



24 JULY 2000

Meeting No 1312

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 24 July 2000 pursuant to Notice 9/1312 dated 20 July 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 General Manager, Deputy General Manager, Director City Development, Acting Director City Projects, and Acting Director Legal and Secretariat were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

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

That the minutes of the meeting of Council of 26 June 2000, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MARTIN PLACE AMPHITHEATRE

FILE NO: S005022

DATE: 24/7/00

MINUTE BY THE LORD MAYORTo Council:

On 31 May 1999 Council approved a Mayoral Minute which set out guidelines for the use of the Martin Place Amphitheatre Cultural Facility. The conditions to be imposed on the use of the new Performance Space are described in the attached resolution. (See attachment A)

Martin Place is one of the Olympic Live Sites and as such will be a key element in the Olympic Games entertainment program.

The Olympic Coordination Authority (OCA) has requested a variation to the guidelines for use of the Performance Space during the Olympic period.

They plan three performances a day at the Performance Space: from

12 noon to 2pm

5pm to 7pm

9pm to 11.00pm

The Olympic Live site will operate for a nineteen-day period from 14 September to 2 October 2000. To enable performances to be sustained over this period, it is proposed that the roof of the amphitheatre be retained in its raised position for the period 14 September to 2 October 2000.

The roof contains lighting and other staging elements, and these must be removed each time the roof is lowered. It would be impractical and expensive to install and remove these elements in the hours between performances or overnight during this sustained period of use.

It is further proposed that a similar variation to the guidelines be permitted on 29 and 30 July 2000, for City Open Day II to allow the set up and rehearsal on Saturday, 29 July for performances from 11.00am to 5.00pm Sunday, 30 July. The stage will be dismantled overnight, so that the roof can return to a lowered position by dawn 31 July. This concert will test the venue for the Olympic Live use.

RECOMMENDATION:

- 1) That Council agree in principle to the proposed amendment of the guidelines for the operation of the Martin Place Performance Space to permit the roof of the amphitheatre to remain raised for the period 29 and 30 July and 14 September to 2 October 2000, to accommodate performances for City Open Day II and the Olympic Live program, and delegate authority to the Lord Mayor to approve the arrangements.
- 2) That the Lord Mayor be delegated to review the policy and amend and clarify it from a practical stand point. The review will have regard to the City's cultural events calendar, as well as private and community sector requests and have as a core objective minimising the obstruction of the west-east vista in Martin Place. This must not be violated by the use of the erected stage, the use of which must be minimised and limited to weather protection.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 24 July 2000 on Martin Place Amphitheatre, it be resolved that -

- (A) Council agree in principle to the proposed amendment of the guidelines for the operation of the Martin Place Performance Space to permit the roof of the amphitheatre to remain raised for the period 29 and 30 July and 14 September to 2 October 2000, to accommodate performances for City Open Day II and the Olympic Live program, and authority be delegated to the Lord Mayor to approve the arrangements.
- (B) authority be delegated to the Lord Mayor to review the policy and amend and clarify it from a practical stand point. The review will have regard to the City's cultural events calendar, as well as private and community sector requests and have as a core objective minimising the obstruction of the west-east vista in Martin Place. This must not be violated by the use of the erected stage, the use of which must be minimised and limited to weather protection.

Carried.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 21/7/00

MINUTE BY THE LORD MAYORTo Council:

Attached for consideration by Council at its meeting on 24 July 2000 is a Memorandum by the General Manager on Outcome in Goldspar Proceedings.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

ITEM 3A. OUTCOME IN GOLDSPAR PROCEEDINGS (S008782)

FILE NO: S008782

DATE: 21/7/00

MEMORANDUM BY THE GENERAL MANAGERTo Council:

Attached is a report from the Acting Director Legal and Secretariat relating to the successful defence of proceedings commenced by Goldspar.

Recommended that this report be received and noted.

(SGD) GREG MADDOCK

General Manager

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a Memorandum by the General Manager to Council on 24 July 2000 on Outcome in Goldspar Proceedings, it be resolved that the report at Attachment A to the subject Memorandum be received and noted.

