



**18 DECEMBER 2000**

**Meeting No 1322**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.42pm on 18 December 2000 pursuant to Notice 19/1322 dated 14 December 2000.

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**PRESENT**

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

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

At the commencement of business at 5.42pm those present were:-

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

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

**Opening Prayer**

The Lord Mayor opened the meeting with prayer.

**ITEM 1. CONFIRMATION OF MINUTES**

Moved by Councillor Greiner, seconded by Councillor Coulton -

That the minutes of the Extraordinary meeting of Council of 20 November 2000, as circulated to Councillors, be confirmed.

Carried.

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

That the minutes of the meeting of Council of 27 November 2000, as circulated to Councillors, be confirmed.

Carried.

**ITEM 2. MINUTES BY THE LORD MAYOR**

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

**ITEM 3. CITY OF SYDNEY SUBMISSION TO THE INQUIRY INTO THE STRUCTURE OF LOCAL GOVERNMENT (S012831)**

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

As you are aware, staff have been preparing a submission for the City to the Public Inquiry into the structure of local government in Sydney. The deadline for this submission is 18 December 2000 with public hearings following in February 2001. The Inquiry is expected to report to the Minister for Local Government in March 2001

I attach a copy of the draft (Attachment A).

Whilst the deadline for submissions to the Inquiry is 18 December 2000, Commissioner Professor Sproats advised Council in the briefing on 27 November 2000, that given the timing of Council meetings, the City's submission could be forwarded after Council's meeting on the 18 December. Given the need to finalise the format and presentation of the submission to meet the extended deadline, I request Council review the document and approve its general content.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 18 December 2000, on City of Sydney Submission to the Inquiry into the Structure of Local Government, it be resolved that: -

- (A) Council approve the draft submission to the Inquiry into the Structure of Local Government, shown at Attachment A to the subject Memorandum by the General Manager;
- (B) authority be delegated to the General Manager to finalise the document in terms of design and format to enable it to be submitted to the Inquiry into the Structure of Local Government according to its specific requirements, subject to the final approval of the Lord Mayor.

(SGD) CLIFF HAYNES  
Acting General Manager

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a Memorandum by the General Manager to Council on 18 December 2000, on City of Sydney Submission to the Inquiry into the Structure of Local Government, it be resolved that: -

- (A) Council approve the draft submission to the Inquiry into the Structure of Local Government, shown at Attachment A to the subject Memorandum by the General Manager;

- (B) authority be delegated to the General Manager to finalise the document in terms of design and format to enable it to be submitted to the Inquiry into the Structure of Local Government according to its specific requirements, subject to the final approval of the Lord Mayor.

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

### **Extension of Time**

During discussion on Item 3, pursuant to the provisions of Clause 23(3) of the Local Government (Meetings) Regulation 1993, it was -

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

That Councillor Greiner be granted an extension of time of three minutes to speak on this matter.

Carried.

Note - During discussion on Item 3, the Lord Mayor and Councillors congratulated staff on their efforts in preparing the submission to the Inquiry into the Structure of Local Government.

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### **ITEM 4. MATTERS FOR TABLING**

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

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

Hobart City Council	Annual Report 1999-2000
Sydney Airports Corporation Limited	Annual Report 2000

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

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

Carried.

**ITEM 5. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 11 DECEMBER 2000**

PRESENT

Councillor Fabian Marsden  
(Chairman)

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

At the commencement of business at 6.15 pm those present were -

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

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

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 11 December 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:-

**CIGARETTE BUTT REDUCTION ACTION PLAN (S012828)**

**5.1**

That arising from consideration of a report by the Senior Project Officer, City Environment and Waste, City Service Development Unit, to the Community Services, Small Business and Tourism Committee on 11 December 2000, on Cigarette Butt Reduction Action Plan, it be resolved that -

- (A) the Cigarette Butt Reduction Action Plan, as outlined in Attachment A to the subject report, be endorsed;
- (B) a report on the progress of the "Cigarette Butt Reduction Action Plan" and "Clean Harbour Partners" program be provided to Council early in the new year.

