

(g) Appropriate fire safety issues be resolved to the satisfaction of the Director City Development, particularly in relation to redesign of the sprinkler system identified in Condition (16) and hoses and other fire extinguishing mechanisms.

(50) Windows in the western elevation shall comply with Part C of the Building Code of Australia.

ALL MATERIALS TO COMPLY WITH BUILDING CODE OF AUSTRALIA

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

EXIT DOOR REQUIREMENTS

(52) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.

MECHANICAL VENTILATION COMPLETION AND PERFORMANCE CERTIFICATE TO BE SUBMITTED

(53) 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.

STRUCTURAL INSPECTION CERTIFICATE

(54) 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.

OCCUPATION CERTIFICATE TO BE SUBMITTED

(55) 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.

HISTORIC MARKER

(56) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site. The design, location and wording of the plaque shall be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.

NUMBERING

(57) 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.

HEATING/COOLING SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

(58) 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.

VENTILATION SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

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

REGISTRATION OF HEATING/COOLING SYSTEMS

(60) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than $60^{o}C$ at each outlet installed on the premises.

Schedule 2

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

Schedule 3

Terms of Approval

Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the NSW Heritage Council are as follows:

(61) The proposed entrance to the retail space be brought forward and accommodated within the thickness of the external wall and the ramp for access for people with a disability be provided by grading the proposed new pavement and within the floor of the building.

(62) The above entrance be reduced to a single door the width of the existing central window and that the existing adjacent side and upper lights be replicated (assuming that the existing window as a single entity is to be relocated to the reconstructed northern bay), and that the trachyte base remain under the side windows.

(63) The proposed awning over the new entrance be deleted from the scheme.

(64) The following additional information is provided for approval in the Section 60 application:

(a) details of the proposed method of cleaning the faience;

(b) details of the repair and conservation of the faience, awning and the windows;

(c) details of the proposed new entrance doors, lobby and bay to the north end;

(d) details of the new entrance to the south end addressing condition 62 above;

(e) details of the interior modification to the significant fabric as identified in the Statement of Heritage Impact.

(65) The Heritage Council recommends that the applicant proceed with the endorsement of the Conservation Management Plan and that any recommendations arising be incorporated in conditions of the Section 60 application.

(66) The Heritage Council notes that the ground floor retail area will be the subject of a separate application.

(67) The Heritage Council notes that the signage will be the subject of a separate application.

(68) An archival record shall be prepared including measured drawings as existing and an archival photographic record before, during and after the development, documenting changes to the heritage fabric and any significant fabric uncovered during the course of the works. The archival record shall be prepared in accordance with Heritage Council guidelines and copies lodged in the local council's library.

(69) Design resolution and working drawings shall be finalised with the advice of a consultant/s experienced in the conservation of similar heritage items who shall ensure that work is in accordance with the conservation management documents.

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

Carried.

DEVELOPMENT APPLICATION: 46-52 KING STREET, SYDNEY (D1999/00697)

8.6

Moved by Councillor Coulton, seconded by Councillor Marsden -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 14 February 2000, in relation to Development Application D1999/00697 made by Surfside Pty Ltd and Chappelle Pty Ltd for the site at 46-52 King Street Sydney, for the fitout and use of the ground floor tenancy as a late opening pub, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

APPROVED DEVELOPMENT

(1) Development must be in accordance with Development Application No. 1999/00697 dated 10 September 1999 and drawings numbered 3366-01/A and 3366-02/A prepared by Odlin, The Interiors Company dated 13 January 2000 and as amended by the following conditions:

SECURITY MANAGEMENT PLAN

(2) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.

PATRON BEHAVIOUR

(3) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.

(4) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area)

HOURS OF OPERATION

(5) The hours of operation are regulated as follows:

(a) The hours of operation of the premises shall be restricted to between 12.00 midday and 10.00pm on Sunday to Wednesdays (inclusive), and between 11.00am and 12.00 midnight on Thursday to Saturdays (inclusive);

(b) Notwithstanding (a) above, the premises may operate between 12.00 midnight and 2.00am on Friday, Saturday and Sunday mornings, for a trial period of 12 months from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.

(c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, on 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.

(6) Upon the cessation of trading of the ground floor licensed premise in accordance with Condition 5, patrons of the ground floor licensed premises shall be asked to leave and the area closed to the public. In particular, the internal roller shutter separating the ground floor from the basement level shall be closed to separate the two floors.

REMOVAL OF BOTTLES AND GLASSES

(7) 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.

SIGNAGE

(8) 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.

(9) No flashing signage visible from the public way shall be installed.

(10) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

(11) Any future external signage for the gaming area shall only be ancillary to an identification sign for the premises, as an under-awning sign or other sign acceptable to the Council.

CARE OF BUILDING SURROUNDS

(12) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

REMOVAL OF GRAFFITI

(13) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

NO SPRUIKERS OR AMPLIFIED NOISE

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

EMISSION OF NOISE

(15) The use of the premises shall not give rise to any one or more of the following:

(a) transmission of vibration to any place of different occupancy greater than specified in AS 2670;

(b) an indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;

(c) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055: "Acoustics – Description and Measurement of Environmental Noise";

(d) an "offensive noise" as defined in the Protection of the Environment Operations Act 1997, or

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

(f) The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with the Protection of the Environment Operations Act 1997 for outdoor measurements, and AS 2107 for indoor measurements.

PROVISION OF PUBLIC TELEPHONE

(16) The owner/s must provide, free of cost, an area for the installation of a public telephone. The area must be furnished with one public telephone (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider. The telephone should be accessible for use by persons with a disability and be available for public use during the normal opening hours of the premises. Details shall be approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 or prior to commencement of the use.

NO PUBLIC ENTERTAINMENT

(17) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.

NO AUTOMATIC TELLER MACHINES

(18) No automatic teller machines (ATM) shall be installed in the premises.

GLASS SHOP FRONT TO BE UNOBSCURED

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

GROUND FLOOR PREMISES TO BE OPERATED IN CONJUNCTION WITH APPROVED BASEMENT LEVEL LICENSED PREMISES

(20) This consent shall be read in conjunction with Development Application D44/86/0364, being the development consent for the licensed premises on the basement level and the two consents shall operate as one and the two levels (basement and ground) shall operate as one use.

