



27 NOVEMBER 2000

Meeting No 1320

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.51pm on 27 November 2000 pursuant to Notice 17/1320 dated 23 November 2000.

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PRESENT

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

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

At the commencement of business at 5.51pm those present were:-

The Lord Mayor, Councillors Coulton, Greiner, Ho and Marsden.

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.

Apologies

Councillor Lucy Turnbull extended her apologies for her inability to attend the meeting of Council as she was overseas.

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council as he was called urgently to Melbourne on company business.

Moved by Councillor Greiner, seconded by Councillor Ho -

That the apologies from Councillors Turnbull and Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

ITEM 1. CONFIRMATION OF MINUTES

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

That the minutes of the meeting of Council of 6 November 2000, as circulated to Councillors, be confirmed.

Carried.

Note - The minutes of the extraordinary meeting of Council held on 20 November 2000 will be submitted for confirmation to the meeting of Council to be held on 18 December 2000.

ITEM 2. MINUTES BY THE LORD MAYOR

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

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

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

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

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

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 20 NOVEMBER 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Robert Ho and Fabian Marsden.

At the commencement of business at 6.02 pm those present were -

Councillors Coulton, Ho, Marsden and Turnbull.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee due to business engagements.

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee due to urgent family matters.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the apologies from Councillors Farr-Jones and Greiner be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Planning Development and Transport Committee concluded at 6.44 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Marsden -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 20 November 2000 be received, and the recommendations set out below for Items 5.1 to 5.4, inclusive, be adopted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL**PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)****5.1**

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 20 November 2000, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

AMENDMENT NUMBER 11 TO CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (SECTION 8 – SIGNS) (S013058)**5.2**

That arising from consideration of a report by the Specialist – Urban Design and Architecture to the Planning, Development and Transport Committee on 20 November 2000 on a proposal to amend Development Control Plan 1996, it be resolved that Council:

- (A) adopt Draft Amendment Number 11 to Central Sydney Development Control Plan 1996 (Section 8 – Signs) at Attachment A; and
- (B) authorise the Lord Mayor to approve any drafting changes necessary to finalise the Draft Amendment Number 11 to Central Sydney Development Control Plan 1996 (Section 8 – Signs) for publication.

Carried.

DEVELOPMENT APPLICATION: PHILLIP LANE, SYDNEY (D2000/00428)**5.3**

That consideration of this matter be deferred to the meeting of Council on 27 November 2000.

Carried.

Note - This matter was dealt with by Council as Item 6 on the Business Paper.

Note - Mr Terence Daly and Mr Peter Kernaghan addressed the meeting of the Planning Development and Transport Committee on item 5.3. Written submissions from Mr Terry Hartmann and Mr Stephen Taylor were noted by the Planning Development and Transport Committee.

DEVELOPMENT APPLICATION: INTERNATIONAL HOUSE - 284 - 292 PITT STREET (D/2000/831)

5.4

That consideration of this matter be deferred to the meeting of Council on 20 November 2000.

Carried.

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

Note - Mrs Elizabeth Whyte, Ms Ellen Elzey and Mr Bill Gale addressed the meeting of the Planning Development and Transport Committee on item 5.4.

ITEM 6. DEVELOPMENT APPLICATION: PHILLIP LANE, SYDNEY (D2000/00428)

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 20 November 2000 and to Council on 27 November 2000 in relation to Development Application D2000/00428 made by Lend Lease Development Pty Ltd for upgrading work to Phillip Lane, Sydney, it be resolved that:

- (A) Authority be delegated to the Lord Mayor to determine the Development Application having regard to:
- (i) The finalisation and submission to Council of accurate costing of the various elements of the development;
 - (ii) The applicant ensuring the reservation of adequate funds (from the \$1 million amount required to be spent on the Phillip Lane area by Lend Lease Development Pty Ltd) to facilitate the future provision of lighting over Phillip Lane by Lend Lease Development Pty Ltd; and
 - (iii) draft conditions of consent in Attachment F to the subject report.
- (B) Having regard to the likely improvement to the amenity of Phillip Lane by the provision of laneway lighting and the subsequent benefit to the general public, the applicant be advised that Council supports in principle, the provision of laneway lighting subject to:
- (i) the consent of the relevant building owners being obtained for any attachments to private property;
 - (ii) the appropriate approval of the relevant authorities being obtained (eg. Heritage Council of NSW);
 - (iii) the lodgement of a separate Integrated Development Application for these works; and
 - (iv) the reservation of adequate funds (from the \$1 million amount required to be spent on the Phillip Lane area by Lend Lease Development Pty Ltd) to facilitate the future provision of lighting over Phillip Lane by Lend Lease Developments Pty Ltd.
- (C) Having regard to the likely reduction in vehicular related damage to the sandstone arches of the Chief Secretary's Building adjacent to the Phillip Street entrance to Phillip Lane by the narrowing of the laneway entry threshold and the change in the two way traffic flow direction to one way in an easterly direction under the arches, the applicant be advised that Council supports in principle, the narrowing of the laneway threshold subject to:

- (i) the consent of the land owner of the section of Phillip Lane below the arches to implement the proposed traffic management measures (ie. change in traffic flow direction);
- (ii) preparation of a Traffic Management Plan which clearly identifies the impacts which will result from the proposed one-way restriction, for the Roads and Traffic Authority approval; and
- (iii) upon the obtaining of approval from the land owner and the Roads and Traffic Authority, the Sydney Traffic Committee's approval for the proposed one-way restriction together with the proposed narrowing of the width of the entry to Phillip Lane.

Carried.

Note - during discussion on Item 6, the Lord Mayor requested that the Manager Transport and Access provide an assessment of pedestrian and vehicular traffic in Phillip Lane.

ITEM 7. DEVELOPMENT APPLICATION: INTERNATIONAL HOUSE - 284 - 292 PITT STREET (D/2000/831)

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 20 November 2000 and to Council on 27 November 2000 in relation to Development Application D/2000/831 made by Komaiwai Pty Ltd for the site at 284 – 292 Pitt Street for fitout and use of the premises as a restaurant/bar/theatre restaurant/ music venue, 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. 2000/831 dated 19 September 2000 and the Statement of Environmental Effects prepared by Luis Contigiani, dated August 2000 and drawings numbered FN/84/2000 prepared by Contempo undated and as amended by the following conditions:

TRIAL PERIOD ON HOURS OF OPERATION

- (2) The hours of operation are regulated as follows:

- (a) The hours of operation of the premises shall be restricted to between 10.00 a.m. and midnight, 7 days per week.
- (b) Notwithstanding (a) above, the premises may operate between midnight and 3.00 a.m. Thursday to Saturdays inclusive and Midnight to 1am Sunday to Wednesday inclusive, for a trial period of 12 months from the date of commencement of the use. 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.

USE

- (3)
 - (a) The use of the premises is approved as a restaurant, theatre restaurant, cabaret bar and for recorded and live music entertainment.
 - (b) The premises must not operate as a strip club, table top dancing bar or the like.
- (4) The premises are not to be used as a theatre restaurant or for live entertainment including DJ's and bands prior to the lodgement and approval of a Place of Public Entertainment (POPE) application.
- (5) Amplified live entertainment is only permitted on the premises following the granting of a separate POPE approval. In this regard, any approved entertainment shall be restricted to between the hours of 7pm and 2am, Thursday to Saturday and 7pm to 1am Sunday to Wednesday.
- (6) Where licensed premises holds, or obtains a Place of Public Entertainment Approval, each specific area to which the approval refers, shall display in a prominent position, a sign which states "This Area Is Approved for 200 Persons" in letters a minimum 25mm in height on a contrasting background.

SECTION 61 CONTRIBUTION

- (7) Certification of the total cost of the development is to be **submitted for the approval of Council** prior to the issue of a Construction Certification under the Environmental Planning and Assessment Act 1979. Should the total cost of the development exceed \$200,000 a contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:-

Amount of Contribution

- (a) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".