Carried.

**LITTER REDUCTION STRATEGY (S013988)****5.2**

That arising from consideration of a report by the Project Manager, City Environment and Waste, City Service Development Unit, to the Community Services, Small Business and Tourism Committee on 11 December 2000, on a Litter Reduction Strategy, it be resolved that the Strategy, as outlined in the subject report, be endorsed.

Carried.

**DOMESTIC RECYCLING IMPROVEMENT PROGRAM (S012108)****5.3**

That arising from consideration of a report by the Waste Project Officer, City Environment and Waste, to the Community Services, Small Business and Tourism Committee on 11 December 2000, on Domestic Recycling Improvement Program and the receipt of the award from the Inner Sydney Waste Board's "2000 Local Government Winner for significant achievement in Waste Minimisation", it be resolved that the subject report be received and noted.

Carried.

Note - The Community Services, Small Business and Tourism Committee congratulated the Chairman of the Committee, Councillor Fabian Marsden, and Council staff on receiving the Inner Sydney Waste Board's Award for Significant Achievement in Waste Minimisation for Council's Domestic Recycling Improvement Program.

**ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 11 DECEMBER 2000**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

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

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

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

**Order of Business**

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

4. Development Application: Commonwealth Bank, 48-50 Martin Place Sydney
2. DUAP Referral: Development Application, Site 2 Wharves 9 and 10 (known as King Street Wharf)
3. Development Application: Darrell Lea Building, 396 George Street (Corner King St), Sydney
1. Access Committee

The meeting of the Planning Development and Transport Committee concluded at 6.55 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 11 December 2000 be received, and the recommendations set out below for Items 6.1 to 6.4, inclusive, be adopted.

Carried.

The Committee recommended the following:-



**PART "A" - DETERMINED BY COUNCIL****ACCESS COMMITTEE (S000782)****6.1**

That the minutes of the meeting of the Access Committee held on 21 November 2000, as shown at Attachment A to the subject report, be received and noted.

Carried.

**DUAP REFERRAL: DEVELOPMENT APPLICATION, SITE 2 WHARVES 9 AND 10 (KNOWN AS KING STREET WHARF). (O00-00074)****6.2**

That consideration of this matter be deferred to the meeting of Council on 18 December 2000.

Carried.

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

**DEVELOPMENT APPLICATION: DARRELL LEA BUILDING, 396 GEORGE STREET (CORNER KING ST), SYDNEY (D/2000/00704)****6.3**

That consideration of this matter be deferred to the meeting of Council on 18 December 2000.

Carried.

Note - This matter was dealt with by Council as Item 8 on the Business Paper.

**DEVELOPMENT APPLICATION: COMMONWEALTH BANK, 48-50 MARTIN PLACE SYDNEY (D/00/00801)****6.4**

That consideration of this matter be deferred to the meeting of Council on 18 December 2000.

Carried.

Note - Ms Joan King and Ms Trudy Holdsworth addressed the meeting of the Planning Development and Transport Committee on Item 6.4.

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

**ITEM 7. DUAP REFERRAL: DEVELOPMENT APPLICATION, SITE 2 WHARVES 9 AND 10 (KNOWN AS KING STREET WHARF). (O00-00074)**

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

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 11 December 2000, and to Council on 18 December 2000, in relation to the Development Application referral No. 342-10-00 from the Department of Urban Affairs and Planning for the erection of a 5 storey commercial building at site 2 Wharves 9 and 10 Darling Harbour, it be resolved that:-

- (A) the subject report be received and noted;
- (B) a copy of the submission shown at Attachment A to the subject report be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the Development Application.

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

**Declaration of Interest**

Prior to discussion on Item 8, the Chairman (the Lord Mayor) declared an interest in this matter in that Mr Jason Lea had been a member of his team in the 1995 Council elections. The Chairman (the Lord Mayor) took part in discussion and voting on this item.