(21) The ground floor licensed premises shall be operated in conjunction with the approved basement level licensed premises. In particular:

(a) at no time shall the basement and ground levels be operated by separate management teams or advertised as separate entities, without the prior development consent of Council;

(b) food prepared in the existing basement level kitchen shall be made readily available and advertised to patrons of the ground level premises. In this regard, dining facilities shall be provided and menus made available to patrons of the ground level. The applicant shall provide the Director City Development with a set of plans, including an operation plan, of how a bona fide meal service will be provided.

Schedule 1B

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

DESIGN MODIFICATIONS

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

(a) In order to comply with the Building Code of Australia, the two main entry/exit doors shall be rehung to swing in the direction of egress and shall not project beyond the property alignment.

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

RECEPTACLES FOR CIGARETTE BUTTS

(23) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. The receptacle/s must:-

(a) be located entirely on private property and must not be located on or over Council's footpath;

(b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;

(c) not obstruct any required access/egress path for people with disabilities;

(d) be appropriately secured to the building; and

(e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council.

ACCESS FOR PEOPLE WITH DISABILITIES

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

DESIGN FOR STORAGE AND HANDLING OF WASTE

(25)

(a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).

The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

(b) The Waste Management Plan for the project must 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. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

SANITARY FACILITIES

(26) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2. In this regard, the sanitary facilities in the basement level must always be available for use by patrons of the ground floor component of the use.

Schedule 1C

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

CERTIFICATION OF MECHANICAL VENTILATION

(27) 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.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:

(a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;

(b) 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

(c) 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;

(d) 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;

(e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

(28) 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'.

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.

CONSTRUCTION DURING THE OLYMPICS

(29) 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

(30) The following requirements apply:-

(a) 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.

(b) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES DURING CONSTRUCTION

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

NO OBSTRUCTION OF PUBLIC WAY

(32) 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.

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 TO BE SUBMITTED

(33) 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.

ALL MATERIALS TO COMPLY WITH BUILDING CODE OF AUSTRALIA

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

EXIT DOOR REQUIREMENTS

(35) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.

DOOR, SHUTTER, GRILLE INSTALLED IN A PATH OF TRAVEL

(36) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.

EXIT SIGNS TO BE PROVIDED

(37) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.

EMERGENCY LIGHTING TO COMPLY

(38) The emergency lighting system serving the Basement and Ground Levels shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.

SIGNAGE OF FIRE DOORS

(39) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.

ELECTRONIC LOCKS TO COMPLY

(40) Any proposed electronic locks shall comply with the following:

(a) The electronic locking device shall be power energised to the locking mode and shall be deactivated to release upon direct or response power termination to the device to enable the door to be opened by single handed action in the direction of egress;

(b) The smoke detectors shall be provided on both sides of the security door, 1500mm from the centre of the door in the position described in Clause 5.7.5 of AS 1905.1 (1990);

(c) The locking device shall consist of an approved electronic door interlock system such that in the event of fire being detected by the building's sprinkler system and smoke/thermal alarm system (including smoke detectors required in the mechanical ventilation system by AS 1668 (1991)), the locking system will be deactivated to release by the termination of power to enable the door to be opened by single-handed action in the direction of egress;

[*Applicable where access to both stairs is restricted by security doors*]

(d) An emergency switch/button, not contained in a protective enclosure, shall be provided in a conspicuous position in the lift lobby area adjacent to the subject door.

The switch/button shall be available to deactivate the locking system by power termination in an emergency. A sign shall be provided to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) adjacent to the switch/button indicating its purpose;

(e) Suitable directional exit signs shall be provided to the satisfaction of the PCA (Council or a private accredited certifier);

(f) Upon completion of work and prior to the operation of the security locking device and to the occupation of the subject tenancy, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate shall be submitted to Council if it was not the PCA.

ENCLOSING WALLS OF FIRE ISOLATED STAIRWAYS

(41) The enclosing walls of the fire isolated stairway/s shall not be penetrated by any services other than as permitted by C3.9 of the Building Code of Australia.

SERVICES PASSING THROUGH A FLOOR

(42) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.

SPRINKLER SYSTEM NOT TO BE IMPAIRED

(43) The efficient coverage and operation of any sprinkler system shall not be impaired by the partitioning layout and/or the efficient coverage and operation of any fire and smoke detection system shall not be impaired by the partitioning layout.

ALTERATIONS TO SPRINKLERS TO COMPLY

(44) Any alterations to the existing sprinkler installation shall comply with the requirements of Specification E1.5 of the Building Code of Australia. A certificate from a competent person shall be submitted to the Principal Certifying Authority certifying compliance with this requirement.

FIRE HOSE NOT TO BE IMPAIRED

(45) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.

TENANCY DOOR GIVING ACCESS TO EXIT

(46) Any tenancy door giving access to an exit shall be capable of being opened without a key from inside the tenancy in accordance with D2.21 of the Building Code of Australia.

ENCLOSED OFFICE/WORK AREAS TO BE VENTILATED

(47) 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.

MECHANICAL VENTILATION COMPLETION AND PERFORMANCE CERTIFICATE TO BE SUBMITTED

(48) 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 TO BE SUMITTED

(49) 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.

GLAZING MATERIALS TO COMPLY WITH CODE

(50) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

NUMBERING

(51) Prior to issue of an Occupation Certificate street numbers 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.

(52) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the “Policy on Numbering of Premises within the City of Sydney”.

ALARM TO BE FITTED WITH TIMING DEVICE

(53) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

VENTILATION SYSTEMS TO COMPLY WITH PUBLIC HEALTH REQUIREMENTS

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

CONTRACT REQUIRED FOR REMOVAL OF TRADE WASTE

(55) 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.

ENVIRONMENTAL HEALTH REQUIREMENTS

(56) The walls of the bar area shall be constructed of approved solid material finished with glazed ceramic tiles or other rigid, smooth-faced, impervious material approved by the Building Services Manager, evenly laid to a height of at least 2000mm above floor level.

(57) The floor of the bar area shall be finished with an approved rigid impervious material, graded and drained to a floor trapped waste outlet, and coved to a minimum radius of 25mm at the intersection with the walls

(58) The ceiling of the bar area shall be constructed of set plaster or other rigid smooth faced material painted with a washable gloss paint.

(59) A sink shall be provided in the bar area with an adequate supply of hot water at a temperature of not less than 77°c and cold water supplied under pressure. A thermometer accurate to 1°c shall be provided adjacent to the sink or tub.

(60) Any glass washing machines shall be capable of operating a washing or rinsing cycle at a temperature of not less than 77°c.

(61) A freestanding wash hand basin shall be provided in the bar area with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40°c.