Carried.

Note - the Lord Mayor congratulated the General Manager and his staff on their efforts in bringing this matter to a satisfactory conclusion.

ADDITIONAL MATTERS FOR COUNCIL

FILE NO:

DATE: 21/7/00

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 24 July 2000 are -

- a report by the Acting Manager Legal Services on Hawking and Vending During the Olympics (Sale and Distribution of Articles);
- a report by the Document Technology Manager on Privacy and Personal Information Protection Act - Privacy Management Plan.

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

ITEM 14. HAWKING AND VENDING DURING THE OLYMPICS (SALE AND DISTRIBUTION OF ARTICLES) (S012175)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Acting Manager, Legal Services, to Council on 24 July 2000 on Hawking and Vending during the Olympics (Sale and Distribution of Articles) it be resolved that -

- (A) Council prohibit the sale or distribution of any article during the Games period (being the period from 2 September 2000 to 29 October 2000 inclusive), except with the approval of Council, on or from any public place within the City's local government area and within 3 kilometres of the following sites:
- (i) The Olympic Live Sites located at:
 - (a) Alfred Street, Circular Quay;
 - (b) Belmore Park;
 - (c) Martin Place;
 - (d) The Domain;
 - (e) Pyrmont Park; and
 - (f) Darling Harbour,

- (ii) The Olympic venues consisting of the marathon route and the triathlon route as shown on the map titled "*SEPP 38 (Amendment No.6) – Olympic sporting routes*", a copy of which is at Attachment B to the subject report, but only to the extent that those venues are located within the City of Sydney local government area; and
 - (iii) Any transport facility or interchange declared by the Minister to be a major transport node for the purposes of section 27.
- (B) to the extent that any of the public places to which paragraph (A) would otherwise apply are declared to be Olympic Coordination Authority (OCA) controlled areas, the resolution made pursuant to paragraph (A) will be of no force or effect.
- (C) Council exhibit the document at Attachment A to the subject report as the Council's draft approvals policy in relation to the sale and distribution of articles in the council controlled area within the City of Sydney during the Games period.
- (D) authority be delegated to the General Manager to adopt the approvals policy at Attachment A to the subject report, following consultation with the Lord Mayor, provided that no objections to the policy are received during the exhibition period or within 14 days of the conclusion of the exhibition period.

Carried.

**ITEM 15. PRIVACY AND PERSONAL INFORMATION PROTECTION ACT -
PRIVACY MANAGEMENT PLAN (S005995)**

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

That arising from consideration of a report by the Document Technology Manager to Council on 24 July 2000 on Privacy and Personal Information Protection Act - Privacy Management Plan, it be resolved that:

- (A) Council adopt in principle the Model Privacy Management Plan for Local Government shown at Attachment C to the subject report to operate until such time as Council adopts its own Privacy Management Plan, subject to:
 - (i) Council retaining its discretion to provide and use information for the purposes of social, demographic, community service, infrastructure and event planning, even if it contravenes these guidelines; and
 - (ii) excluding the provision of information, which is consistent with existing Council policy with respect to electoral information.
- (B) the General Manager be requested to arrange for a full review of the Model Privacy Management Plan for Local Government for submission to Council via the Priorities and Outcomes Committee as soon as practicable, and in any event no later than 31 March 2001, with particular regard to the provisos raised in (A) above.

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

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

That arising from consideration of a report by the Document Technology Manager to Council on 24 July 2000 on Privacy and Personal Information Protection Act - Privacy Management Plan, it be resolved that:

- (A) Council adopt in principle the Model Privacy Management Plan for Local Government shown at Attachment C to the subject report to operate for a period of six months to 31 December 2000, and
- (B) the General Manager be requested to provide a report to Council on
 - (i) the background to the legislation;
 - (ii) the classes of information held by Council on its constituents.