**ITEM 8. DEVELOPMENT APPLICATION: DARRELL LEA BUILDING, 396 GEORGE STREET (CORNER KING ST), SYDNEY (D/2000/00704)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Planner to the Planning Development and Transport Committee on 11 December 2000, and to Council on 18 December 2000, in relation to Development Application D2000/00704 made by Darrell Lea Chocolates for the site at 396 George Street, Sydney for conservation works and the Award of Heritage Floor Space for the building known as Darrell Lea 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. D2000/00704 dated 8 August 2000 and Conservation Management Plan prepared by Graham Brooks and Associates, dated July 2000 and drawings numbered:

DA-00.01 dated 15 February 2000  
DA-00.02 dated 15 February 2000  
DA-00.03 dated 15 February 2000  
DA-00.04 dated 15 February 2000  
DA-00.05 dated 15 February 2000  
DA-00.06 dated 15 February 2000  
DA-00.07 dated 15 February 2000  
DA-00.08 dated 15 February 2000  
DA-00.09 dated 15 February 2000  
DA-00.10 dated 15 February 2000  
DA-00.11 dated 15 February 2000  
DA-00.12 dated 15 February 2000  
DA-00.13 dated 15 February 2000  
DA-00.14 dated 15 February 2000  
DA-00.15 dated 15 February 2000  
DA-00.16 dated 15 February 2000  
DA-00.17 dated 15 February 2000  
DA-00.18 dated 15 February 2000  
DA-00.19 dated 15 February 2000  
DA-00.20 dated 15 February 2000  
DA-00.21 dated 15 February 2000  
DA-00.22 dated 15 February 2000  
DA-00.23 dated 15 February 2000

prepared by Graham Brooks and Associates and W & B Consulting Pty Ltd and as amended by the following conditions:

#### AWARD OF HERITAGE FLOOR SPACE

- (2) The owner may be awarded 341m<sup>2</sup> of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses, in the opinion of Council, are satisfied:-

- (a) Comments provided by the Heritage Unit are to be incorporated into a revised Conservation Management Plan (CMP). This Conservation Management Plan is to be used as the basis for the HFS scope of works.
- (b) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
- (c) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
  - (i) ensure the continued conservation and maintenance of the building; and
  - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 341.4 m<sup>2</sup>.
- (d) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (e) The owner will *only* be registered as the owner of 341 m<sup>2</sup> of heritage floor space following the completion of paragraphs (a) - (d) of this condition.
- (f) On the satisfactory completion of (a) - (e) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

#### **SECTION 61 CONTRIBUTION**

- (3) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
  - (a) Cash Contribution Required
    - (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.

## **SIGNS**

- (4) The signs and any associated structure must be removed and the building/site reinstated, within a period of 3 years from the date of consent or on the termination of the subject lease of the premises whichever is the lesser. If the signs are to be retained after this period, a new development application must be lodged before the expiration of the consent, for Council’s consideration.
- (5) The signs are to be erected/supported in a secure manner for safety purposes and installation is not to involve measures that would cause irreversible damage to the building.

## **HERITAGE AND CONSERVATION**

- (6) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the approved works.
  - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
  - (b) The form of recording is to be as follows:-
    - (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of ‘perspective correction’, comprising:-
    - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;

- (iii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
  - (iv) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (c) A summary report of the photographic documentation, detailing;
- (i) the project description, method of documentation, and any limitations of the photographic record; and
  - (ii) Photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (d) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (7) All conservation work shall be carried out as detailed in the revised submission, prepared by Graham Brooks and Associates dated July 2000. The conservation work must be completed and approved by the Director City Development prior to the registration of the HFS award.
- (8) The applicant is to prepare an on-going maintenance schedule, which outlines all cyclic future maintenance works and inspections to be undertaken. The maintenance schedule is to be submitted to Council for approval prior to the release of the construction certificate. The first cycle of maintenance works are to be carried out to the satisfaction of the Director City Development prior to the registration of the HFS award.