(62) All joints formed by the butting together of fittings shall be sealed in such a manner as to eliminate any cavity or crevice or alternatively, a clear space of at least 75mm is to be provided between fittings.

(63) All refrigerators, cupboards and similar fittings shall be placed on approved metal legs 150mm in height or on solid plinths, 75mm in height, finished to a smooth even surface, recessed under fittings to provide a toe space of not more than 50mm rounded at the exposed edges and coved to a minimum radius of 25mm at the intersections with walls and floor.

(64) All shelving shall be fixed 25mm clear of the walls on approved solid metal brackets.

(65) All service pipes, electrical conduits and refrigeration condensate pipes shall be chased into walls, floors or plinths.

(66) The bar counter shall be constructed of brickwork, blockwork or approved solid material, and all fittings therein shall be installed to eliminate cavities.

Schedule 2

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

Carried unanimously.

Note - Mr Dennis Muddle addressed the meeting of the Planning Development and Transport Committee on Item 8.6.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: 263-265 CASTLEREAGH STREET, SYDNEY. (D99-00821)

8.7

That consideration of this matter be deferred to the meeting of Council on 21 February 2000.

Carried.

Note - The Planning Development and Transport Committee requested that it be noted that it is the Committee's view that it would prefer a two storey addition set back further than is presently proposed, and that it be also noted that the applicant is prepared to indicate on site the height, bulk and extent of the proposed alterations.

Note - Mr Mike George, Mr Simon Townsend and Mr Siong Yap addressed the meeting of the Planning Development and Transport Committee on Item 8.7.

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

Photographing of Council Meeting

At this stage of the meeting the Chairman (the Lord Mayor) pointed out to Council that a request had been received from The Daily Telegraph to take photographs at the meeting.

Moved by the Chairman (the Lord Mayor) seconded by Councillor Ho -

That permission be granted for photographs to be taken by The Daily Telegraph for the following period of no more than six minutes at the meeting of Council.

Carried.

ITEM 9. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 16 FEBRUARY 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 6.25 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 7.15 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 16 February 2000 be received, and the recommendations set out below for items 9.1 to 9.4 be noted.

Carried.

PART "B" - DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE UNDER DELEGATED AUTHORITY

The Priorities and Outcomes Committee recommended that Council note that items 9.1 to 9.4, inclusive, were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

SCULPTURE WALK CONTRACT (L01-00148)

9.1

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

That arising from consideration of a report by the Curator Sydney Open Museum to the Priorities and Outcomes Committee on 16 February 2000 in relation to the Sculpture Walk Contract, it was resolved that:-

(A) the Sculpture Walk Contract as shown at Attachment B to the subject report be approved subject to the following changes -

Clause 4.1
The following words are to be inserted at the end of the first sentence "and all associated site works".

Clause 18.3
The following words are to be inserted at the end of the first sentence "or where the environs of the Artwork are being redesigned as part of a public domain improvement program".

Clause 18.1 and Clause 18.2
Whilst the initial time period for commissions awarded under the Sculpture Walk Contract and already endorsed by Council (estimated to be 14) remains as 10 years, that time period be reduced to eight years for any further commissions awarded under the Sculpture Walk Program; and

(B) the Curator Sydney Open Museum be asked to submit a new draft contract to cover all future commissions of artworks -

(i) involving competitions; and

(ii) inviting prominent artists to carry out works;

such draft contract be submitted for the approval of the Priorities and Outcomes Committee.

Carried.

EXPRESSION OF INTEREST FOR THE MANAGEMENT OF THE KENT STREET TENNIS COURT (L02 00882)

9.2

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

That arising from consideration of a report by the Section Manager, City Living and Leisure to the Priorities and Outcomes Committee on 16 February 2000, in relation to the Expression of Interest for the Management of the Kent Street tennis court, it be resolved that Council publicly seek Expressions of Interest for the management of the Kent Street tennis court through the use of the brief provided at Attachment A to the subject report.

Carried.

ROADS & FOOTWAYS RESTORATION - DEED OF AGREEMENT (S010959)

9.3

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

That arising from consideration of a report by the Section Manager, City Asset Maintenance to the Priorities and Outcomes Committee on 16 February 2000 in relation to Roads and Footways Restoration - Deed of Agreement, it be resolved that:

(A) the City of Sydney wishes to have a legally binding agreement with each of the Utility Authorities;

(B) consideration of this matter be deferred;

(C) the Acting General Manager review the proposed specifications for the CBD and non-CBD areas in terms of the 5% defect threshold; and the widths of restoration in both roads and footways; and

(D) the Acting General Manager be asked to prepare a portfolio of large scale photographs of sites showing defects in restoration works undertaken by various utilities.

Carried.

SUPPLY AND OPERATIONAL REVIEW OF EXISTING AND PROPOSED AQUATIC FACILITIES IN THE CITY OF SYDNEY (S010956)

9.4

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

That arising from consideration of a report by the Section Manager, City Living and Leisure to the Priorities and Outcomes Committee on 16 February 2000, in relation to aquatic facilities in the City of Sydney, it be resolved that:-

(A) an evaluation study of the City's existing and proposed supply of aquatic facilities be undertaken;

(B) the draft brief as shown in Attachment A to the subject report be used by the City to seek Expressions of Interest for the study; and

(C) funds be committed from the General Manager's contingency funds when likely costs are known.

Carried.

ITEM 10. DEVELOPMENT APPLICATION: 363-365 GEORGE STREET, SYDNEY (D1999/00562)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 14 February 2000, and to Council on 21 February 2000, in relation to Development Application D1999/00562 made by Politic Pty Limited for the site at 363-365 George Street Sydney, for the refurbishment of the existing building at 365 George Street, Sydney, the construction of a roof addition and the change of use from commercial to commercial/serviced apartments, it be resolved that:-

(A) Consideration of the application be deferred to enable the applicant to discuss the outstanding matters listed below with their architects, Denton Corker Marshall Pty Ltd, and for the architects to sign plans incorporating the following amendments to the design and layout of the existing building at 365 George Street Sydney, and to submit the amended plans within 14 days:

(1) The layout and design of the 1 bedroom and 2 bedroom apartment units within the building be redesigned so that they represent bona-fide 1 bedroom and 2 bedroom serviced apartment units that cannot be readily convertible to hotel rooms, and that the minimum ceiling height of the loft apartments be no less than 2.5 metres.

(2) The deletion of the glass balustrade along King Street on level 8.

(3) The deletion of the horizontal blades on level 7.

(4) The deletion of the awning along the King Street frontage.

