



14 AUGUST 2000

Meeting No 1313

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40 pm on 14 August 2000 pursuant to Notice 10/1313 dated 10 August 2000.

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PRESENT

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

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

At the commencement of business at 5.40pm those present were:-

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

Councillor Farr-Jones left the meeting at 6.58 pm during Item 16, Questions Without Notice, and did not return.

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council due to pressing business engagements.

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

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 24 July 2000, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. SYDNEY WRITERS FESTIVAL

FILE NO: C02-01303

DATE: 11/8/00

MINUTE BY THE LORD MAYOR

To Council:

The Sydney Writers' Festival is cofunded by the City of Sydney and the New South Wales Ministry of the Arts.

In 1997 in a memorandum from the General Manager, it was recommended that Council commit to a three year partnership with the State Government to fund the Festival with the first Festival taking place in May/June 1998. This recommendation was approved by the Lord Mayor under delegated authority on 27 June 1997. Funding has continued within this three year partnership.

The Sydney Writers' Festival is a very successful, high profile literary event which is mostly free to the public. It presents readings, discussions, interviews, performances, exhibitions and other events which reflect Sydney's cultural diversity and provides readers and writers with a forum for intellectual and cultural debate. Its program is attractive, entertaining, stimulating and educational, and incorporates all forms of writing - screen, stage, music, spoken word, journalism, poetry and literature.

The Festival's audience is diverse, ranging across all ages, cultural and ethnic backgrounds, levels of education and genders. It receives broad media coverage and positive critical responses, and has international stature. It provides increased recognition for Australian writers, as well as the opportunity for participation by international writers.

It is proposed that the Funding Agreement be implemented immediately to provide the Sydney Writers' Festival with funding for the next three years, in the amount of \$150,000 per year. This will mean a total of \$450,000 over three years and has been provided for in the budget.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 14 August 2000, on Sydney Writers Festival, it be resolved that Council endorse the funding of the Sydney Writers Festival and delegate authority to the Lord Mayor to sign an appropriate Sydney Writers Festival Funding agreement.

(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 14 August 2000, on Sydney Writers Festival, it be resolved that Council -

- (A) endorse the funding of the Sydney Writers Festival, the intention being that the City's contribution to the Sydney Writers Festival be approximately \$150,000 per year in cash or in kind;
- (B) delegate authority to the Lord Mayor to sign an appropriate Sydney Writers Festival Funding agreement.

Carried unanimously.

ITEM 2B. MUSEUM OF CONTEMPORARY ART

FILE NO: S009883

DATE: 11/8/00

MINUTE BY THE LORD MAYOR

To Council:

Councillors will recall that the General Manager provided a memorandum to Councillors on 1 May 2000 on the City's investigations on whether to take a more significant role in the MCA. A copy of the resolution on that date is attachment A.

I have previously outlined the seven steps required to implement the City's vision for the MCA.

On 14 June 2000 on behalf of the City, I entered into a memorandum of understanding with the Premier in which the State agreed to work together with the City to pursue the City's preferred option for development of the MCA. This MOU completes the first step in implementing the City's vision. A copy of the State MOU is attachment B.

After entering into the State MOU, the City has had discussions with the University of Sydney, which established the MCA and is its parent body. The discussions with the University have been held with a view to concluding an agreement for consideration by the University's Senate on Monday 7 August 2000.

The City also has held discussions with the MCA directly to seek their support for the City's preferred option.

On Monday 7 August, the City entered into a memorandum of understanding with the MCA, which is attachment C. On that date, the Senate also approved in principle a memorandum of understanding with the City, delegating authority to the Vice Chancellor to conclude the MOU.

On 9 August, the City entered into a memorandum of understanding with the University of Sydney, which is attachment D. This MOU completes the second step in implementing the City's vision.

These MOUs relate to the period up to the City gaining development approvals and entering into final agreements with the State, the University and the MCA.

The effect of the three memoranda of understanding can be summarised as follows:

1. The Government, the University and the MCA all support the City's preferred option.
2. There will be significant changes to the MCA board, with such changes being agreed by the University, the MCA and the City.
3. The University through the Power Bequest will underwrite the operation of the MCA during the interim period, and not the City.
4. The MCA will work with the City through the design and development application process, including through membership of the architectural selection process jury. The City will continue to keep the University involved throughout this process.
5. The University will grant consent for lodgement of all necessary applications for approval and grant access onto the MCA property to the City and its consultants for the purpose of pursuing the preferred option.
6. The University will not demand repayment of any monies from the MCA during the interim period.
7. MCA acknowledges that the building may be partly or completely closed during the redevelopment process and the City agrees that closure during construction works will be kept to a minimum and steps will be taken to maintain the image and reputation of the MCA.

The MOUs also set out a number of matters to be included in the final agreements which will be entered into by the parties. Matters which have been agreed include:

- The City will provide recurrent funding to the MCA of \$1.5 million per year for 10 years following redevelopment, as proposed in the preferred option as submitted to the Premier in March;
- The City will ensure curatorial independence for the MCA, subject to reasonable performance benchmarks established by the board and agreed with the City;
- The City will ensure that the MCA has at least \$2 million per annum to support exhibitions and programs and does not operate at a loss as proposed in the preferred option submitted to the Premier in March. It is not expected that this will involve funding additional to the \$1.5 million referred to above;
- The University will forgive all loans to the MCA in return for repayment of a \$600,000 overdraft by the City;

- The Power Bequest (of which the University is trustee) will provide recurrent funding to the MCA of \$250,000 per year for 20 years;
- The MCA will continue to exhibit the Power Collection to the extent necessary to satisfy the University's obligations as trustee of the Power Bequest.

If the City is unable to agree the terms of final agreement with the State or the University, it may withdraw without penalty. If the City is able to conclude final agreements but chooses to withdraw and the MCA has complied with the terms of the MOU, it will provide to the MCA recurrent funding for programming at the rate of \$500,000 pa for 2 years, subject to ratification by Council. This is to assist the MCA given the readjustment that will be necessary if the City withdraws.

Councillors will be aware that the Australian Museum has decided to leave level 2 of Customs House. The University and City have agreed that the University will occupy approximately 30% of level 2 of Customs House for educational and cultural purposes on the basis that outgoings are paid by the University. This will occur during the interim period and will be extended for 20 years if the final agreement with the University is entered into. The City, after consultation with the Chairman of the Venue Management Board, welcomes the proposed active use of level 2 by the University as a complimentary use within the building.

Now that steps one and two are completed, we will proceed with step three which is the design competition and investigation of the building to make it work as a modern museum along with a moving images centre.

The next steps will be obtaining the development approval (step 4), finding additional funding (step 5), entering a final agreement with the University (step 6) and obtaining a 99 year lease from the State (step 7).

I am pleased that these MOUs have been concluded to enable the design competition process to commence.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 14 August 2000, on Museum of Contemporary Art, it be resolved that Council endorse the memoranda of understanding which have been entered into with the State, the University of Sydney and the MCA, and approve the financial commitments made in these documents.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 14 August 2000, on Museum of Contemporary Art, it be resolved that Council endorse the memoranda of understanding which have been entered into with the State, the University of Sydney and the MCA, and approve the financial commitments made in those documents.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 14/8/00

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its Meeting on 14 August 2000 is a confidential Report on Wattle Street Pedestrian Bridge Lift Supply - Tender no. 2007 and Construction Tender no. 2012 - Approval to appoint a Contractor and a Lift Supplier.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 14/8/00

MINUTE BY THE LORD MAYORTo Council:

Attached for consideration by Council at its Meeting on 14 August 2000 is a confidential Memorandum by the General Manager on Staff Contract.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Note - the Memorandum by the General Manager on Staff Contract, as referred to in the Minute by the Lord Mayor, was circulated to all Councillors.

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

FILE NO: S00 3239

DATE: 10/8/00

MEMORANDUM BY THE GENERAL MANAGERTo Council:

At a briefing of Councillors on 7 August 2000, the General Manager provided a quarterly review of operations against the Corporate Plan.

RECOMMENDATION:

That the Memorandum by the General Manager to Council on 14 August 2000, on Quarterly Review of Operations by the General Manager for the quarter ended 30 June 2000, be received and noted.

(SGD) GREG MADDOCK

General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 14 August 2000, on Quarterly Review of Operations by the General Manager for the quarter ended 30 June 2000, it be resolved that the Memorandum be received and noted.

Carried.

ITEM 3B. COMPLAINTS BY HAROLD SCRUBY

FILE NO:

DATE: 8/8/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

As Councillors would be aware there has been extensive complaints by Harold Scruby against the City Council and its officers over a period of many months. I am aware that Councillors and officers have been bombarded with e-mail complaints.

The various matters have been investigated by the NSW Ombudsman and the advice from that office is attached for Councillor's information. In summary, the advice is: "In my view, Mr Maddock's response to your above two concerns, does not appear to be unreasonable. Accordingly, in view of that response and in the absence of any evidence of wrong conduct by Council, I have no alternative but to also decline your complaints in this regard." He goes on to say that "I shall now proceed to close all of the above files."

RECOMMENDATION:

That the Council receive and note the advice from the General Manager in regard to Harold Scruby's complaints.

(SGD) GREG MADDOCK

General Manager

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the General Manager to Council on 14 August 2000, on Complaints by Harold Scruby, it be resolved that the advice from the General Manager in regard to Harold Scruby's complaints be received and noted.

Carried.

ITEM 3C. OUTCOME OF WOODWARD COURT OF APPEAL PROCEEDINGS

FILE NO: S002784

DATE: 10/8/00

MEMORANDUM BY THE GENERAL MANAGERTo Council:

Attached is a report from the Acting Director Legal and Secretariat relating to Council's successful appeal against Justice Einstein's decision in the Woodward proceedings.

Recommended that this report be received and noted.

(SGD) GREG MADDOCK
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 14 August 2000, on Outcome of Woodward Court of Appeal proceedings, it be resolved that the report at Attachment A to the subject Memorandum be received and noted.

Carried.

ITEM 4. MATTERS FOR TABLING

Disclosure of Interest returns that had been lodged in accordance with Sections 449(1) and 449(3) of the Local Government Act 1993 were laid on the table.