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

- (9) 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.

#### **REMOVAL OF GRAFFITI**

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

#### **NOISE**

- (11) The use of the premises must not give rise to any one or more of the following:

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

## **Schedule 1B**

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

#### **HERITAGE WORKS**

- (12) Further design details and reports, including material samples and drawings must be provided in relation to the:
  - (a) the ground floor shopfront to the King and George Street facades.
  - (b) evidence of the analysis of "typical shopfronts of the Victorian era, derived from an archival search of Council photo-records" referred to in the covering letter;
  - (c) detailed heritage colour scheme, complete with colour panels;

- (d) pavement lights to the King and George Street footways are reconstructed;
- (e) details of the heritage doors and windows;
- (f) details of the revised plant at roof top level (relocated from the King Street awning).

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

### **SIGNS**

- (13) The proposed flush wall sign to the ground level western corner of the King Street façade shall be reduced in size, to a maximum dimensions of 800mm x 650mm with details submitted to the satisfaction of Council prior to the release of a Construction Certificate.

### **ACCESS**

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

## **Schedule 1C**

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

#### **CERTIFICATION OF MECHANICAL VENTILATION**

- (15) 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 duct work 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.
- (16) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
  - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:-
    - (i) The relevant clauses of the Building Code of Australia (BCA);
    - (ii) The relevant conditions of Development Consent;
    - (iii) The Architectural Plans incorporated with the Construction Certificate; and
    - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).

- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) Notes
  - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 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) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
  - (iv) Council reserves the right to randomly audit any structural documentation.

#### **APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (17) 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.

**WASTE MANAGEMENT**

(18)

- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
  - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
  - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
    - a. Type and quantities of material expected from demolition and excavation;
    - b. Name and address of transport company;
    - c. Address of proposed site of disposal;
    - d. Name/address of company/organisation accepting material;
    - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
    - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
    - g. Material for disposal and justification of disposal.
    - h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

**Note:**

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

**PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (19) 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.

## **Schedule 1D**

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

**HERITAGE**

- (20) The applicant is to commission an experienced conservation expert to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation expert is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration and reconstruction. The conservation expert is to be provided with full access to the site and authorised by the applicant to respond directly to the Director City Development where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (21) The applicant is to commission experienced trade persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed HFS scope of works. The conservation expert shall certify that the trades persons used are expert in their field and shall submit such certification to the Principal Certifying Authority prior to the commencement of work.

- (22) The conservation expert (as noted in condition no. 5) is to certify that the approved conservation and maintenance work is carried out in accordance with the approved drawings and conservation plan, prior to the registration of the HFS award.
- (23) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, or irreversible damage to original fabric (not identified in the scope of work of the application) of the heritage item. Certification by the appointed conservation expert shall be submitted, to the Principal Certifying Authority prior to the registration of the HFS award, certifying the works proposed did not involve any demolition, alteration, or irreversible damage to original fabric.

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

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

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

### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (25) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) 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.

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

#### **NO OBSTRUCTION OF PUBLIC WAY**

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

## **Schedule 1E**

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

- (27) 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.
- (28) 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.
- (29) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (30) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

**HISTORIC MARKER**

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

**HEALTH AND SAFETY**

- (32) The following shall comply to the satisfaction of Councils Environmental Health Unit as follows:
- (a) All wash hand basins shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40° C.
  - (b) A wash hand basin being provided to the first floor store-room.
  - (c) All fittings where abutting walls or other fittings shall be sealed in such a manner as to prevent access of food spillage or vermin.
  - (d) All service pipes, electrical conduits, and refrigeration condensate pipes shall be chased into walls, floor or plinths.
  - (e) The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Carried.