Payment

- (b) Payment shall be by bank cheque made payable to the City of Sydney.
- (c) The contribution must be paid **prior to issue of a Construction Certificate** under the Environmental Planning and Assessment Act 1979.

NOISE

- (8) 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". In this regard the applicant shall appoint a suitably qualified acoustic engineer to provide details of noise attenuation works required to ensure that noise levels (particularly low frequency bass percussion noise) in the basement of the premises adjoining the northern wall comply with the above standard when the premises is used for live music/entertainment. Details are to be submitted and approved by Council prior to issue of the Construction Certificate.
 - (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.
- (9) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant of other matters considered appropriate by Council have been satisfactorily implemented.
- (10) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.
- (11) The doors to Pitt Street shall be kept shut at all times, except where required for direct ingress/egress (to limit noise) and mechanical ventilation, if required, shall be provided to meet BCA requirements.

SIGNS

- (12) 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.
- (13) No flashing signage visible from the public way shall be installed.
- (14) Signs shall be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

WASTE MANAGEMENT

- (15) Waste collection activities which are not undertaken wholly inside the building where the waste is generated, must only occur during the hours specified in the "Waste Collection Operating Hours Policy 1994".
- (16) The loading operation, including the movement of garbage receptacles, must take place within the building alignment on a level surface away from gradients and vehicle ramps. No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.

- (17) No waste shall be placed for collection in a public place unless collection facilities cannot be provided within the building. If no collection facilities can be provided within the property, prior approval must be obtained from Council's Service Planning Unit as to the position, time and manner of placement of waste on the public way.
- (18) Approved facilities shall be provided for the storage of all garbage in accordance with the requirements of Council's Code for Waste Handling in Buildings
- (19) 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.
- (20) 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.

MANAGEMENT

- (21) The operator is to ensure that the fire egress way through the building adjoining the northern boundary is for emergency use only. In order to ensure this the applicant is to carry out the following:
 - (a) Install signage on the egress door clearly stating that the door is a Fire Door and is to be used only in the event of an emergency. Details of the signage are to be submitted to Council for approval prior to issue of the construction certificate.
 - (b) Under no circumstances is the fire door to be fixed open.
- (22) No food is to be sold on weekends without prior approval of refuse storage facilities on site, or without having a current contract with Council or other licensed refuse service for the daily removal of putrescible wastes.
- (23) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).
- (24) 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.
- (25) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. Suitable signage is to be located at the entrance informing patron that the facility exists and will be utilised if required. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

- (26) 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.
- (27) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area)
- (28) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- (29) Footpath lighting shall be provided along Bathurst Street for the full frontage of the site. The location, design and illumination of such lighting shall ensure pedestrian safety, shall be at a minimum level of 10 lux in the horizontal and vertical plan and shall be approved by the Director City Development and installed prior to commencement of the use.
- (30) 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.
- (31) Gaming machines, amusement devices or the like are not permitted to be installed in the premises.
- (32) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- (33) Access and facilities 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.

HEALTH

- (34) The construction and fitout of the kitchen, bars, storage areas and cool rooms of the premises must comply with the requirements of the National Code for the construction and Fitout of Food Premises and the NSW Food (General) Regulation 1997.

- (35) The walls of the food preparation area shall be constructed of approved solid material, finished with glazed ceramic tiles or rigid, smooth-faced, impervious material, evenly laid to a height of at least 2m above floor level and covered to a minimum radius of 25mm at the intersection with the floor.
- (36) The ceiling of the food preparation area and bars shall be constructed of set plaster or other rigid smooth faced material painted with washable gloss paint in a light colour.
- (37) A wash hand basin is to be provided to each bar. All wash hand basins shall be provided 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 degrees C.
- (38) The dishwashing machine shall be fitted with a thermometer and be capable of operating only if the temperature of the water in the rinse tank is at least 82 degrees C.
- (39) All stoves, 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 exposed edges and coved to a minimum radius of 25mm at the intersection with the floor.
- (40) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1°C and able to be easily read from outside the appliance.
- (41) All service pipes, electrical conduits and refrigeration condensate pipes shall be chased into walls, floors or plinths.
- (42) Access to the male, female and accessible toilet compartments must be through airlocks, which are ventilated to the outside air in accordance with the Building Code of Australia and AS 1668.
- (43) Clothes lockers for male and female staff shall be provided in the premises separate from food handling and storage areas.
- (44) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Schedule 1B