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

Australian Greenhouse Office	National Greenhouse Gas Inventory 1998
Australian Greenhouse Office	Analysis of Trends and Greenhouse Indicators 1990-1998

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

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

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 7 AUGUST 2000

PRESENT

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

Councillors Dixie Coulton, Kathryn Greiner and Lucy Turnbull.

At the commencement of business at 5.44 pm, those present were -

The Lord Mayor, Councillors Coulton, Greiner and Turnbull.

Councillor Fabian Marsden was also present.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee owing to pressing business engagements.

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

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

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

Carried.

Closed meeting

At 5.46pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 5.3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.51 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 7 August 2000 be received, and the recommendations set out below for Items 5.1 to 5.3 inclusive be adopted.

Carried.

The Committee recommended the following:-

INTERNET & E-MAIL POLICY

5.1

That consideration of this matter be deferred to the meeting of Council on 14 August 2000.

Carried.

Note - this matter was dealt with by Council as Item 9 on the Business Paper.

JUNE 2000 - QUARTER 4 BUDGET REVIEW (S008111)

5.2

That arising from consideration of a report by the Senior Management Accountant to the Finance, Properties and Tenders Committee on 7 August 2000 on June 2000 - Quarter 4 Budget Review, it be resolved that Council:-

- (A) Note the draft year end results showing an operating surplus of \$48.9M.
- (B) Note the draft year end expenditure on capital works of \$56.1M.
- (C) Note the draft year end expenditure on plant and assets of \$7.2M; and
- (D) Authorise income and expenditure in line with the results as detailed in Attachment A to the subject report.

Carried.

Note - the Lord Mayor congratulated the General Manager and his staff on achieving an excellent result over the past year.

Note - the Lord Mayor congratulated the Deputy General Manager and the Project Team which had developed the City Safari staff orientation program, on winning the prestigious IMM Management Excellence Gold Award for the category of Progress and Staff Development, which recognises innovation and excellence that benefit both the organisation and its staff.

Closed meeting

At 5.46 pm the Finance Properties and Tenders Committee 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)(c) of the Local Government Act 1993 to discuss Item 5.3 on the agenda as this matter comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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 was a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Item 5.3 was then dealt with by the Finance Properties and Tenders Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session.

WHARVES 9 & 10 DARLING HARBOUR (KING STREET WHARF DEVELOPMENT): DEDICATION OF ROADS TO THE CITY OF SYDNEY (S009772)

5.3

That arising from consideration of a report by the Section Manager, City Asset Maintenance to the Finance Properties and Tenders Committee on 7 August 2000 on Wharves 9 & 10 Darling Harbour (King Street Wharf) Development: Dedication of Roads to the City of Sydney, it be resolved that:

- (A) Council accept in principle the proposed dedication of road surfaces, Smartpoles™ street lighting, kerbs, gutters, the internal surfaces of gully traps associated with the roads, internal surfaces of tree pits, street trees and landscaped areas and garden beds within the King Street Wharf Development Site and known as Shelley, Cuthbert and Lime Streets together with the extensions to Erskine and King Streets, as identified in the report, 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 construction to the satisfaction of Council
 - (iii) receipt of condition reports for dedicated assets to the satisfaction of Council
 - (iv) All interests, easements 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 roads, plantings, fixtures and Smartpoles™ 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 accept ownership in fee simple of the above areas of dedication as a preferred outcome and, in the event that ownership in fee simple is not achieved, Council seek to enter into a lease with the nominee of the Waterways Authority for a period of 99 years in relation to road surfaces, Smartpoles™ street lighting, kerbs, gutters, the internal surfaces of gully traps associated with the roads, internal surfaces of tree pits, street trees and landscaped areas and garden beds within the King Street Wharf Development Site, together with covenants indemnifying Council against liabilities arising from pre-existing contamination of the site and the future use of the land;
- (C) Council seek assurances that soil contamination has been assessed and monitored to the satisfaction of an independent auditor and that the land does not pose any risks for the intended use, including ongoing maintenance and works which may give exposure to fill and soils;
- (D) Warranties and construction defects liability periods for all assets proposed for dedication be provided to the satisfaction of Council;
- (E) Council seek assurances that any waterproof membrane associated with the suspended slab resides below the stratum proposed for dedication to Council and that responsibility for maintenance, failure and damage resides with the stratum owner and not Council. Council is also to be released from liability for, and indemnified against, claims in connection with damage to the stratum below that stratum which is proposed to be dedicated to Council.
- (F) An acceptable timetable and process for the delivery of future stone kerbs to the City's standards be determined to the satisfaction of the City for those areas of Shelley and Erskine Streets where temporary concrete kerbs have been installed.
- (G) authority be delegated to the General Manager to undertake negotiations on the basis of Council's resolution;
- (H) The proposed transfer be referred to Council for approval following resolution of terms and conditions with Waterways Authority and W9 & W10 Stage 1 Pty Ltd.
- (I) Council seek assurances from the Waterways Authority and the Sydney Harbour Foreshores Authority that the strip of wharf promenade and associated lands not transferred to Council will be maintained at a standard comparable to and compatible with the land transferred to the City of Sydney.

Carried.

ITEM 6. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 7 AUGUST 2000

PRESENT

Councillor Fabian Marsden
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner and Lucy Turnbull.

At the commencement of business at 6.23 pm those present were -

Councillors Coulton, Greiner, Marsden and Turnbull.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee owing to pressing business commitments.

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

Moved by Councillor Coulton, seconded by Councillor Greiner -

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

Carried.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.26 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Coulton -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 7 August 2000 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following:-

ALLOCATION OF FUNDING IN THE LOCAL COMMUNITY GRANTS PROGRAM 2000/2001 (SO10735)

6.1

That consideration of this matter be deferred to the meeting of Council on 14 August 2000.

Carried.

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

ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 7 AUGUST 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner and Fabian Marsden.

At the commencement of business at 6.27 pm those present were -

Councillors Coulton, Greiner, 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 owing to pressing business commitments.

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

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

The meeting of the Planning Development and Transport Committee concluded at 7.30 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 7 August 2000 be received, and the recommendations set out below for Items 7.1 and 7.2 be adopted, with Item 7.3 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL**REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING: STAGE 1 DEVELOPMENT APPLICATION FOR THE DEVELOPMENT OF THE NORTHERN PART OF THE AML&F SITE, HARRIS STREET, ULTIMO (O00/00047)****7.1**

That consideration of this matter be deferred to the meeting of Council on 14 August 2000.

Carried.

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

Note - Mr Richard Clark and Mr Gary Silk addressed the meeting of the Planning Development and Transport Committee on Item 7.1.

REFERRAL ON DRAFT MASTER PLAN AND TWO DEVELOPMENT APPLICATIONS FOR: DARLING ISLAND, PYRMONT – SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) (S012014; O/OR/00/00042; O/OR/00/00044)**7.2**

That consideration of this matter be deferred to the meeting of Council on 14 August 2000.

Carried.

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

Note - Mr Richard Clark and Mr Gary Silk addressed the meeting of the Planning Development and Transport Committee on Item 7.2.

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

The Planning Development and Transport Committee recommended that Council note that Item 7.3 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 85-91 GOULBURN STREET SYDNEY (D/00/00565)

7.3

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Specialist Building Surveyor to the Planning Development and Transport Committee on 7 August 2000 in relation to Development Application D/00/00565 made by H Seidler & Associates for the site at 85-91 Goulburn Street Sydney, for demolition of the existing building and construction of a new 17 level mixed residential/ commercial building, 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. D/00/00565 dated 30 June 2000 and the Statement of Environmental Effects prepared by City Plan Services Pty Ltd dated June 2000 and drawings numbered 1(A), 2(D), 101(D), 1000 (C), 1001(D), 1004(D), 1009(D), 1013(D), 1016(D), 1020(A), 1100(D), 1110(D), 1111(D) & 1112(B) prepared by Harry Seidler & Associates and as amended by the following conditions:

FLOOR SPACE RATIO

- (2) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 12.32:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 4974.2 square metres.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(3)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 72.3425 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- (4) The following restriction applies to buildings approved for residential use:
 - (a) The accommodation portion of the building (levels 2-15) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996.
 - (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
 - (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of levels 2-15 from residential as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

SECTION 61 CONTRIBUTION

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
- (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by bank cheque made payable to the City of Sydney.
 - (b) **Amount of Contribution**
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".
 - (c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
 - (d) **Timing of Payment**
 - (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

DEMOLITION/SITE RECTIFICATION

- (6) The following conditions apply to the development:-
- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
 - (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the

applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
- (i) a bank guarantee to be provided in the sum of \$500,000 as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$500,000; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

REPORTS TO BE COMPLIED WITH

- (7) The development shall be in accordance with the recommendations of Acoustic Logic Consultancy Pty Ltd, as detailed in Acoustic Report 2000341/2906B/DK dated 29 June 2000.
- (8) The development shall be in accordance with the recommendations of Vipac Engineers & Scientists Ltd as detailed in Wind Impact Report 241496-001R-0 dated June 2000.

BOUNDARY WINDOWS EASEMENT

- (9)
 - (a) Prior to the release of a Construction Certificate for the premises, a 6 metre wide easement for light and air (unlimited in height) must be obtained over the adjoining site located to the west of the subject site.
 - (b) Alternatively, should an easement for light and air not be obtained prior to the release of a Construction Certificate, the glazed openings in the western wall of the building must be deleted, and the Construction Certificate plans amended accordingly.

VEHICULAR SPACES

- (10) The following car parking requirements apply:-
 - (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) 22 residential spaces;
 - (ii) 1 retail use space;
 - (iii) 1 commercial use space;
 - (iv) parking for motor cycle and bicycles in accordance with plan DA 101 (D) dated 30 June 2000 prepared by Harry Seidler & Associates.