(5) The re-design of the George Street entrance to the basement restaurant so that the entrance is contained within the existing recessed panel bay.

(B) Authority be delegated to the General Manager, after consultation with the Chair of the Planning Development and Transport Committee, to determine the application after 14 days having regard to the achievement (or otherwise) of the design changes required above; and

(C) Authority be delegated to the General Manager to vary the covenant relating to floorspace ratio of the 363-365 George Street Sydney and 22-26 York Street site subject to satisfactory resolution and approval of the above issues.

Carried.

ITEM 11. DEVELOPMENT APPLICATION: 263-265 CASTLEREAGH STREET, SYDNEY. (D99-00821)

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 14 February 2000, and to Council on 21 February 2000, in relation to Development Application D99-00821 made by Henroth Pty Ltd for the site at 263-265 Castlereagh Street, Sydney for construction of a new office level and plant room on the existing building, it be resolved that consideration of the proposal be deferred to the next meeting of the Planning Development and Transport Committee and that the applicant be given 14 days to mark out the site to show the setbacks and building height and profile for viewing by neighbouring residents and Council officers.

Carried.

ITEM 12. SYDNEY TOWN HALL CURATORIAL POLICY (S010240)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Document Technology Manager to Council on 21 February 2000, on Sydney Town Hall Curatorial Policy, it be resolved that -

(A) the Sydney Town Hall Curatorial Policy, as shown at Attachment A to the subject report and as amended at the meeting of Council, be adopted;

(B) proposals for acquisitions above $20,000 be circulated to Councillors for comment, if feasible, prior to being purchased.

(C) a publicly accessible register of the items, the subject of the Curatorial Policy, be established; updated at least annually and made available in a public place for public inspection.

Carried unanimously.

The Sydney Town Hall Curatorial Policy as approved by Council is as follows -

SYDNEY TOWN HALL CURATORIAL POLICY

STATEMENT

Sydney Town Hall is one of the most significant public buildings in Australia and is valued for its social, political, cultural and historical links with the people of Sydney.

Sydney Town Hall is also the City's premier showcase and repository for the historical documentation of the ceremonial and civic life of the City of Sydney. The City of Sydney has documented the history of its civic activities both within the building fabric of Town Hall itself and through the preservation of historical items, works of art and civic gifts since 1842.

The Sydney Town Hall Collection comprises over 2,000 items of historical significance and decorative arts relating to the activities of the City.

This policy supersedes the *Sydney City Council Curatorial Policy, 1994* adopted by Council on 7 November 1994.

PRINCIPLES

The City of Sydney has a responsibility to the citizens of Sydney to continue to present Sydney Town Hall with historical integrity and to preserve, display and record objects and artefacts which belong to the City. The City will continue to actively develop the collection and to document significant civic events in the history of the City.

The Sydney Town Hall Collection is of significant historical, cultural and social value and as a major financial asset of the City of Sydney is subject to the provisions of the Local Government Act 1993 in respect of audit, security and risk management. The Collection is administered on a part-time basis by a professional museum curator, the Curator of the Town Hall Collection.

OBJECTIVES

- To continue to administer and develop the Collection through purchase, commission, gifts and loans in accordance with standard procedures and requirements.

- To preserve and manage the Town Hall Collection within its component categories of:

  - furniture and furnishings
  - artworks
  - civic memorials, and
  - civic gifts

SYDNEY TOWN HALL CURATORIAL POLICY

- To provide acquisition, display and disposal strategies for each of these categories.
- To provide guidance on certain aspects of implementation of this policy through a professional Town Hall Collection Advisory Panel
- To provide information and access to the public to the Collection

TOWN HALL COLLECTION ADVISORY PANEL

Recommendations for acquisition and disposal of items are made to the Town Hall Collection Advisory Panel, convened by the Curator, which comprises the following members:

- The Lord Mayor (or nominee)
- General Manager (or nominee)
- Document Technology Manager
- City Historian
- Curator, Sydney Town Hall Collection
- Two experts in the fields of art and public historical display external to the organisation, to be appointed by the Lord Mayor.

In addition, consultation with the Facilities Manager in the Property and Asset Management Unit and the Venue Manager, Town Hall Management will be necessary.

Recommendations for the acquisition by purchase of items over $5,000 are referred to the Town Hall Collection Advisory Panel for endorsement. Acquisitions under the value of $5,000 may be made at the discretion of the Curator and with the approval of the Document Technology Manager, subject to an annual budget for that purpose, as approved by Council.

The way in which the Collection is used and displayed within Town Hall will change in accordance with a display rationale which is subject to annual review and endorsed by the Town Hall Collection Advisory Panel.

FURNITURE AND FURNISHINGS MANAGEMENT

The interior of Sydney Town Hall is significant as an intact example of late nineteenth century architectural decoration. It derives much of its influence from the neo-Classical style, with some fine examples of later 19th century decoration derived from the Aesthetic and the Arts and Crafts Movements.

The furniture and furnishings in the public rooms of Sydney Town Hall are consistent with the style of architectural decoration.

SYDNEY TOWN HALL CURATORIAL POLICY

The furniture is predominantly made from cedar and of local (Sydney) manufacture in late 19th century style, contemporary with the completion of the Main Hall in 1889. The collection of furniture is significant because it has remained in situ for over a century and continues to fulfil its original purpose and function. Furniture that does not satisfy current functional requirements, such as in the Council Chamber, may be replaced with furniture that meets operational needs while still respecting the architectural environment in which it is housed.

Acquisition

Acquisitions of furniture and furnishings for Sydney Town Hall respect and complement the historical integrity of the architecture of Sydney Town Hall and the existing collection of furniture.

Acquisitions of furniture and furnishings for Sydney Town Hall are made on the advice of and in consultation with the Curator of the Sydney Town Hall Collection.

Display

The significant items of historic furniture and furnishings should be retained for display and use in the public rooms and offices in Sydney Town Hall.

Disposal

Items which are not significant to the furnishing of Sydney Town Hall will be recommended for disposal.

ARTWORKS

The small collection of artworks comprising paintings, sculpture and decorative arts held by the City of Sydney includes works of historical relevance to the City of Sydney, and historical images of Sydney Town Hall. The collection also includes 19th century artworks of European and English origin acquired by civic officials.

Acquisition

The acquisition of permanent artworks for the Sydney Town Hall Collection is restricted to works which document and evoke the civic history, the life and the people of Sydney; and artworks which illustrate Sydney Town Hall. Works of art are systematically acquired to develop the collection, with an emphasis on artworks by Sydney artists about Sydney.