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

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

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 24/7/00

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 24 July 2000 is a confidential Memorandum by the General Manager on Ultimo Pedestrian Network.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Note - The Memorandum by the General Manager on Ultimo Pedestrian Network, as referred to in the Minute by the Lord Mayor, was circulated to all Councillors.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That the order of business be altered such that the confidential Memorandum by the General Manager be deferred and dealt with after all other business.

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 1993 were laid on the table.

The following report had been received and was laid on the table -

Macquarie Bank Limited Annual Review 2000

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

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

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 17 JULY 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors Dixie Coulton, Nick Farr-Jones and Robert Ho.

At the commencement of business at 5.09 pm, those present were -

Councillors Coulton, Farr-Jones, Ho and Turnbull.

Councillor Fabian Marsden was also present.

Apology

The Lord Mayor extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as he was overseas.

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of the Finance, Properties and Tenders Committee as she was overseas.

Moved by the Chairman (Councillor Turnbull), seconded by Councillor Ho -

That the apologies from the Lord Mayor and Councillor Greiner be accepted and leave of absence from the meeting be granted.

Carried.

Closed meeting

At 5.15pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 5.3 to 5.5 (inclusive) on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.23pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 17 July 2000 be received, and the recommendations set out below for Items 5.1 to 5.5 inclusive be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 30 JUNE 2000 (AO2-00360)**5.1**

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 17 July 2000, on Investments Held by Council as at 30 June 2000, it be resolved that the report be received and noted.

Carried.

WRITE-OFF OF OUTSTANDING RATES (R01-01582 and S011933)**5.2**

That, arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee on 17 July 2000, on Write-Off of Outstanding Rates, it be resolved that the outstanding rates and interest in respect of

- (A) land at Darling Harbour, and
- (B) a laneway off George Street

as specified in the subject report be written off as irrecoverable.

Carried.

Closed meeting

At 5.15 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 Sections 10A (2)(d)(i) and 10A(2)(c) of the Local Government Act 1993 to discuss Items 5.3, 5.4 and 5.5 on the agenda as these matters comprised discussion of commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it, and/or 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 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 5.3 to 5.5 inclusive were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and were subsequently dealt with by Council in open session.

LIVING CITY SERVICES TENDER NUMBER 2005, FOR THE PROVISION OF SECURITY SERVICES (S010800)**5.3**

That arising from consideration of a report by the Director Living City Services to the Finance, Properties and Tenders Committee on 17 July 2000, on Living City Services Tender Number 2005 for the provision of Security Services, it be resolved that

- (A) tenders from Advent Security, Secom and Websters be accepted;
- (B) authority be delegated to the General Manager to enter into contracts with the contractors nominated in (A) to provide the following services, for a period of three years:
 - (i) Provision of static and mobile security patrols, crowd-control and alarm response at nominated buildings and locations;
 - (ii) Management and control of access at nominated buildings and locations;
 - (iii) Concierge / Customer Service duties;
 - (iv) Response to general security related matters at nominated buildings and locations;
 - (v) Personnel Protection Services;
 - (vi) other security related matters.

Carried.

CASTLEREAGH STREET, SYDNEY IMPERIAL ARCADE PEDESTRIAN TUNNEL – PROPOSED LEASE OF STRATUM UNDER ROAD (L02-00585)**5.4**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 17 July 2000 on Castlereagh Street, Sydney Imperial Arcade Pedestrian Tunnel – Proposed Lease of Stratum under Road, it be resolved that approval be given to:

- (A) The granting of a lease pursuant to Section 149 of the Roads Act 1993, to the owner of the Imperial Arcade, currently National Australia Trustees Limited for the term of one year with an option of a further two one year terms, of the stratum under Castlereagh Street shown on the plan at Attachment A to the subject report, at a rental to be determined by the General Manager and subject to conditions to protect Council's interests, especially with regard to the structural condition of the tunnel, and the provision of an indemnity to the Council in regard to any structural issues;

- (B) The execution of all necessary documentation by Council's Attorney.

Carried.