- (b) One of the above car parking spaces is to be for people with mobility impairment, in accordance with AS 2890.1.
- (c) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

RESTRICTIONS ON USE OF CAR PARKING

(11) The following conditions apply to car parking:-

- (a) The on-site car parking spaces are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or resident of a unit in the building.
- (b) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

ARCHITECT WHO DESIGNED PROJECT NOT TO CHANGE

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

RECEIVING DEVICE

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

EXTERNAL LIGHTING

(14) 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.

NAME OF DEVELOPMENT

- (15) Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.

ARCHAEOLOGICAL INVESTIGATION

(16)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and is to ensure that allowance for compliance with these conditions is included in the development program.
- (d) Demolition of any basement structures and general bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

- (g) In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

REMOVAL OF GRAFFITI

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

DEVELOPMENT APPLICATION FOR USE OF RETAIL/COMMERCIAL TENANCIES

- (18) A separate development application must be submitted at the appropriate time for the specific use of the retail and commercial portions of the building.

NOISE

- (19) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Protection of the Environment (Operations) Act 1997.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

- (20) 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.

EXCLUSION FROM RESIDENT PARKING SCHEMES

- (21) Residents of the properties shall not be entitled to participate in the City's On-street Resident Parking Schemes. The exclusion from the parking schemes

shall appear on the Section 149 Certificates that are issued under the Environmental Planning and Assessment Act 1979.

SIGNS

- (22) 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.

STRATA SUBDIVISION

- (23) Any proposal to strata subdivide the building and site will require approval and endorsement of the Strata Plan in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 as amended.

Schedule 1B

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

DESIGN MODIFICATIONS

- (24) Design details, including plans, specifications and details of materials and finishes must be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the following elements of the building:
- (a) side and rear building elevations;
 - (b) proposed awning/canopy;
 - (c) curved glass balconies;
 - (d) roller shutter to the car park entry;
 - (e) internal walls separating living rooms and bedrooms.
- (24A) Due to the depth of the units, all units must be air conditioned. Details are to be submitted for the approval of the Director City Development prior to the issue of a Construction Certificate for the development.

GLAZING

- (25) Glazing to the ground level of the development must be clear.
- (26) The applicant must erect a 1:1 prototype (2 metres high by 2 metres wide) of the proposed grey tinted glazing to the front facade of the building to allow Council to ascertain the suitability of the colour of the glass. The prototype must contain the final grey glass material and an overhang to replicate the maximum balcony overhang to the glazing on the development. The final

colour and depth of tinting of the glazing will be approved by the Director City Development after this process has been undertaken.

AWNING

- (27) The awning/canopy must comply with the *City of Sydney Awnings Policy 2000* and be setback a minimum of 800 mm from the kerb in Goulburn Street.

PUBLIC DOMAIN PLAN

- (28) 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 the 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) The retention of existing street trees and/or the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994 and the Wind Impact Report 241496-001R-0 dated June 2000 prepared by Vipac Engineers & Scientists Ltd.
 - (v) 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.
 - (vi) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vii) 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 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.
 - (v) The retention and repair of any existing pavement lights.
 - (vi) The retention and repair of any existing serviceable stone gutters.
 - (vii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

TRAFFIC AND ACCESS

- (29) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, compliance must be given to the following Traffic and Access requirements to the satisfaction of the Director City Development:

- (a) The layout of the car park shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.
- (b) The roller shutter shall be operated by a remote control system or similar.
- (c) An assessment of the operation of the car lift and the turntables shall be submitted to demonstrate the adequacy of the queuing space provided in front of the car lift on ground level.
- (d) The layout of the turntables shall be redesigned to provide a space 7m in diameter clear of all obstructions.
- (e) All costs of traffic management measures associated with the development shall be borne by the developer.

ELECTRICITY SUBSTATION

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

MODELS

- (31) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(32)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the *Sydney Water Act 1994* must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) **Note:**
 - (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
 - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
 - (iii) Contact Sydney Water, Ph. 132092.

ACCESS FOR TELECOMMUNICATIONS CARRIER

- (33) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

REFLECTIVITY OF FACADE

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

BALCONIES

- (35) The proposed balconies overhanging the alignment of Goulburn Street must not encroach on the public way by more than 450 mm. The balconies must be

designed to comply with Performance Requirement DP3 of the Building Code of Australia so as to restrict the passage of children.

CAR PARK ENTRY FINISH

- (36) Car park roller doors shall be designed and constructed for quiet operation.

ACCESS FOR PERSONS WITH A DISABILITY

- (37) Access to the ground floor retail tenancy, residential lobby, first floor commercial tenancy, lift lobbies, and common facilities including the swimming pool, weight training, gymnasium and saunas shall be in accordance with the requirements of the Building Code of Australia and "The City of Sydney Access Policy December 1992". Details shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (38) Access for persons with disabilities must be provided to at least one unit to comply with AS 1428.1 and "The City of Sydney Access Policy December 1992".

FLOOR TO CEILING HEIGHT

- (39) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres, except where there is a step in floor levels.

STORMWATER AND DRAINAGE

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

UTILITY SERVICES

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

- (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ALIGNMENT LEVELS

(42) The following shall be submitted to Council:-

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

CERTIFICATION OF DESIGN FOR STORAGE AND HANDLING OF WASTE

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

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

- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
- Note:
- (d) Certification will also be required on completion of the building, prior to issue of a Certificate.

SEPARATION OF WASTE REQUIRED

(44) The following provisions apply to recycling areas:

- (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
- (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
- (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

SANITARY FACILITIES

(45) 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

WASTE MANAGEMENT

(46)

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

- h. If details of items b. to g. are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

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

CERTIFICATION OF MECHANICAL VENTILATION

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

Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;

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

STRUCTURAL CERTIFICATION

(48) 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.

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

- (49) 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.

GEOTECHNICAL REPORT AND CERTIFICATION

- (50) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) A geotechnical report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;

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

Notes:

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

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

APPLICATION FOR A ROAD OPENING PERMIT

- (51) Prior to the commencement of any excavation work in a public way, or excavation on a building site where proposed work abuts the public way, a separate Road Opening Permit is to be obtained from City Care Unit of the City of Sydney. This is an application for approval under Section 138 of the Roads Act 1993.

Documents required with the application include:-

- (a) A plan and relevant sections showing scope of works, boundaries, utility services; levels of proposed excavation, and details of method of reinstating public way;
- (b) Evidence that public utility drawings have been inspected;
- (c) Evidence of a Public Liability Insurance Policy specifically indemnifying the City of Sydney;
- (d) A Security Deposit for reinstatement of public way.

The Road Opening Permit will be subject to conditions that must be complied with.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

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

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (53) The following environmental protection measures are required:

- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
- (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the protection of the Environment Operations Act (NSW) 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

BARRICADE PERMIT

- (54) 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

- (55) The hours of construction and work on the development shall be as follows:

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) 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

- (56) A site notice(s) is to be prominently displayed at the boundary to the 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.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

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

CONSTRUCTION DURING THE OLYMPICS

- (58) 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.

LOADING AND UNLOADING DURING CONSTRUCTION

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

PROTECTION OF STREET TREES

- (60) 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.
- (61) Prior to the commencement of excavation, the applicant should contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

CONSTRUCTION PROGRESS CERTIFICATION

- (62) For the duration of the construction process a Construction Progress Certificate in the form of Attachment P1 shall be provided to Council on a three monthly basis to the effect that the construction work, including

architectural detail, is in accordance with the approved development application drawings and conditions of development consent and the approved Construction Certificate drawings and specifications.

USE OF MOBILE CRANES

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

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

NO OBSTRUCTION OF PUBLIC WAY

(64) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

CONTROL OF RUNOFF DURING CONSTRUCTION

(65) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

ACCESS DRIVEWAYS

- (66) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

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

Schedule 1E

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

OCCUPATION CERTIFICATE

- (68) 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.

MECHANICAL VENTILATION COMPLETION AND PERFORMANCE CERTIFICATE

- (69) 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:

- (a) Council reserves the right to randomly audit any mechanical ventilation documentation.

STRUCTURAL INSPECTION CERTIFICATE

(70) 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.

GEOTECHNICAL INSPECTION CERTIFICATE

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

Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 must have:-
 - (i) Appropriate tertiary qualifications in Civil or Geotechnical Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (c) Council reserves the right to randomly audit any geotechnical documentation.

LOT CONSOLIDATION

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

SYDNEY WATER CERTIFICATE

(73)

- (a) Prior to release of the final Strata Plan endorsed by Council under Section 37 of the *Strata Schemes (Freehold Development) Act 1973*, written confirmation that you have obtained a (Developer) Compliance Certificate under Section 73 of the *Sydney Water Act 1994* for the development must be submitted to Council; OR
- (b) Evidence must be submitted to Council that the requirements of Sydney Water with regards to the strata subdivision proposal have been satisfied.

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges. Contact Sydney Water, Ph. 132092.

COMMEMORATIVE PLAQUE

(74) The following is required:

- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
- (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The approved plaque must be installed prior to Occupation.

NUMBERING

- (75) Prior to issue of an Occupation Certificate street numbers and the building name, shall be clearly displayed at 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.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

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

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

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

TEMPORARY STRUCTURES WITHIN THE PUBLIC WAY

- (78) Any temporary structure, whether shoring, anchors or footings installed in the public way below pavement level shall be removed prior to completion of the project to a depth of two metres, and the void is to be backfilled with stabilised sand (14 parts sand to 1 part cement), in accordance with the requirements and to the satisfaction of Council and evidence of such is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier) prior to issue of an Occupation Certificate.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

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

REGISTRATION OF HEATING/ COOLING SYSTEMS

- (80) 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°C at each outlet installed on the premises.

WASTE COLLECTION CONTRACTS

- (81) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

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 - The Planning Development and Transport Committee noted that the applicant has agreed to the inclusion of additional condition (24A).

Note - Ms Judith Andrews addressed the meeting of the Planning Development and Transport Committee on Item 7.3.

ITEM 8. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 14 AUGUST 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 4.34 pm those present were -

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

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee owing to pressing business commitments.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

The meeting of the Planning Development and Transport Committee concluded at 5.10 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 14 August 2000 be received, with Item 8.1 being dealt with as shown immediately following that Item.

Carried.