Display

Artworks from Sydney Town Hall Collection are displayed in public areas of Sydney Town Hall and Town Hall House, and used for temporary exhibitions.

SYDNEY TOWN HALL CURATORIAL POLICY

At the discretion of the Town Hall Advisory Panel, appropriate artworks from the Sydney Town Hall collection shall be displayed in Council's Libraries, Customs House, City Recital Hall and other Council-owned facilities, provided the artwork is empathetic to the internal and external surroundings of the site.

Disposal

Items within the collection which fall outside the scope of the criteria for acquisition will be recommended for disposal.

CIVIC MEMORIALS

Sydney Town Hall has a strong tradition of recording the history of the City of Sydney through the commissioning, acquisition and display of civic memorials, plaques and commemorative tablets.

Sydney Town Hall also maintains a display of foundation stones which record the construction of the building, and civic memorials to former Mayors, Lord Mayors, Councillors and civic officials who have contributed to the life and development of the City of Sydney.

Included in the Sydney Town Hall Collection are over 500 plaques, memorials and awards. These include:

- portraits, sculpture and plaques of civic leaders and honour rolls
- plaques and tablets which record the contribution of individuals and organisations to major events and historical anniversaries in the City of Sydney
- war memorials
- foundation stones which record the architectural history of Sydney Town Hall
- architectural elements in the major public areas of Sydney Town Hall, including stained glass windows, floor mosaics.
- tributes to individuals associated with Sydney Town Hall

Acquisition

Any new request for a permanent memorial which necessitates changes to the building fabric requires the most careful consideration and in general should not be approved.

SYDNEY TOWN HALL CURATORIAL POLICY

Recommendations for the installation of a plaque or historic memorial should be submitted to a review process through the Town Hall Collection Advisory Panel. The application for the commission, design and installation of new plaques and memorials in Sydney Town Hall must be endorsed by Council.

The criteria for commissioning new memorials for Sydney Town Hall are:

Major Events
Significant major events and major anniversaries celebrated by the City of Sydney are commemorated in the form of memorials in Sydney Town Hall.

The criteria for determining the eligibility of an event for recognition includes:

- the significance of the event in the historical framework of the City of Sydney and, in some cases, of the nation
- the impact of the event on the City of Sydney
- the uniqueness of the event
- the emotional response of the people of Sydney to the event

Portraits and Sculpture of Civic Leaders
One image rendered in a two-dimensional or three-dimensional manner in a permanent form of each serving Lord Mayor is to be added to the Sydney Town Hall Collection at the expiration of their final term of office.

Honour Roll
The chronological record of Mayoral and Lord Mayoral terms is located on marble tablets in the Level 1, Druitt Street Northern Crush Space. It is a permanent historical record in Sydney Town Hall which must be maintained.

War Memorials
Tributes to the engagement of troops in activities central to the defence of Australia and/or Sydney. Individuals or units are not commemorated as separate entities.

Individual Tributes
The *Civic Honours, Awards and Gifts Policy* 1999 (draft) provides for the recognition of individuals and organisations in respect of their outstanding contribution to the City of Sydney. Such contributions are recognised through presentation of such honours as the Key to the City, medallions, plaques, certificates, and the City of Sydney flag.

Other than Lord Mayoral portraits and inscriptions on the Honour Roll no further memorials to individuals are to be erected in Sydney Town Hall. Commemoration of the contribution of individuals to the City of Sydney may be made through changing exhibitions of photographic tributes. A collection of ephemeral portraits may be acquired for this purpose.

SYDNEY TOWN HALL CURATORIAL POLICY

Display

The architectural fabric of Sydney Town Hall was designed to accommodate the display of plaques and tablets using decorative plaster mouldings, roundels and niches. The intention was to use the building to document the chronological history of the city and to incorporate its "living" history into the fabric of the building.

The design and location of memorials in Sydney Town Hall will respect the hierarchical framework and the architectural integrity of the building. This hierarchy acknowledges the public accessibility of spaces in Sydney Town Hall and the significance of those spaces. Plaques and memorials commemorating major events are placed in the most significant public spaces.

Disposal

Plaques which do not conform to the framework or contribute to the architectural integrity of the building will be removed and relocated.

With the exception of the photographs acquired for the ephemeral portrait collection, all historical memorials will be retained in perpetuity.

CIVIC GIFTS

In the course of official duties, The Lord Mayor and Councillors may exchange gifts with visiting officials as a gesture of goodwill and hospitality. Gifts are also exchanged as part of Sister City and Friendship City relationships. (City of Sydney Civic Honours, Awards and Gifts Policy, draft 1999)

Acquisition

Official gifts which commemorate events of significance to the City of Sydney are retained in the Sydney Town Hall Collection to ensure that they are recorded, preserved, cared for and displayed with accepted museum and gallery standards for public collection.

The criteria for acceptance of civic gifts into the Collection are:

- the relevance and appropriateness of the gift to the City of Sydney
- the occasion at which the gift was presented
- the nature and value of the gift
- the presenter and recipient of the gift
- the opportunities for the display of the gift
- the conservation and storage implications of the gift

SYDNEY TOWN HALL CURATORIAL POLICY

Display

Items from the collection of Civic Gifts are displayed in public areas of Sydney Town Hall wherever possible.

Disposal

Gifts of no permanent significance to the City of Sydney are not included in the Sydney Town Hall Collection. Gift items in the collection which do not meet the acquisition criteria will be recommended for de-accessioning.

Gifts which are recommended for disposal may be offered to Commonwealth, State or Local Government repositories, donated to non-profit or charitable organisations, or destroyed in an appropriate manner. Those gifts for disposal which have been marked with inscriptions are to be recorded prior to destruction. Gifts are not to be sold.

DEACCESSIONING

Approval of the de-accessioning of items from the Sydney Town Hall Collection is made by the Town Hall Collection Advisory Panel.

Objects may be considered for de-accessioning from the Collection where:

- they do not meet the acquisition criteria for their category
- their significance can no longer be justified
- the size or nature of an object is such that storage cannot be provided
- a more significant or representative example can be acquired, or
- the condition of the object has so deteriorated that conservation treatment cannot be justified.

Disposal of items surplus to the Collection, excluding civic gifts, may be via transfer to another institution, sale by auction or expression of interest or supervised destruction.

PUBLIC PROGRAMS

The Sydney Town Hall public spaces are the major venue for the display of the Sydney Town Hall collection. Changing exhibitions provide the opportunity for public access to the Collection.