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

CERTIFICATION OF MECHANICAL VENTILATION

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

- (46) Details of all bulk food storage and refrigerated areas are to be constructed in accordance with the National Code for the Construction and Fitout of Food Premises and submitted for Councils approval prior to release of the Construction Certificate.

Schedule 1C

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (47) 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.

Schedule 1D

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

- (48) 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.
- (49) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (50) 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.
- (51) 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.
- (52) 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.
- (53) The emergency lighting system serving Level 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. shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (54) 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.
- (55) 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.

- (56) 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.
- (57) 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.
- (58) The efficient coverage and operation of the fire hose and access to the fire hydrant service shall not be impaired by the partitioning layout.
- (59) 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.
- (60) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.
- (61) 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.

- (62) 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.
- (63) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (64) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

- (65) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Schedule 2

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

Carried.

ITEM 8. PRELIMINARY DA ADVICE – CONSERVATION MANAGEMENT PLAN, DEVELOPMENT PLAN AND DESIGN COMPETITION: SCOTS CHURCH, 2-4 YORK STREET (ALSO KNOWN AS 40-44 MARGARET STREET), SYDNEY (S013266)

Moved by Councillor Coulton, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 27 November 2000 in relation to the Scots Church site at 2-4 York Street (also known as 40-44 Margaret Street), Sydney, it be resolved that:

- (A) The Conservation Management Plan (Volume 1 – Study Report) prepared by Brian McDonald and Associates Pty Ltd dated 24 October 2000, as amended, be approved.
- (B) In accordance with the provisions of Clause 28B(4)(e) of the Central Sydney LEP 1996, the Council waive compliance with the requirement of Clause 28B(2) (which requires a Development Plan to be in force for the subject land and the consent authority being satisfied that a development is consistent with that Development Plan) for a period of 6 months.
- (C) The owner/applicant be advised that:
- (i) No detailed assessment of the design entries against the requirements of the Central Sydney LEP 1996, Central Sydney DCP 1996, and the Building Code of Australia and associated Australian Standards, has been conducted.
 - (ii) This advice is non-binding and does not fetter the discretion of the consent authority.
 - (iii) The consent authority incurs no liability for any expense borne by the owner/applicant as a result of reliance upon this pre-development application advice.
 - (iv) This pre-development application advice remains valid for a period of 6 months.

- (v) The subject design entries have not been advertised or notified to adjoining owners by Council. When a formal application is notified and advertised, submissions may be lodged with Council which, when considered by the Council, may cause it to determine the application in a manner which may be inconsistent with the advice provided.
- (vi) Under the provisions of the Central Sydney Heritage LEP 2000, a Heritage Committee will need to be established to advise the Council on the merits of the future development application. Upon the Council consideration of the advice of the Heritage Committee, it is possible that the Council determination of the application may be inconsistent with the advice provided.
- (vii) Concerns are raised with the architectural language of the winning design and how compatible this is with the original Scots Church building. In this regard a scheme that is more sympathetic to the massing, proportions, materials, textures and colours of the original building should be considered prior to submission of the future development application. Specific details and justification demonstrating the successful integration of the "new" with the "old" should be provided with this future development application for Council's consideration.
- (viii) The massing of the new building in the two bays behind the existing south towers should be reconsidered so that the heritage importance of the south entry is retained.
- (ix) The internal planning should be reviewed to ensure the preservation of the areas of exceptional significance (including the retention of the full extent of the Hall of Remembrance, lobby and lift entrances on the ground floor), the avoidance of partitions abutting window mullions, and retention of areas of considerable significance on the second floor. The use of the lightwells as common space should be investigated as a means to better interpretation.
- (x) It is unclear how the interface between the eastern part of the site with the adjoining office building at 50 Margaret Street will be addressed, and whether there will be an acceptable level of residential amenity to any apartments that adjoin this interface. This matter will need to be successfully resolved as part of any future development application.
- (xi) The residential apartments will need to comply with the residential amenity provisions of the Central Sydney DCP 1996. This includes minimum floor to ceiling heights, provision of storage spaces, mix and size of apartments, depth of apartments etc. Details will need to be submitted with the future development application to clearly demonstrate compliance with the control.
- (xii) A Statement of Heritage Impact will need to be prepared and submitted with the future development application. This Statement will need to include a clear and comprehensive scope of work, including structural alterations, provision of services, colour scheme etc, and an assessment of the impact of the scope of work on the heritage significance of the premises.