PROPOSED LEASE OF SUITE 3, LEVEL 17, TOWN HALL HOUSE TO WORLD TRADE TRAVEL PTY LTD (L02-00818)

5.5

That arising from consideration of a report by the Senior Property Manager to the Finance Properties and Tenders Committee on 17 July 2000 on the Proposed Lease of Suite 3, Level 17, Town Hall House to World Trade Travel Pty Ltd, it be resolved that:

- (A) a lease of Site 3, Level 17 Town Hall House be granted to World Trade Travel Pty Ltd on the terms set out in Paragraph 8 of the subject report;
- (B) authority be delegated to the General Manager to arrange and complete documentation for the lease.

Carried.

ITEM 6. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 17 JULY 2000

PRESENT

Councillor Fabian Marsden
(Chairman)

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

At the commencement of business at 6.05 pm those present were -

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

Apology

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of the Community Services, Small Business and Tourism Committee as she was overseas.

Moved by Councillor Marsden, seconded by Councillor Coulton -

That the apology from Councillor Greiner 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 6.07 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 17 July 2000 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following:-

RETAIL ADVISORY COMMITTEE

6.1

That the minutes of the meeting of the Retail Advisory Committee held on 20 June 2000, as shown at Attachment A to the subject report, be received and noted.

Carried.

ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 17 JULY 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.08 pm those present were -

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

Apology

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee as she was overseas.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

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

Carried.

Order of Business

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

7. Development Application: Hollywood Hotel, 2 Foster Street, Surry Hills
8. Development Application: 814 George Street Sydney
1. Progress Report on Development Applications
2. Amendment of Central Sydney Section 61 Contributions Plan 1997
3. Development Application: NSW Sports Club, 10-14 Hunter Street Sydney
4. Development Application: 35-43 Clarence Street Sydney
5. Development Application: 114-120 Liverpool Street, Sydney
6. Development Application: 84-88 Cathedral Street Woolloomooloo.

The meeting of the Planning Development and Transport Committee concluded at 7.23 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 17 July 2000 be received, and the recommendations set out below for Items 7.1, 7.2, 7.4, 7.5, 7.7 and 7.8 be adopted, with Items 7.3 and 7.6 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

7.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 17 July 2000, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

AMENDMENT OF CENTRAL SYDNEY SECTION 61 CONTRIBUTIONS PLAN 1997 (S000247)

7.2

That arising from consideration of a report by the Acting Strategic Planning and Research Manager to the Planning Development and Transport Committee on 17 July 2000, regarding the amendment of Central Sydney Contributions Plan 1997, it be resolved that Council -

- (A) approve the making of Draft Amendment No. 1 to the Central Sydney Contributions Plan 1997 at Attachment "A" to the subject report; and
- (B) seek the concurrence of the Minister for Urban Affairs and Planning to the Draft Amendment, as required by Section 61 of the City of Sydney Act 1988.

Carried.

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

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

Carried.

DEVELOPMENT APPLICATION: NSW SPORTS CLUB, 10-14 HUNTER STREET SYDNEY (D2000/00396)

7.3

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 July 2000 in relation to Development Application D2000/00396 made by the New South Wales Sports Club Limited for the site at 10-14 Hunter Street Sydney, for conservation works and the award of heritage floor space, it be resolved that consent be granted subject to the following conditions -

Schedule 1

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 2000/00396 dated 12 May 2000 and the Heritage Floor Space Application report prepared by Godden Mackay Logan Heritage Consultants dated April 2000, and letter prepared by Godden Mackay Logan Heritage Consultants dated 11 May 2000, and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

- (2) The owner may be awarded 1,232sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and

- (ii) limit any future development of the site to the total area of the conserved building.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will only be registered as the owner of 1,232 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

PROPOSED WORKS NOT TO CAUSE DAMAGE TO HERITAGE ITEM

- (3) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 2000. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.