Information relating to items in the Collection is provided to the public via Web access to the on-line catalogue. Information brochures, booklets and guided tours of Sydney Town Hall provide further access.

SYDNEY TOWN HALL CURATORIAL POLICY

RELATED POLICIES

Civic Honours, Awards and Gifts Policy (draft) 1999
Honours and Awards Policy, (draft) 1998
Public Art – Memorials and Bequests Policy, 1993

REVIEW DATE

January 2002

AUTHORISATION

Resolution of Council of 21 February 2000

FURTHER INFORMATION

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ITEM 13. QUESTIONS ON NOTICE

There were no Questions on Notice for this meeting of Council.

QUESTIONS WITHOUT NOTICE

ILLEGAL PARKING (S010700)

1. By Councillor Greiner -

Question

Lord Mayor, you are aware that the JC Decaux vans are now parking illegally on the City's footpaths due to a change in the legislation.

Will you or will you not insist that the law prevail and either -

(1) write to JC Decaux informing them that they are breaking the law and to desist from parking on the footpath; and/or

(2) instruct Law Enforcement Officers to uphold the law and issue cars and vans parked on city footpaths with infringement notices?

Answer by the Lord Mayor

I wasn't aware of a change in the law.

I ask the Acting General Manager to investigate the situation and to address it. We have to find a feasible solution between the maintenance of the street furniture, which has been impeccably maintained, and the normal requirements of keeping the footpaths and carriageways clear.

COUNCIL BOUNDARIES (S010699)

2. By Councillor Farr-Jones -

Question

Lord Mayor, with regard to your much publicised excursion into surrounding Councils, I have a two part question. Could you identify the costs and who paid for those, and what is the rationale for not consulting with your fellow Mayors?

Answer by the Lord Mayor

That is not really true. There has been no excursion, contrary to rumours that we were amassing our garbage trucks on the border, together with our gully flushers, gully suckers

and gully educters and our special new graffiti-gaters and our new brooms and our new trolleys and wheelie bins!

We did think of this. In fact, we thought of amassing them on the border at sunrise on a Saturday morning. I was even going to go there and ride on the top of a garbage truck and march into Glebe Point Road, sweep up Glebe Point Road and then turn around and cross the City to the other side and before Vic Smith could say "Jack Robinson" sweep up Kings Cross and by the afternoon move all the way down to Bondi Beach.

I thought of this, then I thought, well, what could be a light-hearted gesture to help our struggling near neighbours could end up being tragic if their street sweepers decided to confront our street sweepers and I thought, well, maybe we ought to be a bit more cautious than that.

There is also no truth in the rumour that our trucks were circling their parks threatening to cut the lawns. We have had an internal examination of this and I was ready for disciplinary action but I have not been able to discover any errant Council officer in this regard.

COUNCILLORS' NAME BADGES (S010701)

3. By Councillor Ho -

Question

Lord Mayor, I remember two or three months ago when you invited the Hong Kong Trade Development Council to Customs House, and when those people arrived, as they came from Hong Kong, they didn't know you and I remember you weren't very happy about it. I wonder why the City of Sydney Councillors don't have a lapel badge with a Council logo and their name underneath. Could you tell me why this tradition is not upheld?

Answer by the Lord Mayor

We can get badges with Councillors' names on them if Councillors wish to have them and wear them. I am sure we can get them struck. That would not be problem. It was just that Councillors weren't that keen on them so we didn't have them made.

I ask the Acting General Manager to please see that that happens, if Councillors want them.

COUNCIL BOUNDARIES (S010703)

4. By Councillor Turnbull -

Question

Lord Mayor, would you like to explain to me the decision you took to poll the nearby boundaries?

Answer by the Lord Mayor

Yes. I woke up one morning and I stood at my window on the 30th floor and I looked across to Glebe and up to Kings Cross and I looked out across to Homebush and to the Airport in the south, and I looked around and I thought, my God, someone has got to do something about these poor places, struggling as they are under the burden of debt, inefficiency, over-staffing, poor resources - poor old residents, oppressed as they are with lack of services, lack of facilities, libraries with no books, parks with too many weeds, streets with too much litter, footpaths with too many potholes.

And I thought about this and I anguished and I thought a lot about it, and then I remembered those residents that came to see me before the last Council election that wanted to amalgamate with the City and I said, "Oh no, I don't need a diversionary tactic now I want to focus at the moment. Come back later". And I remember that they came back and had been wanting to see me and my Appointments Secretary had been saying "look, Lord Mayor, they are ringing me up everyday, they are desperate to see you." So what am I to do?

So, being the kind of conciliatory, helpful guy that I can be sometimes, I met with these people and I thought about it and I thought, well let's just see whether the views they are expressing to me are consistent with the views of the broader populace of those areas. Because, you know me, I am a very cautious guy, I wouldn't leap in unless I had the facts. Would I?

So I consulted the General Manager and we both agreed that the idea of doing some research was a very good one, to get an idea of what the public think in those areas. What can I say? On the preliminary information I have, this Council rates extremely well.

COOK AND PHILLIP PARK (S010700)

5. By Councillor Greiner -

Lord Mayor, I notice in the second Quarterly Review that the attendance for Cook and Phillip Park is below budget and 12% below estimate.

Could the head count of Cook and Phillip Park please discriminate between school usage and members of the public usage, and similarly provide a revenue statement, both budget and actual, in subsequent Quarterly Reports?

Answer by the Lord Mayor

I don't know why you want to discriminate between school children and others, I don't see the point - the total numbers are really the target.

Cook and Phillip Park started late last year. We had to make some changes to the change rooms because the population was too big for the change rooms. The weather has been particularly bad for about the last three or four weeks. I am told that the numbers have picked up quite substantially.

If the information is readily available I don't mind providing it to Councillors but not to set up a whole system. I am happy for the Acting General Manager to look at the proportion of school users versus others.

There are still issues unresolved as to the boom and whether there should be a boom at 25 metres. The pool operator has a particular view of that and we have a different view of that and there are still some of those issues being resolved. But by and large the pool is proving to be quite a success. It will be a spectacular success.

As for the second part of your question, which is about revenue, there is a relatively complex revenue sharing or profit sharing formula that would need a full year to be in operation to start to cut in. Perhaps at the next Quarterly Review the General Manager could explain the formula and how it is tracking.

GOLDEN WATERMARK SCULPTURE (S010701)

6. By Councillor Ho -

Lord Mayor, I refer to the tree sculpture, the Golden Watermark, at Chinatown. I have received many questions demanding answers as to the significance of the sculpture. I recall I did discuss with you earlier that we should put up a plaque, in English and Chinese, with an explanation. I have been getting rude and vulgar statements about this so could something be done as soon as possible.