**ITEM 9. DEVELOPMENT APPLICATION: COMMONWEALTH BANK, 48-50 MARTIN PLACE, SYDNEY (D/00/00801)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Building Surveyor to the Planning, Development and Transport Committee on 11 December 2000 and to Council on 18 November 2000 in relation to Development Application D/00/801 made by the Commonwealth Bank of Australia for the site at 48-50 Martin Place, Sydney for:

- (1) Approval of minor conservation works;
- (2) Approval of a Conservation Management Plan prepared by Tanner and Associates dated April 2000 and Addendum Report dated 13 November 2000; and
- (3) The award of Heritage Floor Space for minor conservation works to be completed with this application, and other conservation works completed during the 1980's and 1990's,

it be resolved that -

- (A) consideration of the subject Development Application be deferred to allow the application to be advertised as an Integrated Development because of its recent listing on the State Heritage Register, and that authority be delegated to the Lord Mayor to determine the application having regard to: -
  - (i) Any submissions received during the thirty (30) day advertising period;
  - (ii) The Terms of Approval issued by the Heritage Council of NSW with respect to the proposed integrated development; and
  - (iii) The draft conditions of approval, as contained in the subject report.
- (B) the Director City Development be requested to prepare a report for Council and the Central Sydney Planning Committee on the policy implications of awarding Heritage Floor Space in respect of properties formerly in government ownership.

Carried.

**ITEM 10. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:  
DEVELOPMENT APPLICATION FOR WAREHOUSE  
DEVELOPMENT AT GARDEN ISLAND, SYDNEY (O2000/00081)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 18 December 2000 in relation to the referral from the Department of Urban Affairs and Planning in relation to a Development Application made by ADI Limited for the proposed warehouse development at Garden Island, Sydney, it be resolved that the submission at Attachment A to the subject report, as amended at the meeting of Council, be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration.

Carried.

**Declaration of Interest**

Prior to discussion on Item 11, the Chairman (the Lord Mayor) declared an interest in this matter in that he was a member of Board of the Darling Harbour Authority. The Chairman (the Lord Mayor) took part in discussion and voting on this item.



**ITEM 11. DEPARTMENT OF URBAN AFFAIRS (DUAP) REFERRAL: DEVELOPMENT APPLICATION, FORMER GOVERNMENT PRINTING OFFICE, 390 - 422 HARRIS STREET, ULTIMO (O2000/00082)**

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to Council on 18 December 2000, in relation to Development Application referral 378-11-00 from the Department of Urban Affairs and Planning for the refurbishment of the former Government Printing Office for use as a "telehouse" communication centre for the accommodation of an Internet based e-commerce data communication service centre, it be resolved that a copy of the submission at Attachment A to the subject report be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the Development Application.

Carried.

**ITEM 12. REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) – THEATRE PROPOSAL BOND 4 SITE WALSH BAY STAGE 2 DEVELOPMENT APPLICATION - SUBMISSION (D2000/00080)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Director City Development to Council on 18 December 2000 in relation to the referral from DUAP for the Stage 2 Development Application for a theatre on the site of the former Bond Store 4 and Bond 2 & 3 in part within the Walsh Bay Redevelopment Area, it be resolved that:-

- (A) the report be received and noted;
- (B) a copy of the submission at Attachment A to the subject report be forwarded to the Director-General, Department of Urban Affairs and Planning, for consideration by the Minister in the determination of the development application.

Carried.

**ITEM 13. HICKSON ROAD, SYDNEY ADJACENT WALSH BAY BOND STORE 4 – OWNERS CONSENT (S013700)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Senior Property Manager to Council on 18 December 2000 on Hickson Road, Sydney adjacent Walsh Bay Bond Store 4 – Owners Consent, it be resolved that -

- (A) consideration of the matter be deferred; and
- (B) authority be delegated to the Lord Mayor to grant owner's consent to the lodgement of the development application for the Walsh Bay Bond Store 4, for the occupation of the public way in stratum by the first floor balcony and the projecting sign panel as shown on the plans at Attachment A to the subject report, provided that the applicant agrees to abide by Council's requirements with respect to the balcony.