- (xiii) A Building Code of Australia report should be prepared and submitted with the future development application. The Statement of Heritage Impact should also include a specific assessment of the impacts of any Building Code of Australia works on the heritage significance of the premises. In this regard, it may be necessary for the Building Code of Australia report to identify areas of non-compliance, but also propose “alternative solutions” for compliance for the consideration of Council as part of the Development Application assessment.

Carried unanimously.

**ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 31 OCTOBER 2000
(AO2-00360)**

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

That arising from consideration of a report by the Management Accounting Officer to Council on 27 November 2000, on Investments Held by Council as at 31 October 2000, it be resolved that the report be received and noted.

Carried.

ITEM 10. QUESTIONS ON NOTICE

FILM INDUSTRY (S010694)

1. By Councillor Greiner -

Question

Lord Mayor, I note the Council's support of the Film Industry is achieved by charging production teams on a cost recovery basis when they shoot within the City environs.

Therefore why is Council a sponsor of the Emirates 2000 AFI Awards?

How much does this sponsorship cost and on what return-to-the-ratepayer basis was this decision taken?

Answer by the Lord Mayor

Councillor Greiner, your question lacks clarity.

The Council's support for the Australian Film Industry is far broader and more comprehensive than you appear to be aware of. I find this surprising, given that you have voted in favour of many of these initiatives. In fact, you supported a Mayoral Minute on 22 June 1998 that actively recommended that the City "support the film industry by seeking out initiatives that highlight Australian filmmaking and add to the cultural fabric of the city".

Our support for the Australian Film Institute via its Awards Night is integral to these initiatives.

Other support includes:

- creation of a Code of Best Practice in consultation with the industry and relevant stakeholders, to facilitate the relationship between the film and TV industry and the City of Sydney.
- appointment of a designated Film Liaison Officer to handle film applications and approvals to ensure that such applications are in conformity with the Code of Best Practice;
- adoption of a fee schedule for the shooting of film and television within the city that does not discourage these endeavours
- sponsorship of the Sydney Film Festival
- sponsorship of Tropfest
- creation of the Goat Island Film Festival
- support for 'SunScreen' as part of the Olympic Arts Festival.
- the creation of a Moving Image Centre at the MCA

The Australian Film Industry holds its Awards Night alternately in both Sydney and Melbourne, usually for 3 consecutive years in each city. Our agreement with the AFI was to host a cocktail reception for the three years of the Awards being held in Sydney (1998, 1999 and 2000). This is the third and final year of this support. The reception was to cost up to \$10,000 per year. Each of the three functions has come in below this amount.

QUESTIONS WITHOUT NOTICE**STRUCTURE OF LOCAL GOVERNMENT (S010698)**

1. By Councillor Coulton -

Question

Lord Mayor, in reference to the current inquiry into the structure of 8 inner Sydney Councils, could you tell us about the myths that have been circulating about the City of Sydney, perpetrated by other Councils?