Further, we should have some kind of fence around the Golden Watermark. At the moment people are touching it and jumping on it and that shouldn't happen.

Answer by the Lord Mayor

The matter of a plaque is in hand. We have been trying to contact Joseph Wong who was going to organise, with others, a sign off on the actual wording. A draft wording has been prepared, it is a matter of settling that and then the plaque can be installed. Once the wording is resolved we will give it priority and get the plaque installed.

Yes the plaque is happening, but we need an answer from Joseph Wong on the wording so we can go ahead and do it.

The fence could be an issue. I ask the Director City Projects to consider if the suggestion of a fence around the Golden Watermark sculpture is a good or bad idea. I think we would need to look at the design issues there.

But certainly we need the plaque installed quickly, once we have the wording. We need to look at the question of a barrier and whether it is appropriate or not. I am not going to agree with that tonight because I need some advice.

RATES (S010700)

7. By Councillor Greiner -

Question

Lord Mayor, in January you rightly identified the discrepancy which exists for corner pubs who, a number of years ago, were granted rate exemptions in order to maintain their viability.

You rightly pointed out that many of these pubs have now been refurbished and with the Government's Gaming Legislation allowing them to have at least five gaming machines, their revenues have subsequently increased, consequently you were ceasing to allow rate exemption.

Could you please circulate to the Councillors the names and addresses of the 45 corner hotels who were subject to that rate exemption? Are there any other facilities in the city receiving rate or lease exemptions?

Answer by the Lord Mayor

Councillor Greiner, these were not exemptions, they were discounts. The only other properties that are rate exempt are those which are required to be under the Local Government Act, which are religious institutions and the like. We are punctilious about this issue. Council never opens up its fiscal wall to anybody because that is core revenue for us. The only discount was to the corner pubs. It was effectively a 30% discount on the general rate.

We have the community centres which we own and barely charge rent on. These are managed commercially by First Pacific Davies. During the first or second year of my term in office we moved all that out to the private sector because we used to get commercial tenants beating a path to my door wanting special concessions. So now that is all at arm's length, private sector. I am not aware of any subsidies that we give.

I don't have the power to cut that, only Council can, but it has got to come through with the budget for next year. So the appropriate time to discuss that is in April when considering the budget - the new rating and the budget will be prepared with that discount removed - and a list will be provided of who received the discount and how it is affected. We will consider that in April when considering the budget, which has to go on exhibition in May. That is the time to do it.

There are community properties, eg, the East Coast Theatre Company above the child care centre in Ultimo. There are a few, but not many. We don't like to lease a lot of our properties to community organisations because they never go and there will always then be more and more of them and before you know it all the properties will be filled with non income-earning organisations. So we are fairly cautious about that. If you have got anything particular in mind I am sure the Acting General Manager will take you through it.

I will circulate the list of 45 pubs to Councillors on the basis that it is not made public.

PAVEMENT MAINTENANCE (S010700)

8. By Councillor Greiner -

Question

Lord Mayor, with the new pavements recently installed in the city's streets, I have become very conscious of the numbers of broken tiles which exist, and in particular outside Town Hall as well as outside the Queen Victoria Building.

My question is related to warranty. Is there a warranty on the granite and who is paying for the repairs - the supplier, the installer or Council?

Answer by the Lord Mayor

I invite the Director City Projects to respond.

Director City Projects

There have been a number of broken tiles, particularly in the areas Councillor Greiner has identified. The principal cause of those is heavy vehicular traffic, in particular, the armoured vehicles, Armaguard type vehicles. There is a problem out the front of the Town Hall and also in the square in front of the Queen Victoria Building. There is a defect liability period with the contractor, which is, I think, 12 months, once the work is complete. After that period it becomes Council's problem and we basically maintain it. We have staff in the City Care group who go out there and identify where the broken tiles are and we replace them.

Answer by the Lord Mayor (continued)

Is there a value in us taking photographs of these Armaguard trucks and writing formally to these companies and asking them to pay for the cost of the paving?

I ask the Acting General Manager for a report on this matter, please, on the breaking of the footpaths, identifying the main causes and a strategy to deal with them.

ITEM 14. MOTION

BRIEFING (S010706)

1. By Councillor Greiner, seconded by Councillor Farr-Jones -

That in the interest of open and accountable government, the Lord Mayor be requested, upon exercising his delegated authority by Council, to circularise details to the Councillors when -

a. Making any minor drafting changes to the Draft LEP and/or Draft DCP;

b. Determining development applications either on his own or in consultation with the Chairman of the Planning Development and Transport Committee, and

c. Determining any issues under delegated authority when the Council is in recess.

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

That in respect of Councillor Greiner's request concerning information on decisions made by the Lord Mayor under delegated authority, it be noted that -

(a) it is current policy and practice that the Secretariat circulate decisions of the Lord Mayor made under delegated authority during Council recesses;

(b) other decisions made under delegated authority in respect of decisions made by Council but referred to the Lord Mayor for finalisation, copies of such decisions may be obtained from the Secretariat on request.

(c) it is policy that planning instruments when finally in force, i.e. gazetted, should be circulated to all Councillors.

Motion, as amended by consent, carried.

Closed Meeting

At 7.25 pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of

> Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 15 and 16 on the agenda; and
>
> Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 17 on the agenda;

as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, respectively; and

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

Items 15 to 17, inclusive, were then dealt with by Council while the meeting was closed to the public.

ITEM 15. CITY CARE TREES - APPROVAL TO ACCEPT TENDER NO 2002 - GRANITE SETT INSTALLATION (S007093)

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

That arising from consideration of a report by the Project Manager, City Projects to Council on the 21 February 2000 on City Care Trees - Approval to Accept Tender No 2002 - Granite Sett Installation, it be resolved that -

(A) Council accept the tender submitted by Griffith Landscape Management Pty Ltd as outlined in Paragraph 6 of the subject report;

(B) authority be delegated to the General Manager to enter into a contract with Griffith Landscape Management Pty Ltd for the installation of setts to 400 tree surrounds;

(C) Council endorse the project budget as outlined in Paragraph 9 of the subject report.

Carried.