Recommendation of the Planning Development and Transport Committee

CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT NO. 11: HEIGHT ISSUES (S011712)

8.1

Following discussion at the meeting of the Planning Development and Transport Committee, and with the consent of Councillors present, the matter was divided into two parts, and a motion on each part voted on separately, as follows -

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Special Meeting of the Planning Development and Transport Committee on 14 August 2000, on Central Sydney Local Environment Plan 1996 Draft Amendment No. 11: Height Issues, it be resolved that Council -

- (A) approve Draft Amendment No. 11 to Central Sydney Local Environmental Plan 1996, as shown at Attachment B to the subject report, for submission to the Minister for Urban Affairs and Planning;
- (B) authorise the Lord Mayor to make any changes to Draft Amendment No. 11 that may result from Council's consideration of Draft Amendment No. 11; and
- (C) advise those who made submissions regarding Draft Amendment No. 11 of this resolution.

The motion was carried on the following show of hands -

Ayes (4) - Councillors Coulton, Greiner, Marsden and Turnbull

Noes (1) - Councillor Farr-Jones.

Carried.

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

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Special Meeting of the Planning Development and Transport Committee on 14 August 2000, on Central Sydney Local Environment Plan 1996 Draft Amendment No. 11: Height Issues, it be resolved that the General Manager be requested to prepare a master plan for the Hickson Road area, including the adjoining wharf areas.

Carried unanimously.

Note - Mr Harold Van Haltren, Ms Helen Hill, Ms Margaret Harris, Mr Bob Murphy, Ms Janet Thompson and Mr David Snashell addressed the meeting of the Planning Development and Transport Committee on Item 8.1

Council meeting

Following discussion at the meeting of Council and with the consent of Councillors present, the matter was again divided into two parts and a motion on each part voted on separately, as follows -

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Special Meeting of the Planning Development and Transport Committee on 14 August 2000, on Central Sydney Local Environment Plan 1996 Draft Amendment No. 11: Height Issues, it be resolved that Council -

- (A) approve Draft Amendment No. 11 to Central Sydney Local Environmental Plan 1996, as shown at Attachment B to the subject report, for submission to the Minister for Urban Affairs and Planning;
- (B) authorise the Lord Mayor to make any changes to Draft Amendment No. 11 that may result from Council's consideration of Draft Amendment No. 11; and
- (C) advise those who made submissions regarding Draft Amendment No. 11 of this resolution.

The motion was carried on the following show of hands -

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

Noes (1) - Councillor Farr-Jones.

Carried.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Special Meeting of the Planning Development and Transport Committee on 14 August 2000, on Central Sydney Local Environment Plan 1996 Draft Amendment No. 11: Height Issues, it be resolved that the General Manager be requested to prepare a master plan for the Hickson Road area, including the adjoining wharf areas.

Carried unanimously.

ITEM 9. INTERNET & E-MAIL POLICY

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Manager, Information Management to the Finance, Properties and Tenders Committee on 7 August 2000 and to Council on 14 August 2000 on Internet & E-mail Policy, it be resolved that the Internet & E-mail Policy as set out in Attachment A to the subject report be adopted and implemented, subject to an amendment as agreed at the Council meeting.

Carried unanimously.

Note - The Internet and E-mail Policy, as adopted by Council, is as follows:

INTERNET AND E-MAIL POLICY

Internet and E-mail Policy

Release: Approved
Date: 15 August 2000

City of Sydney Policy V1.0

Author: Alec Lawson - Manager, Information Management

Authorisation: Greg Maddock – General Manager

Document Control

Document Location

This document is available in printed form and is accessible through the City's Intranet system – CityNet.

Revision History

Date of this revision: 15 August 2000

Date of Next revision: 31 December 2000

Revision date	Previous revision date	Summary of Changes	Changes marked
		First issue	

Distribution

This document has been distributed to

Name	Title	Date of Issue	Version

Relevant and Related Legislation

Anti-Discrimination Act, 1977
Racial Discrimination Act 1975
Occupational Health and Safety Act 1992
Local Government Act 1993

INTERNET AND E-MAIL POLICY

Protected Disclosures Act 1994
Freedom of Information Act 1989
Equal Employment Opportunity (Commonwealth Authorities) Act, 1992
State Records Act 1998
Privacy and Personal Information Protection Act 1998

Related policies, guidelines, standards and/or procedures

Sexual Harassment at Work
Work place Harassment
Code of Conduct
Equal Employment Opportunity, Discrimination, and Unacceptable Behaviour Policy.
Australian Copyright Council - Information Sheet No.I56.
Security Policy
Remote Access Policy
Privacy Policy
Internal Reporting Procedure for Reporting Suspected Corrupt Conduct, Maladministration, or Serious and Substantial Waste
Electronic Message Retention and Disposal Policy

1. Introduction

1.1 Statement

The wide array of new resources, new services, and interconnectivity available via the Internet all introduce new opportunities and new risks. In response to the risks, this policy describes City of Sydney's official policy regarding Internet, email usage and security.

1.2 Objectives

The City of Sydney aims to:

- Make reasonable efforts to protect Councillors, staff, contractors and other authorised persons from unacceptable behaviour as defined in the City's Code of Conduct and EEO policies.
- Inform all persons about guidelines and procedures to ensure appropriate usage of Internet and E-mail systems;
- Manage E-mail documents as official records;
- Protect City of Sydney information assets from unauthorised access;
- Provide controlled access to those resources the city provides to its staff;

INTERNET AND E-MAIL POLICY

- Maintain network integrity by continuously reviewing IT security protection systems;
- Monitor systems for compliance to policy and to strengthen security.
- Monitor usage to identify a person's needs, assist with future planning and identify inappropriate activities;

2. Applicability

This policy applies to all staff (full-time/part-time employees, contractors, consultants, temporaries/casuals, etc.) and Councillors who use the Internet with City of Sydney's computing or networking resources, as well as those who represent themselves as being connected with the City of Sydney. All Internet users are expected to be familiar with and comply with this policy. Questions about the policy should be directed to the Information Management Unit. Violations of this policy can lead to disciplinary action including revocation of system privileges and/or termination of employment.

3 Strategies

3.1 Details

3.1.1 Access to the Internet must be authorised by the Unit Manager

Access to the Internet is to be provided with the written approval of the Unit Manager. Access to the Internet (aside from electronic mail) will be provided to only those employees who have a legitimate need for such access.

3.1.2 Users of Internet and e-mail resources must behave appropriately and in accordance with this policy, the City's Code of Conduct and EEO policies

To avoid libel, defamation of character and other legal problems, whenever any affiliation with the City of Sydney is included within an Internet message or posting, "flaming" or similar written attacks are strictly prohibited. Likewise, staff must not make threats against another user or organisation over the Internet. All messages intended to harass, annoy, or alarm another person are similarly prohibited.

The following are examples of acceptable and unacceptable use of the Internet and e-mail resources. Further details with regard to conduct, harassment etc. can be found in the relevant City of Sydney Policies, a list of which can be found at the start of this document.

3.1.2.1 Examples of acceptable usage

Acceptable use of City Internet and E-mail systems includes but is not limited to:

- Communication and information exchanges including graphic files and text relating to the work tasks of the individual.

INTERNET AND E-MAIL POLICY

- Research, analysis, and professional memberships, industry information or development activities related to the user's duties.
- Distribution of relevant information to all staff with prior management approval.
- Personal use of E-mail and Internet subject to the conditions specified in the Unacceptable Usage section and provided that such personal use does not affect the performance of that person's duties as an officer, employee or Councillor.

3.1.2.2 Examples of unacceptable usage

Unacceptable use of City Internet and E-mail systems includes but is not limited to:

- Visiting or attempting to visit Internet sites that contain obscene, hateful or other objectionable materials which have the tendency to vilify or cause offense;
- Sending any material that is intended to annoy, harass or intimidate another person thereby violating the City's policies. If such information is received it should be brought to the attention of the Unit/Business Manager;
- Soliciting non-work related business for personal gain or profit which has the capacity to affect the performance of that person's duties as an officer, employee or Councillor;
- Use the Internet or E-mail for any illegal purposes.
- Images or information likely to offend must not be displayed, sent or printed.
- Downloading and transmission of MP3 files.
- Downloading, transmission and display of Screensavers containing obscene, hateful or other objectionable materials.

City of Sydney security mechanisms may prevent users from connecting with certain non-business web sites. Staff who discover they have connected with a web site that contains sexually explicit, racist, violent, or other potentially offensive material must immediately disconnect from that site. The ability to connect with a specific web site does not imply that users are permitted to visit that site.

3.1.3 Access to electronic transmissions must be in accordance with section 4 in this document and relevant legislation such as the Privacy act and the Freedom of information act.

Section 4 describes under which circumstances City of Sydney IT staff may access data being transmitted across City of Sydney Resources.

3.1.4 Confidential or sensitive messages must not be transmitted over the Internet without appropriate protection

The City of Sydney cannot guarantee that electronic communications will be private. Employees should be aware that electronic communications could, depending on the technology, be forwarded, intercepted, printed, and stored by others. Electronic mail is the equivalent of a post card.

INTERNET AND E-MAIL POLICY

3.1.5 Electronic messages must be treated as records in accordance with the City's Electronic Message Retention and Disposal policy

Electronic messages are records and must be handled, stored and disposed of in accordance with the Electronic Message Retention and Disposal policy.

When an E-mail message is sent or received which arises out of, or relates to that person's role as an employee, officer or Councillor, that message is a business communication and therefore constitutes an official record. Electronic messages are records and as such support the business of the City by providing evidence of its actions, decisions, and policies over time.

Electronic messages, like all City records, are public records as governed by the State Records Act, 1998 and are subject to whole of government policy on capture and retention.

Staff, contractors and other authorised persons are responsible for promptly printing and filing in the appropriate official subject file all E-mail messages sent or received which represent substantive business of the City. These are records of continuing value that have an administrative, fiscal, legal, evidential or historic value to the City.

In the case where an electronic message does not have continuing value and is of a routine instructional nature used to further some activity, and is needed only for a few hours or a few days, it does not need to be included in the record-keeping system.