Answer by the Lord Mayor

Recently I have come upon all kinds of tall tales from the legendary past being perpetrated by various interest groups in relation to the Inquiry into the Structure of Local Government. One myth that has been perpetrated at a high level in the Leichhardt region is that the City of Sydney's finances are the same as those of Leichhardt - that we are in the same financial trouble that they are in. If it were possible under the Local Government Act, I would be happy to make a formal bid for Leichhardt and buy them out but that is not allowed under the Local Government Act.

There have been interesting things said, such as:

- that the Council cut its Meals on Wheels service from 5 days per week to 3 days per week. That is not true.
- that Council does not have any Childcare Centres. We have actually got 9.
- that Council does not post minutes on its website; of course it does.
- that Council does not have any community meetings. I don't know what I and my colleagues are doing out there all the time, we must be imagining it.
- that Council does not hold meetings that are open to the public, which of course it does.
- that it does not have open Council policy available for residents; Committee meetings are available for anyone to come and speak.
- that Council will increase rates; that rates in Glebe will go up astronomically if the City takes over. Their rates are higher than ours; even after we increased our minimum rate substantially, they are still higher than ours.

I have not yet heard any statement by either Councillors or resident activists in Leichhardt that are at all accurate. It is said that Glebe will be redeveloped the way Pymont has been redeveloped. Anyone who knows anything about land use patterns of Pymont-Ultimo and Glebe would know they are like chalk and cheese. Pymont had a lot of disused industrial, mainly government, land, which the government sought to redevelop. As it abuts the city centre, the government sought a medium density strategy. There was land available for redevelopment.

In Leichhardt all the sub-divisions are very small. There are very few large parcels of land and even less significant parcels of government land. Unless someone has a plan to merge a lot of terrace house sites in Glebe, it is impossible to do any major redevelopment in that area. In my view it is a conservation area.

The myths go on. They are also saying we are \$48 million in debt. That is not true at all. We have not borrowed a penny since 1994. All the City improvement programs have been done through other means than debt. Debt reduction continues and the City will be debt free by 2003.

It is getting to the point of being very fanciful and quite amusing. I don't think there is a clear understanding by those people who seek to protect their vested interests. Most councils outside the City of Sydney want to protect their patch and therefore want to conjure up all kinds of reasons why there would be a problem.

The essence of good local government is a partnership between local communities and local councils. There's no point in having a strong partner in the local communities if the local council is weak and ineffective. For the partnership to bear fruit, both partners have to be strong and therefore the council has to deliver benefits to the local community. It is about effective local partnerships. Probably one of the reasons why the communities of Glebe and Leichhardt have had to become so vocal is because their council has been so weak and ineffective. I think it is important to give those communities more support and empower them. I think we can do that very effectively.

POKER MACHINES (S010700)

2. By Councillor Greiner -

Question

Lord Mayor, on 24 July I asked a question about doing an assessment of poker machines in the City. At the time your response suggested that the Department of Gaming and Racing should provide that information, as we have no records.

Answer by the Lord Mayor

We did subsequently pass a resolution to look at that. I do not know where that is up to. I separately raised the matter with the Minister some months ago, because of the concern about the number of poker machines. If you look at the impact, I think there are too many to start with. We will probably deal with both issues. I ask the Acting General Manager to inform us about this.

Answer by the Acting General Manager

Some work has been done; a report has been submitted which suggests that a little more work is needed on the issue, and we can let Councillors know where this is up to.

CHINESE NEW YEAR (S010701)

3. By Councillor Ho -

Question

Lord Mayor, Chinese New Year in the coming year is on 23 January. Has an organising Committee been set up?

Answer by the Lord Mayor

We have a Chinatown Cultural Advisory Committee, which is a merger between the Chinatown Committee and the Chinese New Year Steering Committee and that is in place.

CHINATOWN CULTURAL ADVISORY COMMITTEE (S010701)

4. By Councillor Ho -

Question

Lord Mayor, some people have advised me that they are no longer required by the Council to be on the Chinatown Cultural Advisory Committee. Could you tell me how the rest of the new committee were selected? I have been informed that the Chairman of the Committee has some concerns.