Carried unanimously.

**ITEM 14. LAND BEING PART OF BANK STREET, JONES STREET & SAUNDERS STREET PYRMONT – LAND CLASSIFICATION (S06-02763)**

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

That arising from consideration of a report by the Senior Property Manager to Council on 18 December 2000 on Land Being Part of Bank Street, Jones Street, Saunders Street Pyrmont - Land Classification, it be resolved that the land subject to road closure and adjoining the Fish Markets, Pyrmont be classified as "operational" land in accordance with Section 31 of the Local Government Act 1993.

Carried.

**ITEM 15. INVESTMENTS HELD BY COUNCIL AS AT 30 NOVEMBER 2000 (AO2-00360)**

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

That arising from consideration of a report by the Management Accounting Officer to Council on 18 December 2000, on Investments held by Council as at 30 November 2000, it be resolved that the report be received and noted.

Carried.

**ITEM 16. QUESTIONS ON NOTICE**

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

**QUESTIONS WITHOUT NOTICE****GRACE HOTEL (S010694)**

1. By Councillor Greiner -

**Question**

I have been approached by a resident, Lord Mayor, asking will Council serve an order on the Grace Hotel for not abiding by conditions of consent to keep the area clean.

I have had handed to me tonight a photograph, which has just been couriered into my office. You can see a gentleman there who is clearly not shielding the sun from his eyes and is probably in a state of some degree of rest and tranquility, perhaps caused by some degree of inebriation.

I think I sent an email to the Deputy General Manager on this issue. This is actually a difficult issue and I suspect it has been raised. I ask if Council could issue an order to the Grace Hotel to manage this area in terms of the conditions of their consent.

**Answer by the Lord Mayor**

I request that the Acting General Manager ask staff to assess the matter and take appropriate action.

**ADVERTISING BILLBOARDS IN PARK STREET (S010694)**

2. By Councillor Greiner -

**Question:**

Lord Mayor, who gave permission for the advertising billboards in Park Street to scroll? Obviously we have had a trial for the scrolling of the billboards.

They scroll for about 10 minutes one way and then the other.

We granted consent for the structure but I'm not sure in the consent if there's actually consent for the scrolling process.

**Answer by the Lord Mayor**

I ask the Director City Development to examine this matter to ensure that consent conditions are being complied with.

**ITEM 17. NOTICES OF MOTION**

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

Carried.

**Closed meeting**

At 7.10 pm the meeting resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 18 to 22 (inclusive) 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 it was further resolved that the meeting be closed for these items 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.

Items 18 to 22, inclusive, were then dealt with by Council while the meeting was closed to the public.

**ITEM 18. TOWN HALL HOUSE/SYDNEY TOWN HALL - AIRCONDITIONING CHILLER PLANT RATIONALISATION (S01-4077)**

Note - A revised report, replacing the original report, had been circulated to Councillors prior to the meeting.

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

That arising from consideration of a report by the Facilities Manager to Council on 18 December 2000, on Town Hall House/Sydney Hall Airconditioning Chiller Plant Rationalisation, it be resolved that:

- (A) the tender submitted by York for the supply of the Stage 1, 2 and 3 chillers be accepted in terms described in paragraphs 15, 16 and 17 of the subject report. Tenders be called for the installation and associated works for all chiller plant;
- (B) additional funds beyond those allocated in the 2000/2001 Plant and Asset Budget, as set out in the subject report, be allocated from the Capital Works Contingency Fund.

Carried unanimously.