E-mail messages may be legally deleted as part of normal administrative practice when they:

- have had a copy placed on the relevant file, or
- are clearly ephemeral records of little value that only need to be kept for a limited time.

3.1.6 Copyright of material accessed must be observed

Material on the Internet may be protected by copyright. The fact that it is on the Internet does not mean it is "in the public domain" or "copyright-free". However, many people publish material on the Internet and give permission for people to copy it for certain purposes (for example, many web sites include a statement about what people are and are not permitted to do with material on the site).

The reproduction, forwarding, or in any other way republishing or redistributing words, graphics, or other materials must be done only with the permission of the author/owner. Staff should assume that all materials on the Internet are copyrighted unless specific notice states otherwise. When information from the Internet is integrated into internal reports or used for other purposes, all material must include labels such as "copyright, all rights reserved" as well as specifics about the source of the information (author names, URLs, dates, etc.).

INTERNET AND E-MAIL POLICY

For a more detailed discussion on copyright issues please refer to [Australian Copyright Council - Information Sheet No.I56](#).

3.1.7 All information to be used for business purposes must be verified before use

All information taken off the Internet is to be considered suspect until confirmed by separate information from another source. There is no quality control process on the Internet. A considerable amount of information is outdated and inaccurate, and in some instances even deliberately misleading. Accordingly, before using free Internet-supplied information for business decision-making purposes, staff must corroborate the information by consulting other sources.

3.1.8 Internal City of Sydney information must not be disclosed via the Internet without prior permission from the General Manager

Staff must not publicly disclose internal City of Sydney information via the Internet that may adversely affect customer relations, or public image. Such information includes business prospects, initiatives, internal information systems problems, etc. Responses to specific customer electronic mail messages are exempted from this policy.

Care must be taken to properly structure comments and questions posted to mailing lists (listservs), public news groups, Usenet, and related public postings on the Internet. Before posting any material, staff must consider whether the posting could put the City in a difficult position. Staff should keep in mind that several separate pieces of information could be pieced-together, forming a picture revealing confidential information that could then be used against the City. Although it may seem to be different from the prevailing Internet culture of openness, to avoid this mosaic picture problem, staff should be reserved rather than forthcoming with internal City of Sydney information.

3.1.9 Personal opinions in electronic communications must be clearly indicated as such

Staff may indicate their affiliation with City of Sydney in mailing lists (listservs), chat sessions, and other offerings on the Internet. This may be done by explicitly adding certain words, or it may be implied, for instance via an electronic mail address. In either case, whenever staff provide an affiliation, they must also clearly indicate the opinions expressed are their own, or not necessarily those of the City of Sydney. Likewise, if an affiliation with the City is provided, political advocacy statements and product/service endorsements are also prohibited unless they have been previously authorised by the General Manager.

INTERNET AND E-MAIL POLICY

3.1.10 Purchases on the Internet must be authorised and be in accordance with the City's purchasing procedures

Information Technology is to be contacted for approval prior to purchasing software, hardware or communications devices. This allows IT to examine compatibility and complete functionality with the City's IT and telecommunications environment.

3.1.11 City of Sydney credit cards or other payment information must not be used for purchases unless the transaction is encrypted.

Credit card numbers, telephone calling card numbers, fixed log-in passwords, and other security parameters that can be used to gain access to goods or services must not be sent over the Internet in readable form. The SSL or SET encryption processes are both acceptable Internet encryption standards for the protection of security parameters. If in doubt consult IT before sending credit card details over the Internet. All contracts and purchases formed via the Internet must be formalised and confirmed via paper documents within two weeks.

In order to reduce the risk of fraud being perpetrated all purchases and contracts must be formalised. Staff must not employ scanned versions of hand-rendered signatures to give the impression that the sender signed an electronic mail message or other electronic communications.

3.1.12 All files downloaded from the Internet must be checked for viruses or other malicious code.

Downloading software or programs off the Internet could expose the entire City network to a virus or system breaches from external sources. Therefore all non-text files (databases, software object code, spreadsheets, formatted word processing package files, etc.) downloaded from non-City of Sydney sources via the Internet must be screened with virus detection software prior to being used.

Whenever an external provider of the software is not trusted, downloaded software should be tested on a stand-alone non-production machine that has been recently backed-up. If this software contains a virus, worm, or Trojan horse, then the damage will be restricted to the involved machine. Downloaded files must be decrypted and decompressed before being screened for viruses. Separately, the use of digital signatures to verify that unauthorised parties have not altered a file is recommended, but this does not assure freedom from viruses.

If a person identifies a software program that will improve their work capability, Information Technology staff are to be consulted prior to taking further action to ensure the software is virus free and completely functional after downloading.

INTERNET AND E-MAIL POLICY

3.1.13 Senders of Unwanted and/or unsolicited email must not be contacted by staff

When staff receive unwanted and unsolicited email (also known as spam), they must refrain from responding directly to the sender. Instead, they should forward the message to the Help Desk, who can then take steps to prevent further transmissions. To respond to the sender would be to indicate that the user-ID is monitored regularly, and this would then invite further junk email.

3.1.14 Staff must refrain from propagating hoaxes and chain e-mail

The Internet has been plagued with hoaxes alleging various security problems. Many of these hoaxes take the form of chain letters that request that the receiving party send the message to other people. Staff in receipt of information about system vulnerabilities should forward it to the Help Desk, who will then determine what if any action is appropriate. Staff must not personally redistribute system vulnerability information.

3.1.15 Staff must not attempt to circumvent the City's or other organisation's security mechanisms without permission

Staff must not "test the doors" (probe) security mechanisms at either City of Sydney or other Internet sites unless they have first obtained permission from Information Technology. If staff probe security mechanisms, alarms will be triggered and resources will needlessly be spent tracking the activity. Legislation in various countries prohibits this type of activity.

The possession and the usage of tools for cracking information security are prohibited without the advance permission of Information Technology.

3.1.16 Staff must not masquerade their identity

Misrepresenting, obscuring, suppressing, or replacing a user's identity on an electronic communications system is forbidden. The user name, electronic mail address, organisational affiliation, and related information included with electronic messages or postings must reflect the actual originator of the messages or postings.

4 Privacy of Information and Access to Electronic Information

4.1 Ownership

As a productivity enhancement tool, the City encourages the business use of electronic communications (notably the Internet, voice mail, electronic mail, and fax). Electronic communications systems, and all messages generated on or handled by electronic communications systems, including back-up copies, are considered the property of the City of Sydney.

INTERNET AND E-MAIL POLICY

As such, City of Sydney management reserves the right to examine electronic mail messages, files on personal computers, web browser cache files, web browser bookmarks, logs of web sites visited, and other information stored on or passing through City of Sydney systems at any time without prior notice.

4.2 Freedom of information and Privacy of Personal Information

Electronic documents and transmissions are subject to legislation such as the Freedom of Information Act, 1989 and to legal processes such as discovery and subpoena.

Staff, Councillors, contractors and other authorised persons should have no expectation of absolute privacy as the City may be required to copy, access or disclose any information or files that are stored, processed or transmitted using City owned equipment or via services provided by the City.

4.3 Monitoring

It is the policy of City of Sydney NOT to regularly monitor the content of electronic communications for anything other than viruses. However, the content of electronic communications may be monitored and the usage of electronic communications systems will be monitored to support operational, maintenance, auditing, security, and investigative activities. Users should structure their electronic communications in recognition of the fact that City of Sydney may from time to time examine the content of electronic communications.

Consistent with generally accepted business practice; the City of Sydney collects statistical data about electronic communications. As an example, Internet access reports are produced in order to plan for bandwidth usage, etc. Using such information, Information Technology personnel monitor the use of electronic communications to ensure the ongoing availability and reliability of these systems.

The City of Sydney routinely logs web sites visited, files downloaded, time spent on the Internet, and related information. Department managers may receive reports of such information and use it to determine what types of Internet usage are appropriate for their department's business activities.

4.4 Problem Resolution

It may be necessary for Information Technology personnel to review the content of an individual employee's communications during the course of problem resolution. Information Technology personnel will not review the content of an individual employee's communications out of personal curiosity or at the behest of anyone who has not obtained the written approval of the General Manager.

INTERNET AND E-MAIL POLICY

5 Glossary

Chat	Chat or Internet Relay Chat (IRC) is real time communication with other Internet users. This Internet service allows users to type messages to each other and groups in real time.
Cracking	A term used to describe circumventing or breaking security measures put in place to protect a network. Similar to testing the doors, but generally associated with malicious intent.
Decrypt	Changing the unintelligible encrypted message or file back into its original form.
Download	Downloading is the practice of saving a file from the Internet onto the local workstation
Encryption	The practice of making communication unintelligible to anyone intercepting it.
Flaming	Flaming is the practice of attacking another Internet user via email in a public forum, eg a user in a news group or list server asks a question considered to be silly by the other users and users flame him by sending messages back to the forum with disparaging remarks.
IRC	See Chat
Junk mail	See Spam
Listserv	Centrally managed large volume mailing lists discussing a particular topic. Users subscribe to listservs on particular topics any message sent to a special mailbox will be distributed to all subscribers. Some subscriber lists contain more than 1 million users.
News groups	A forum for sharing information on topics of interest. This is the Internet equivalent of a bulletin board for a specific topic. Users can leave messages for other users or all users that choose to look at the bulletin board.
PGP	Pretty Good Privacy, a publicly available encryption product, however corporate users are required to purchase a licence.
Posting	Placing an item in a news group for other users to read.
Protocol	The rules used when communicating. Equated to the spoken word each different protocol would be equivalent to a different language, each with their own rules and none of them being able to understand another.