Answer by the Lord Mayor

A list was submitted to me, I consulted and then made my selection. I think they are a good Committee. It is a cross-section, and King Fong is Chairman again. I suggest King Fong give me a call and I will talk to him about his concerns. We tried to keep some of the previous people and bring in new people.

CITY RECITAL HALL - ACCESS (S010700)

5. By Councillor Greiner -

Question

Lord Mayor, I understand that when the design work for Angel Place was done, it was decided not to make that a shared zone. My question relates to the access route from George Street to the City Recital Hall. I don't think the presentation of that laneway offers the right entrance to the City Recital Hall and wonder if Council could consider in future capital works a redesign of that laneway to better draw attention to the City Recital Hall. A number of my overseas visitors had trouble finding it and drew my attention to the fact that it lacks a defined entrance way from George Street.

Answer by the Lord Mayor

Councillor Greiner, when the Recital Hall was being completed, AMP asked us to spend \$1 million on the laneway; we had already committed about \$6 million, and we refused. If there is insufficient exposure on George Street I am happy to ask the Director City Development to look at ways of making it more visible on George Street.

In terms of the laneway, I suggest that if you still think this is a priority when we come to the next capital works budget next year, you raise it then. It was a lot of money and at the time we had to cut some things back. I did not feel the value in return was worth the money at the time. I ask the Director City Development to look at the access exposure issue and when the capital works budget comes up, we can look at some costings and see if that's one of the priorities we can do.

The Acting General Manager has advised that the commercial building is not fully occupied or finished. When that's done I think the dynamics might change. We'll keep that on notice.

HOMELESS PEOPLE (S010701)

6. By Councillor Ho -

Question

Lord Mayor, since the Olympic Games finished, we are getting a lot more homeless and wandering people in the City. They ask for money, start to use foul language and get angry. A couple of people have asked me, if the Council or Government could look after these people properly during the Olympic period, what can be done now to restore appearance of the City, so we don't have so many homeless?

Answer by the Lord Mayor

Councillor Ho, I don't know if you are suggesting that we implement your election policy to move homeless people out of the City. I am not aware that the number of homeless people on the City's streets has increased. It is possible that some relocated during the Olympic Games because of the crowds.

We were very clear at the time that we were not going to move people out of the City, and to my knowledge we didn't. One newspaper tried to conjure an image of us moving them out, and the newspaper ended up being seriously embarrassed about that.

The City's position is that we do not move them out forcibly but work with them on a case management basis over time. If a few more have come back because the bright lights are gone, that's possible.

If you want to advocate forced removal you can do so but it's not something I or the majority of the Councillors support. I am hoping that in the next three months we will get the next report on the progress of our Outreach program, and I hope that we can have a discussion at Council about how effective it is and what's happening.

REPLACEMENT OF GRANITE PAVING (S010700)

7. By Councillor Greiner -

Question

Lord Mayor, you answered a question on notice about replacement of granite footpaths after they were disturbed by other organisations doing maintenance work. Do we impose a condition on their approval to do the footpath work to ensure that they replace the granite with the same granite that was previously in that place?

Answer by the Lord Mayor

We have limited powers in this area. I think so far they have been doing the right thing and putting back the same granite. I have noticed some patchy granite with sheets around it of different hue. Separate to that, we have been trying to negotiate with the major utility agencies for a contractual agreement. In the long term I would like to get them contractually bound to the whole thing, but it is hard work getting there. My impression at the moment is that they are more or less complying. I ask the Acting General Manager to comment further.

Answer by the Acting General Manager

Under the current policy the replacement for a granite footpath is a temporary restoration. Our policy that we are trying to introduce with the utility companies is that they do the permanent restoration at the same time, thus eliminating the temporary restoration. That way we would ensure that the pavers that are damaged during the process would be replaced.

ITEM 11. NOTICES OF MOTION

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

At 6.35pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 18 December 2000 at which
meeting the signature herein was subscribed.