ITEM 16. LIVING CITY SERVICES TENDER NUMBER 9931, FOR THE PROVISION OF EMPLOYEE RELATIONS ADVISORY SERVICES (S008625)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Director Living City Services to Council on 21 February 2000, on Living City Services Tender Number 9931 for the Provision of Employee Relations Advisory Services, it be resolved that -

(A) Australian Business, CGH Workplace Consultants and Peter Bell and Associates Pty Limited be accepted to form a panel of consultants to provide employee relations advisory services, and

(B) the General Manager be requested to advise Councillors on the annual budgetary limit for the services outlined in the subject report.

Carried.

ITEM 17. WALSH BAY DEVELOPMENT SITE - PROPOSED DEDICATION OF LANDS TO THE CITY OF SYDNEY (S0006841)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Section Manager, City Asset Maintenance to Council on 21 February 2000 regarding Walsh Bay Development Site – Proposed Dedication of Lands to the City of Sydney, it be resolved that:

(A) Council accept in principle the proposed transfer of parks, lanes, steps, walks, associated retaining walls (excluding sea walls), and stormwater lines of a diameter less than 750mm draining the public area within the Walsh Bay Development Site and as identified in the subject report, subject to being satisfied as to each of the following:

(i) validation of remediation works on the sites being confirmed to the levels recommended by Council's environmental consultant; together with footway links from the Hickson Road footpath to the promenade area; or in the event that this is not achievable

(ii) resolution of design and refurbishment actions to the satisfaction of Council;

(iii) receipt of condition reports for dedicated assets to the satisfaction of Council;

(iv) all interests and covenants in respect of the land to be transferred;

(v) a current and full survey;

(vi) copies of DA consents and all approvals;

(vii) Remediation Audit Reports;

(viii) works as executed documentation;

(ix) complete specifications for parks, fixtures and plant and confirmation that all works comply with relevant standards and regulations;

(x) full disclosure of public liability claims and an indemnity in respect of those claims;

(xi) full disclosure of Native Title claims and satisfaction as to the lack of prospects of success in respect of those claims;

(B) Council undertake further negotiations with the Marine Ministerial Holding Corporation on the basis of either:

(i) seeking dedication of the foreshore promenade as strata freehold title, subject to (E) below, for the promenade in stratum comprising the area from building line to building line but excluding the seawall and supporting structures (piles) associated with the promenade, together with footway links from the Hickson Road footpath to the promenade area; or in the event that this is not achievable

(ii) refusing dedication of the foreshore promenade should the MMHC propose dedication of the foreshore promenade excluding any areas intended for outdoor dining or other uses, or including the seawalls and supporting structures (piles);

(C) Council not accept the proposed transfer or dedication of the seawalls, seawall piles and supporting structures;

(D) Council accept in principle the proposed transfer of bridges 2/3, 6/7 and 8/9 on the basis of transfer or dedication to Council of any areas adjoining the bridges on or through privately-owned structures and land so as to ensure continuous public access to the foreshore public domain, including air space stratums through associated shoresheds and Bond stores forming part of the public domain access, and upon being satisfied as to each of the following:

(i) validation of remediation works on the sites being confirmed to the levels recommended by Council's environmental consultant;

(ii) resolution of design and refurbishment actions to the satisfaction of Council;

(iii) receipt of condition reports for dedicated assets to the satisfaction of Council;

(iv) all interests and covenants in respect of the land to be transferred;

(v) a current and full survey;

(vi) copies of DA consents and all approvals;

(vii) Remediation Audit Reports;

(viii) works as executed documentation;

(ix) complete specifications for fixtures and plant and confirmation that all works comply with relevant standards and regulations;

(x) full disclosure of public liability claims and an indemnity in respect of those claims;

(xi) full disclosure of Native Title claims and satisfaction as to the lack of prospects of success in respect of those claims;

(E) Council seek ownership in fee simple of the above areas of dedication as a preferred outcome and, in the event that this option is not forthcoming, Council seek to enter into a lease with the nominee of the Ministerial Marine Holding Company for a period of 99 years in relation to parks, lanes, steps, walks, associated retaining walls, bridges, foreshore promenade and stormwater lines within the Walsh Bay Development Site, together with covenants indemnifying Council against liabilities arising from pre-existing contamination of the site and the future use of the land;

(F) authority be delegated to the General Manager to undertake negotiations on the basis of Council's resolution;

(G) the proposed transfer be returned to Council for approval following resolution of terms and conditions with Maritime Ministerial Holding Corporation and Walsh Bay Finance.

Carried unanimously.

Closed meeting

At 7.40 pm the Council resolved -

That the meeting continue to be closed in accordance with the provisions of Section 10A (2)(c)and section 10(2)(g)of the Local Government Act 1993 to discuss a confidential Mayoral Minute dated 21 February 2000 regarding a Contractor Issue as this matter comprised -

discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and

discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; and

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

Item 2E (Mayoral Minute - Contractor Issue) was then dealt with by Council while the meeting was closed to the public.

ITEM 2E. CONTRACTOR ISSUES (S003807)

(Note: This matter had been deferred at an earlier stage of the meeting)

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

That arising from consideration of a General Manager's memorandum to the meeting of Council on 21 February 2000, on Contractor Issues, it be resolved that -

(A) authority be delegated to the General Manager to:

(i) authorise the issue of a notice to show cause as described in the memorandum, subject to the concurrence of the Lord Mayor;

(ii) consider the response to the notice to show cause and, if the General Manager reasonably forms the view that Council is entitled to exercise its rights under the contract to terminate the contract, to do so, subject to the prior concurrence of the Lord Mayor;

(iii) if the contract is terminated, to place additional orders with Council's other existing contractors, without calling tenders on the basis that the following circumstances constitute extenuating circumstances in consideration of which Council may legitimately resolve that a satisfactory result would not be achieved by calling tenders:

(a) primarily, the fact that it would not be possible to meet Council's timetable for completion of the works if tenders were to be called, in view of the lead times for delivery and the objective of completing installation prior to August 2000;

(b) that the existing contractors referred to in the report were engaged following a tender during 1999 for the supply of the same product, and those contractors have demonstrated that they have the necessary experience and capacity to supply Council's requirements;

(c) that the existing contractors have already established their manufacturing facilities and accordingly, their cost of preliminaries and set-up are likely to be minimal, thereby providing a financial advantage over other potential contractors; and

(iv) enter into all necessary contracts required to give effect to the Council's resolution.

(B) this resolution shall remain confidential for at least fourteen days from today and shall be made public by the General Manager as soon as practicable after that;

(C) the confidential Minute by the Lord Mayor and the subject Memorandum by the General Manager shall not be included in the minutes of this Council meeting.

At 7.45pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 13 March 2000 at which
meeting the signature herein was subscribed.