INTERNET AND E-MAIL POLICY

SET	SET is a standard developed for providing secure online payments. It allows payments without the need for the vendor to know the credit card details.
Spam	Unwanted or unsolicited email eg. Chain letters, advertising, junk mail
SSL	Secure Socket Layer, this Internet protocol is used to communicate securely with a webserver. The session is encrypted between the user and the server.
Surf the Web	Surfing is the term used to describe going from web site to web site to gather and view information
Test the doors	The practice of trying to circumvent security measures put in place to protect the environment
Upload	Saving a file onto a sever on the Internet
Usenet	A particular implementation of public news groups. (see newsgroups)

FURTHER INFORMATION

Manager, Information Management
Level 10, Town Hall House
Telephone: 9265 9144

ITEM 10. ALLOCATION OF FUNDING IN THE LOCAL COMMUNITY GRANTS PROGRAM 2000/2001 (SO10735)

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a report by the Project Officer, City Service Development to the Community Services, Small Business and Tourism Committee on 7 August 2000, and to Council on 14 August 2000, on Allocation of Funding in the Local Community Grants Program 2000/2001, it be resolved that -

- (A) the allocation of funding for Community Grants be deferred until such time as Council can be satisfied that the previous recipient organisations have achieved the programs for which funds were granted and have provided evaluations of completed programs;
- (B) consideration of the recommendations for funding shown in the subject report be deferred and proposals be reviewed in the light of reports suggested in (A) above, and subject to further consideration for granting funds to
 - (i) Harris Community Centre Proposal (including Ultimo Festival)
 - (ii) Darling House Aged Care
 - (iii) Older Women's Network
 - (iv) City of Sydney Historical Association
 - (v) East West Philharmonic Orchestra
 - (vi) Nursing Mothers Association
 - (vii) St James Church Bell appeal
 - (viii) Playgroup Association of NSW
 - (ix) Compassionate Friends
 - (x) YWCA Encore Program
- (C) any funding to organisations not listed in the recommendations in the subject report, but subsequently funded, be provided from within the \$70,000 budget allocated;
- (D) authority be delegated to the Lord Mayor to determine final grants, in consultation with the Chair of the Community Services, Small Business and Tourism Committee, following consultation with staff.

Carried unanimously.

Declaration of interest

Prior to discussion on Item 11, the Chairman (the Lord Mayor) declared a non-pecuniary interest in this matter in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took part in discussion and voting on this item.

ITEM 11. REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING: STAGE 1 DEVELOPMENT APPLICATION FOR THE DEVELOPMENT OF THE NORTHERN PART OF THE AML&F SITE, HARRIS STREET, ULTIMO (O00/00047)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 7 August 2000, and to Council on 14 August 2000, in relation to the Stage 1 development application for the redevelopment of the northern section of the AML&F site, Ultimo, it be resolved that: -

- (A) the subject report by the Area Planning Manager be received and noted; and
- (B) a submission in the form of that contained in Attachment A to the subject report be forwarded to the Department of Urban Affairs and Planning for its consideration in the assessment of the Stage 1 development application.

Carried.

Declaration of interest

Prior to discussion on Item 12, the Lord Mayor declared a non-pecuniary interest in this matter in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took part in discussion but abstained from voting on this item.

ITEM 12. REFERRAL ON DRAFT MASTER PLAN AND TWO DEVELOPMENT APPLICATIONS FOR: DARLING ISLAND, PYRMONT – SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) (S012014; O /OR/00/00042; O /OR/00/00044)

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 7 August 2000, and to Council on 14 August 2000, in relation to the referrals from the Department of Urban Affairs and Planning (DUAP) of (1): a proposal to replace the lapsed “Pymont Bay Master Plan Amendment No. 3 Darling Island” with a new “Darling Island Master Plan May 2000”; (2) a Development Application for the Stage 1 of the Darling Island Public Domain Concept which includes new streets, landscaping and services, and the demolition of existing Wharf 14; and (3) a Development Application for the demolition of the Wharf 13 building (former temporary Casino), the development of 6 storey residential (totalling 111 units) buildings on each of Sites 1, 2, & 3 together with basement level under all

three sites, it be resolved that the submission at Attachment A to the subject report, after being amended to the satisfaction of the Chair of the Planning Development and Transport Committee, be forwarded to DUAP for consideration

Carried.

ITEM 13. LIVING COLOUR - FLORAL DISPLAYS - CENTENARY OF FEDERATION DISPLAY (S007113)

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

That arising from consideration of a report by the Executive Director, Look of the City to Council on 14 August 2000 on Living Colour - Floral Displays - Centenary of Federation Display, and following the briefing of the Priorities and Outcomes Committee on 8 August 2000, it be resolved that the following design option be implemented for the Centenary of Federation Floral Display.

- (A) The design of the display will use the Federation Star which incorporates the following:
- (i) Traditional floral species in major locations
 - (ii) Increased height in the displays
 - (iii) Selective use of native plantings and sculptural forms in Cathedral Square.

Carried unanimously.

ITEM 14. USE OF CITY OF SYDNEY'S STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD (S010019)

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

That arising from consideration of a report by the Senior Project Manager Safe City to Council on 14 August 2000, on Use of City of Sydney's Street Safety Camera Program during the Olympic Period, it be resolved that Council approve the draft Policy and Procedures Guiding the Operation of the Street Safety Camera Program during the Olympic Period, as shown at Attachment A to the subject report, subject to amendments as agreed at the Council meeting.

Carried unanimously.

Note - the Policy and Procedures Guiding the Operation of the Street Safety Camera Program during the Olympic Period, as adopted by Council, is as follows:

POLICY AND PROCEDURES FOR THE STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD

1. PRINCIPLES GUIDING USE OF STREET SAFETY CAMERA PROGRAM DURING OLYMPIC PERIOD

1.1. Relationship to existing provisions

- 1.1.1. For the period during which the Olympic policies and procedures apply, the Street Safety Camera Program will operate in accordance with the existing provisions of the *Code of Practice, Protocols and Control Room Standard Operating Procedures*.
- 1.1.2. In addition, the policies and procedures outlined in this document will also apply.

1.2. Period for which provisions apply

- 1.2.1. These provisions apply for the period 10 September 2000 to 4 October 2000.
- 1.2.2. The period for which the provisions apply may be extended for a valid reason approved by the Lord Mayor, General Manager or their delegates.
- 1.2.3. Valid reasons for extension of the period governed by these provisions include but are not limited to major incidents as defined under section s.8.2 of the *Protocols*. In the event of a major incident occurring outside the period covered by these policies and procedures but while the Olympic Security Command Centre for the Olympic Precinct and Regional Operations (OPRO) is operational, an OPRO Responsible Officer can request that operational control of the Street Safety Camera Program be transferred to the NSW Police Service.

1.3. Functions of Street Safety Camera Program

- 1.3.1. During the Olympic Period the Street Safety Cameras may be used to assist with city management functions as well as in the prevention of crimes against the person and other serious criminal offences .

- 1.3.2. City management functions include:

- Monitoring crowd movements
- Public safety
- Emergency management
- Cleansing operations; and
- waste management

POLICY AND PROCEDURES FOR THE STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD

- 1.3.3. Continuous vision is to be provided from the Street Safety Camera Programs to the Operations Centre. The Operations Centre Duty Operations Manager will make all requests for provision of images from a particular camera or of nominated images from a particular camera.
- 1.3.4. The use of Street Safety Cameras for monitoring an incident involving, or potentially involving, an offence against the person will always be given priority over other uses.
- 1.3.5. Under no circumstances should priority be given to city management or to offences other than those threatening public safety.

1.4. Use of the Street Safety Cameras by Olympic Organisations

- 1.4.1. Subject to the following conditions and with the written approval of Council, the use of the Street Safety Camera Program for city management purposes will also be available to the following Olympic organisations:
 - The Olympic Security Command Centre for the Olympic Precinct and Regional Operations Centre (OPRO); and
 - The Olympic Coordination Authority (OCA) for their Command Centre
- 1.4.2. Usage by the OCA will be determined by necessity and with the approval of the General Manager and Lord Mayor.
- 1.4.3. The Olympic organisations will comply with any conditions set by Council concerning the provision and use of Street Safety Camera Program images. These conditions include those outlined in these Policies and Procedures, as well as any additional conditions determined by the Lord Mayor, the General Manager, or their delegates.
- 1.4.4. The Olympic organisations will provide 24 hour access to the premises where the Street Safety Camera images are being provided to designated City of Sydney Responsible Officers for the purpose of ensuring that the end-user conditions are being met.
- 1.4.5. Any cost incurred in providing the Street Safety Camera images to the Olympic organisation will be met by that organisation.
- 1.4.6. The Olympic organisations will not record or otherwise capture any image provided by the Street Safety Cameras.
- 1.4.7. The Olympic Organisations will not be provided with access to the viewing and/or supply of a videotape or photograph other than for reasons that are in accordance with the purposes of the Street Safety Camera Program, unless with the approval of the Lord Mayor.

POLICY AND PROCEDURES FOR THE STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD

- 1.4.8. Any videotape or photo provided by the City of Sydney will be returned in accordance with the conditions outlined in the Protocols and Standard Operating Procedures for the Street Safety Camera Program.
- 1.4.9. The Olympic organisations will indemnify the City of Sydney for any liability arising from the use of the images by the requesting organisation.
- 1.4.10. The order of priority for access to the Street Safety Camera Program images is:
1. The Street Safety Camera Program Control Room
 2. The City of Sydney Operations Centre
 3. The Olympic Security Command Centre for the Olympic Precinct and Regional Operations Centre (OPRO)
 4. The Olympic Coordination Authority (OCA) for their Command Centre (if applicable)
- 1.4.11. All staff of Olympic organisations who will have access to the images provided through the Street Safety Cameras will be briefed on Street Safety Camera Program *Protocols* and *Standard Operating Procedures* prior to the Olympic Period
- 1.4.12. A City of Sydney Liaison Officer will be located in the control rooms of Olympic organisations where images from the Street Safety Camera Program are being transmitted.
- 1.4.13. The City of Sydney Liaison Officer will ensure that the end-user conditions are being met, and will make any requests to the City of Sydney Operations Centre in relation to the transmission of images.

1.5. Training in Street Safety Camera Protocols and Procedures

- 1.5.1. All Operations Centre Duty Operations Managers and SSCP Control Room operators during the Olympic period will receive training in Street Safety Camera Program *Protocols* and *Standard Operating Procedures* prior to the Olympic Period.
- 1.5.2. All City of Sydney Liaison Officers during the Olympic Period will receive training in Street Safety Camera Program *Protocols* and *Standard Operating Procedures* prior to the Olympic Period.