**ITEM 19. PURCHASE OF TWO 500 TO 1000 CUBIC LITRE CAPACITY MECHANICAL SWEEPER/VACUUM DEBRIS RECOVERY MACHINES FOR STREET CLEANING DEPARTMENT - APPROVAL TO ACCEPT TENDER (S013965)**

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

That arising from consideration of a report by the Fleet Support Officer, to Council on 18 December 2000, on Purchase of Two 500 to 1000 Cubic Litre Capacity Mechanical Sweeper/Vacuum Debris Recovery Machines for Street Cleaning Department - Approval to Accept Tender, it be resolved that Council award the contract to Tennant Company Sydney for the supply and delivery of Two Tennant ATLV 4300 Litter Vacs at a total cost of \$129,861.60 covering both machines.

Carried unanimously.

**ITEM 20. PRINCE ALFRED PARK - MATTERS ARISING FROM COMPLETION OF NEW SOUTHERN RAILWAY (P06-01975)**

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

That arising from consideration of a report by the Director Legal and Secretariat to Council on 18 December 2000 on Prince Alfred Park – Matters Arising from Completion of New Southern Railway, it be resolved that:

- (A) Council, in its capacity as reserve trust manager of the Prince Alfred Park Reserve Trust, agree to the proposed compulsory acquisition by the State Rail Authority (SRA) of:
  - (i) the tunnel stratum identified in attachment C to the subject report provided that the terms of the easement are satisfactory to the General Manager and include a provision that Council is not liable for damage to the tunnel caused by matters including water leakage and tree root damage; and
  - (ii) the land beyond the boundary fencing in the vicinity of the tunnel portal, which is identified in attachment D to the subject report;
- (B) Council, in its capacity as reserve trust manager of the Prince Alfred Park Reserve Trust, accept the transfer by SRA of land within the park boundaries which is presently owned by SRA, as identified in attachment C to the subject report;
- (C) Council accept payment of an amount by SRA which is equivalent to the construction cost of 2 tennis courts (determined to the General Manager's satisfaction) in lieu of the construction of 2 tennis courts, on the basis that:
  - (i) provision of 2 new courts may be inconsistent with a plan of management which is yet to be finalised for the Park; and
  - (ii) Council will expend a sum equivalent to the payment to be made by SRA to provide facilities in the Park in the future;

- (D) Authority be delegated to the General Manager to finalise and enter into an agreement between SRA, Council and the Prince Alfred Park Reserve Trust in relation to the compulsory acquisition.

Carried unanimously.

**ITEM 21. TENDER FOR LEGAL SERVICES (S013734)**

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

That arising from consideration of a joint report by the Director Legal Services and Acting Manager Legal Services to Council 18 December 2000 in relation to appointment of a panel of solicitors, it be resolved that Abbott Tout, Blake Dawson Waldron and PriceWaterhouseCoopers Legal be appointed to Council's legal panel for a period of 4 years.

Carried.

**ITEM 22. COMPETITIVE TENDERING - PARKING METER MAINTENANCE SERVICES - NOMINATION OF THE SUCCESSFUL TENDERER (S009702)**

Moved by Councillor Coulton, seconded by Councillor Ho -

That arising from consideration of a report by the Finance Manager to Council on 18 December 2000, on Parking Meter Maintenance Services - Nomination of the Successful Tenderer, it be resolved that -

- (A) Citywide Service Solutions Pty Ltd be awarded the contract for the parking meter maintenance services for a term of one year with an option to extend for one further year subject to satisfactory performance and/or direction by the City of Sydney;
- (B) authority be delegated to the General Manager to finalise the terms and conditions of the contract with Citywide Service Solutions Pty Ltd.

Carried.

**Dates for Council meetings in 2001**

Following discussion about the possible need to change the date of the first Council meeting for 2001, the Chairman (the Lord Mayor) advised that after further consultation he would approve any changes to the advertised meeting dates under his delegated authority during the Council recess.

**Appointment of General Manager**

Prior to the close of the meeting, the Chairman (the Lord Mayor) advised that at the Extraordinary Meeting of the Council held prior to the commencement of this meeting, Council had unanimously approved the appointment of Mr Murray Douglas as General Manager.

At 7.30pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 26 February 2000 at which  
meeting the signature herein was subscribed.