1.6. Responsible Officers

- 1.6.1. All Operations Centre Duty Operations Managers during the Olympic Period are to be City of Sydney Responsible Officers.

POLICY AND PROCEDURES FOR THE STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD

- 1.6.2. In addition to existing arrangements under the SSCP Protocols, City East Region Co-ordinators will be NSW Police Responsible Officers for the Olympic period covered by these Procedures.

2. OPERATIONAL PROCEDURES FOR THE STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD

2.1. Requests from Olympic Organisations for specific images

- 2.1.1. The following outlines the procedures to be followed when an approved Olympic organisation makes a request for images from a particular camera or for nominated images from a particular camera.

The City of Sydney Liaison Officer

- 2.1.2. The request is made by an officer authorised by the Olympic organisation to the City of Sydney Liaison Officer located in the Olympic organisation operations/ command centre.
- 2.1.3. The City of Sydney Liaison Officer relays the request to the City of Sydney Operations Centre Duty Operations Manager.

The Operations Centre Duty Operations Manager

- 2.1.4. Where the Operations Centre Duty Operations Manager lacks confidence that the request is for a valid city management purpose s/he will advise the City of Sydney Liaison Officer in the requesting Olympic organisation that the request is not approved, explain his/her concerns and require that they be addressed with a renewed request if appropriate.
- 2.1.5. Where the Operations Centre Duty Operations Manager is confident that the request is valid s/he will pass on the request to the Street Safety Camera Control Room with a direction as to the priority of the request in relation to other extant requests.
- 2.1.6. The Operations Centre Duty Operations Manager is to inform the City of Sydney Liaison Officer in the requesting Olympic organisation when the request is likely to be met (if it is not immediately), or that the request is to be met immediately.
- 2.1.7. Where a valid request originates from an Olympic organisation that has a higher priority than that of the organisation currently receiving requested vision, the Operations Centre Duty Operations Manager is to inform the organisation with the lower priority of the fact as soon as possible after the

POLICY AND PROCEDURES FOR THE STREET SAFETY CAMERA PROGRAM DURING THE OLYMPIC PERIOD

higher priority request is passed on to the Street Safety Camera Control Room, to the extent that multiple needs cannot be met simultaneously.

2.2. Street Safety Camera Control Room staff

- 2.2.1. Street Safety Camera Control Room staff are only to provide images as requested if a valid reason and an appropriate priority is provided by the Operations Centre Duty Operations Manager. In such instances, the provision of the requested Street Safety Camera images is to be terminated immediately on the conclusion of the 'incident' for which the transfer of vision has been requested.
 - 2.2.2. In all instances of nominated Street Safety Camera images being provided to the Operations Centre following a valid request, the name of the requesting Operations Centre Duty Operations Manager, the name of the requesting organisation (Olympic organisation or Operations Centre for city management purposes), the reasons for the vision being transferred, the time and the duration of the transfer of vision, are to be recorded by Street Safety Camera Control Room staff.
 - 2.2.3. Where Street Safety Camera Control Room staff members are monitoring an incident involving, or potentially involving, an offence against the person, the use of the Street Safety Camera Program for this purpose will have priority over the use of the Program for city management purposes or monitoring other offences. In such circumstances, Street Safety Camera Control Room staff are to advise the Operations Centre Duty Operations Manager that vision from the cameras is not available for the purposes of city management or monitoring other offences.
 - 2.2.4. After crimes against the person, priority should next be given to any incidents which have implications for public safety, including serious property crimes and major city management issues. Day to day city management will be the lowest priority for Control Room staff.
-

ITEM 15. REVIEW OF THE CODE OF PRACTICE FOR THE STREET SAFETY CAMERA PROGRAM (S002128)

Moved by Councillor Turnbull, seconded by Councillor Greiner-

That arising from consideration of a report by the Senior Project Manager, Safe City to Council on 14 August 2000 on Review of the Code of Practice for the Street Safety Camera Program, it be resolved that -

- (A) Council approve the adoption in principle of the revised Code of Practice for the Street Safety Camera Program, as shown at Attachment A to the subject report;
- (B) the revised Code of Practice be subject to a two-phase trial period of implementation until January 2001;
- (C) the revised Code of Practice be placed on public exhibition for a period of three weeks, and, subject to submissions received, the Lord Mayor be authorised to approve continuation of the trial period, if appropriate;
- (D) submissions be sought directly from relevant interest groups including the NSW Police and Privacy NSW; and
- (E) a further report be submitted to Council at the end of the trial period, detailing submissions received following public exhibition and also detailing policy and procedural issues identified during the trial period.

Carried unanimously.

ITEM 16. QUESTIONS ON NOTICE

CONSTRUCTION HOURS - AURORA PLACE (S010694)

1. By Councillor Greiner -

Question

Lord Mayor, can you please ensure that the developer of Aurora Place strictly adheres to the approved construction hours of 7.00am to 7.00pm for that site as residents moving into the Macquarie Apartments are constantly being disturbed by excessive noise emanating from this adjoining construction site outside these hours.

Answer by the Lord Mayor

The Director of City Development advises that:-

“The approved hours of construction are 7.00am to 9.00pm Mondays to Fridays inclusive, and 7.00am to 7.00pm on Saturdays, and 10.00am to 5.00pm on Sundays or public holidays.

The developer has been requested to circulate the approved hours of construction to all new residents of the Macquarie Apartments. In addition, the developer has been requested to include the 24 hour number of a person in authority who can be contacted on the building site and Council’s Noise Complaints contact number in relation to any future construction noise concerns residents may have associated with the adjoining site.”

OFFICE OF THE PROTECTIVE COMMISSIONER (S010694)

2. By Councillor Greiner -

Question

Lord Mayor, In view of the constant unpleasant and unfortunately at times violent behaviour of some of the clientele of the Office of the Protective Commissioner, has Council engaged in discussions with OCA regarding the security of pedestrians and patrons who move to and from the Darling Harbour Olympic venue site and Town Hall and its environs?

Answer by the Lord Mayor

The Deputy General Manager advises that:-

“The responsibility for security of the streets and public areas around Druitt Street and the Town Hall environs is that of the Local Area Command of the NSW Police. Any public order issues are a matter for a Police response.

Council’s Law Enforcement Unit has on-going discussions with the Local Area Command regarding security for the Olympics.

There is a security guard presence at 51 Druitt Street. Discussions have been held with the Local Area Command concerning these premises resulting in the Police raising their level of surveillance in this area.”

QUESTIONS WITHOUT NOTICE

COUNCIL'S BUDGET (S010703)

1. By Councillor Turnbull -

Question

Lord Mayor, what was the final cash surplus position this year compared with the budget forecasts?

Answer by the Lord Mayor

The cash surplus position this year, as indicated on page 13 of the Council Business Paper, under accounting standards applicable to local government was \$48.9 million. This is in excess of the \$30 million budgeted for and, in fact, is in excess of the most recent forecast that had taken place about a month earlier. This represents the ninth consecutive substantial surplus generated by the City of Sydney.

Can I also say that it leaves us absolutely on target for being debt free by 2003 which has been our plan and it is without any debt raisings whatsoever for the City improvement program of about \$300 million.

As a consequence of this financial performance we are in a position to spend adequate sums on plant and assets, to carry out a very comprehensive capital works program and to pursue new initiatives such as the Museum of Contemporary Art, amongst others.

I think, colleagues, it is appropriate to congratulate the General Manager and the staff on the achievement of an excellent result over the last year, and my colleagues for not being extravagant in their demands for what we should spend money on.

I invite the General Manager to respond also.

General Manager

Thank you Lord Mayor. I think the only other point I would make is that this has been done at the same time as we have kept to the State Government's rating ceiling of 2.7 per cent, unlike our near neighbours who, I think, got approval for a 7.7 per cent increase this year.

So it has been one of those situations where operating expenses have been maintained at the levels that were expended in the early 1990's, which has meant that when the profits or the very good numbers have come through from the development cycle we have actually been able to capture those funds and bring them back as surpluses which are then going into the City Improvement program.

I think undertaking the City upgrade program, being host city for an Olympic Games, and being debt free two years after that is an enormous achievement that really has taken a whole decade to be achieved.

I think the Lord Mayor and the Councillors over that period of time should be enormously proud of that achievement, because I don't think anybody else would have believed you could do this upgrade program, stick to your rate caps and be debt free after being the host city for the Olympic Games - it is a truly enormous achievement.

Note - at the conclusion of the General Manager's response, other Councillors congratulated the General Manager and the Council staff on an outstanding achievement.

INTERNAL AUDIT REPORT - INTERNAL CAMERA SYSTEM (S010700)

2. By Councillor Greiner -

Question

Lord Mayor, in the latest Councillors' Information Service I note a report by the Manager Audit and Review, an item under section 2.17 - "An Audit of Internal Camera System".

Could you please tell us what is being audited? Is it the internal camera system of Town Hall and Town Hall House. If so, what risk or benefit is being assessed, what is its focus and has the audit already commenced?

Answer by the Lord Mayor

Before I invite the General Manager to respond to this question let me make it quite clear, if the Audit and Review Unit is auditing the internal camera system, which, Councillor Greiner, you and I agreed on about two or three years ago in terms of what the policy would be because there wasn't a policy before then, then I think it is a good thing. I don't know what the audit is all about, I have no idea.

I invite the General Manager to respond.

General Manager

I would like to take this question on notice.

Answer by the Lord Mayor (continued)

Could we please have a further report in the Councillors' Information Service explaining what it is. But if the Audit and Review Unit are doing that they are doing their job.

TRACHYTE KERBING (S010699)

3. By Councillor Farr-Jones -

Question

Lord Mayor, my question relates to the City's upgrade program. I have been approached by one of our constituents who was interested to know the final destination of the kerbing which was replaced in the street widening program. I have been asked to find out the destination, what happened, was it sold, and, if so, what was the amount realised in relation to the sale of that original kerbing.

Answer by the Lord Mayor

This matter was drawn to my attention some time ago. The upshot of the trachyte kerb is that about 4.2 kilometres of trachyte was relocated, some 2,740 metres was re-used on the City upgrade works, about 420 metres has been damaged for certain, another 400 metres is in storage and 640 metres is still being pursued; it could well have been also damaged or it could be unaccounted for. We just not sure at this stage.

An audit is underway. The bulk of it has been accounted for but the difficulty is being able to determine exactly how much was actually damaged and what the unaccounted portion is. At a maximum it would be 600 metres but it could be a lot less than that. An audit is underway.

IMM AWARD (S010703)

4. By Councillor Turnbull -

Question

Lord Mayor, have you congratulated the Deputy General Manager and the Project Team on their huge achievement with the City Safari Staff Orientation Program to which, I might say, Councillors were not invited, Deputy General Manager, and I understand that you won a prestigious prize at the recent IMM Conference in Coffs Harbour. In fact the Deputy General Manager has won the Management Excellence Gold Award in the category of Progress and Staff Development. Is that correct?

Answer by the Lord Mayor

Yes, it is correct and I would like to congratulate the Deputy General Manager and his Project Team on the City Safari Staff Orientation Program and on winning the prestigious IMM Management Excellence Gold Award for the category of Progress and Staff Development, which recognises innovation and excellence that benefit both the organisation and its staff.

I would like to congratulate the staff on receiving that award.

OLYMPIC ARRANGEMENTS (S010700)

5. By Councillor Greiner -

Question

Lord Mayor, I have been told the Council cleaners from the Wattle Street Depot are being ousted from their premises to accommodate the Limousine and Hire Car Drivers during the Olympics.

Could you confirm whether or not this is true and, if so, why this has been allowed to come about?

Answer by the Lord Mayor

I don't know. I invite the General Manager to respond.

General Manager

I would like to take the question on notice as it is the first I have heard of this matter.

QUESTIONS - RESPONSE TIMEFRAME (S010699)

6. By Councillor Farr-Jones

Question

Lord Mayor, I would like to direct my question, through you, to the General Manager. My question relates to taking questions on notice.

At the Council meeting on 24 July 2000 I asked a question about the "Day of Mourning" site in Elizabeth Street and the General Manager took the question on notice.

I was just wondering if you could update Council, or advise what is the process of taking a question on notice in relation to timetables.

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

An answer has been prepared. Progress has taken place. I have a written answer that I will give you regarding the Elizabeth Street site and negotiations on the "Day of Mourning" site.

Lord Mayor

With questions taken on notice, we should respond in time for the formulation of the agenda for the next Council meeting, ideally within 10 days, but, if not, by the time the agenda is being prepared for the next Council meeting. I ask the Chief Clerk Secretariat to take a note of that.

However, if it is a more complex answer, I suggest as a courtesy we advise the Councillor that we need to obtain more detail. I think it is important to do that.

GAMING IN THE CITY (S010699)

7. By Councillor Farr-Jones -

Question

Lord Mayor, I would like to raise the issue, previously raised by Councillor Greiner as an urgency motion at the Council meeting on 24 July 2000, which was defeated, of the effects of gaming in the City. Could you advise the current position on this matter?

Answer by the Lord Mayor

The General Manager and I were to discuss that matter. I apologise that we have not been able to do so as yet, as we have been busy. I ask the General Manager to list that item for our discussion at a future weekly meeting.

Note - At this stage of the meeting, at 6.58 pm, Councillor Farr-Jones left the meeting of Council and did not return.

INTERNAL AUDIT REPORT - CORRUPTION PREVENTION STRATEGY (S010700)

8. By Councillor Greiner -

Question

Lord Mayor, the report by the Manager, Audit and Review, "Audit and Review Annual Work Plan", reported in the Councillors' Information Service, identifies a number of follow up issues and, in particular -

"2.12 Corruption Prevention Strategy will focus on secondary employment, bribery and gifts, etc."

Could I ask the General Manager the following question, through you Lord Mayor?

(a) How many Council personnel have been identified as having second jobs?

- (b) Whilst no staff member would take a bribe, do the staff not have a Register of Gifts which can be inspected by the public?

Answer by the Lord Mayor

Councillor Greiner, if you want to have further discussion about this I think the correct place is at a briefing where we can all talk about it, but in terms of the general nature of the question, I invite the General Manager to respond.

General Manager

In relation to part (b) of Councillor Greiner's question, yes we do have Register of Gifts on which people have to list any gift.

One of the issues is going to be Olympic hospitality. Because of the nature of the event, the gifts may actually be larger than what you or I would call of nominal value.

It is an issue that we have discussed and there have been memos forwarded to all staff. In fact, a memo was forwarded to all staff last week in regard to the secondary employment issue.

I have probably had about half a dozen staff members, in the last twelve months, who notified me and sought permission to undertake secondary employment, in order to comply with the secondary employment provision.

So in relation to part (a) of Councillor Greiner's question, the answer is 5 or 6 people; in relation to part (b), the answer is yes, there is a Register of Gifts.

Answer by the Lord Mayor (continued)

If you want to explore this matter further, Councillor Greiner, we can hold a briefing on the issue.

KENT STREET UNDERPASS (S010700)

9. By Councillor Greiner -

Question

Lord Mayor, the Kent Street Underpass has again become a source of aggravated attacks on pedestrians. There is also now an increase in the number of rats due to the foodstuff and bedding lying about.

Would you ensure that:

1. Council takes all steps to move those who are camping in this area to alternate accommodation.

2. There is no return of this undesirable element.
3. In the short term floodlight the open space and, in the long term, work with the Roads and Traffic Authority to design a permanent resolution to the problems of the homeless camping in this area.

Answer by the Lord Mayor

Deputy General Manager, I thought you and I had sorted this matter out about a year ago.

Deputy General Manager

Lord Mayor, there has been some upgrading of the lighting.

Answer by the Lord Mayor (continued)

Could we see whether we need to do more. We don't want this to become a place where people are attacked. Can we just see whether there are some interim steps we can take, get the rat catcher out there and do whatever else is necessary.

ITEM 17. NOTICES OF MOTION

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

Closed meeting

At 7.03 pm 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 Sections 10A(2)(a) and 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 18, 19, 3D and 3E 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/or personnel matters concerning particular individuals; 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 18, 19, 3D and 3E were then dealt with by Council while the meeting was closed to the public.

ITEM 18. FIREWORKS TENDERS NEW YEAR'S EVE CELEBRATIONS 2000 (S012069)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Producer Major Events to Council on 14 August 2000 on Fireworks Tenders New Year's Eve Celebrations 2000, it be resolved that Council -

- (A) approve the awarding of Tender no. 2011 – 9 pm Barges to Foti's International Fireworks (Displays) Pty Ltd, subject to funding being available.
- (B) approve the awarding of Tender no. 2014 – Midnight Barges to Foti's International Fireworks (Displays) Pty Ltd.
- (C) approve the awarding of Tender no. 2015 – Midnight Bridge and Buildings to Foti's International Fireworks (Displays) Pty Ltd.

Carried unanimously.

ITEM 19. WATTLE STREET PEDESTRIAN BRIDGE LIFT SUPPLY – TENDER NO. 2007 AND CONSTRUCTION TENDER NO. 2012 - APPROVAL TO APPOINT A CONTRACTOR AND A LIFT SUPPLIER (S011332 AND S011841/2)

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That arising from a consideration of a report by the Project Manager, City Projects to Council on 14 August 2000, on Wattle Street Pedestrian Bridge Lift supply – Tender no.

2007 and Construction Tender no. 2012 - approval to appoint a contractor and a lift supplier, it be resolved that -

- (A) Council reject all tenders on the basis that all tender prices are above Council's budget;
- (B) Council reject the Roads and Traffic Authority's (RTA's) requests referred to in paragraph 12 of the subject report, and negotiate with the RTA to obtain their concurrence to the bridge design;
- (C) Council decline to invite fresh tenders on the basis that to do so is unlikely to produce a more satisfactory result, in terms of cost or quality of Tenders, and will delay commencement of construction of the Wattle Street Pedestrian Bridge;
- (D) authority be delegated to the General Manager to negotiate with the three lowest tenderers to obtain a price for a revised design for the Wattle Street Pedestrian Bridge for which RTA's concurrence is received;
- (E) authority be delegated to the General Manager to enter into a contract with the lowest priced contractor within the allocated budget referred to in paragraph 9 of the subject report, once the Lord Mayor is satisfied that all outstanding issues are resolved;
- (F) Council approve the lift supply tender referred to in condition (D) of Council's resolution of 5 June 2000 after the main contract has been entered into;
- (G) Council proceed with finalising legal documents to establish a lease with Leichhardt Council and an indemnity for the Department of Education and Training (DEAT);
- (H) no contract be executed nor entered into until the Lord Mayor is satisfied that all issues with the RTA have been fully resolved;
- (I) Council's attorney be authorised to execute all documents referred to or contemplated by this resolution.

Carried unanimously.

Note - At 7.10 pm, prior to discussion on Items 3D and 3E, all staff left the Council Chamber, with the exception of the General Manager, the Director Legal and Secretariat and the Chief of Staff, Office of the Lord Mayor.

ITEM 3D. REVIEW OF ORGANISATION STRUCTURE - MAJOR EVENTS & CULTURAL AFFAIRS

FILE NO:

DATE: 28/7/00

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

That arising from consideration of a Memorandum by the General Manager to Council on 14 August 2000, on Review of Organisation Structure - Major Events & Cultural Affairs, it be resolved that the Major Events Unit and Cultural Affairs Unit be amalgamated later this year.

Carried unanimously.

ITEM 3E. STAFF CONTRACT

FILE NO:

DATE: 14/8/00

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

That arising from consideration of a Memorandum by the General Manager to Council on 14 August 2000, on Staff Contract, it be resolved that Council note that it has been consulted in the matter of contract extensions for the Deputy General Manager, Mr Cliff Haynes, and that it does not object.

Carried unanimously.

At 7.20 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 4 September 2000 at which
meeting the signature herein was subscribed.