MAINTENANCE WORK

- (4) All work identified within the Maintenance Schedule prepared by Godden Mackay Logan and dated April 2000 as requiring an inspection or attention either on an annual basis or less shall be carried out to the satisfaction of the Director City Development prior to the registration of the Heritage Floor Space award.
- (5) A suitably qualified heritage architect is to certify that any maintenance work required by Condition 4 above is carried out in accordance with the endorsed Conservation Plan, prior to the registration of the Heritage Floor Space award.

INTERPRETATION STRATEGY

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

BUILDING NAME

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

REMOVAL OF GRAFFITI

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

NO SPRUIKERS OR AMPLIFIED NOISE

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

NOISE

- (10) 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

- (11) 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.

NO OBSTRUCTION OF PUBLIC WAY

- (12) 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 2

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

Carried.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

DEVELOPMENT APPLICATION: 35-43 CLARENCE STREET SYDNEY (D/00/00288)

7.4

That consideration of this matter be deferred to the meeting of Council on 24 July 2000.

Carried.

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

Note - Ms Louise Sureda addressed the meeting of the Planning Development and Transport Committee on Item 7.4.

**DEVELOPMENT APPLICATION: 114-120 LIVERPOOL STREET, SYDNEY
(D/99/01027)**

7.5

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 17 July 2000, in relation to Development Application D/99/01027 made by S.T. Cheong and Associates Pty Limited for the site at 114-120 Liverpool Street for demolition of the existing building and construction of a new 22 level residential building, it be resolved that -

- (A) consideration of this matter be deferred for a period up to 14 days to enable further time for the outstanding issues to be addressed to the satisfaction of Council;
- (B) authority be delegated to the Lord Mayor to determine the subject application.

Carried.

**PART "B" (CONTINUED) - DETERMINED BY THE PLANNING
DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED
AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Item 7.6 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 84-88 CATHEDRAL STREET
WOOLLOOMOOLOO (D/00/00441)**

7.6

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

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 17 July 2000 in relation to Development Application D2000-00441 made by Sedia Pty Ltd to use a portion of the Sir John Young Crescent public footway for outdoor seating, to be used in conjunction with the café/delicatessen to be located at 84-88 Cathedral Street, it be resolved that consent be granted subject to the following conditions -

Schedule 1A

APPROVED DEVELOPMENT

- (1) The development must be in accordance with Development Application No. D00-00441 dated 30 May 2000 and information and drawings numbered S4-130/651B dated 11 October 1996 prepared by City of Sydney, as annotated and as amended by the following conditions:
- (2) The street cafe must cease after a period of 1 year from the date of commencement. A new development application to continue the use may be lodged before the expiration of the consent for Council's consideration of the continuation of the use.
- (3) That the proposed outdoor seating area be used in conjunction with the café/delicatessen to be located on the ground floor of 84-88 Cathedral Street Woolloomooloo.

HOURS OF OPERATION

- (4) That the hours of operation be restricted to between 7:00am and 7:00pm Mondays to Sundays, inclusive.

USE OF OUTDOOR CAFÉ AREA

- (5) That appropriate means of delineation be provided in order to create a boundary between the café and the entrance to the residential apartments. These details are to be submitted for the approval of the Director City Development prior to commencement of operation of the outdoor seating area. Council notes that the applicant has indicated that she is prepared to further restrict the outdoor seating area to take into account the delineation of the boundary between the café and the entrance to the premises.
- (6) A maximum of three (3) tables and twelve (12) chairs shall be located within the footway area.
- (7) All furniture shall be kept strictly within the boundaries of the area defined on drawing S4-130/651B, and held on file D00-00441.

OUTDOOR CAFÉ POLICY

- (8) That a minimum of two metres distance is maintained between the edge of the outdoor seating area and the nature strip to allow for pedestrian activity.
- (9) To allow for the anticipated increase in pedestrian activities in the City during the Olympic and Paralympic Games in Year 2000, Council may direct the operator to modify or remove the outdoor café during this period. No claim for compensation shall be entitled under such circumstances.
- (10) The operation shall be suspended to facilitate Council approved special events to be held in the street. No claim for compensation shall be entitled under such circumstances.

- (11) The operator of the cafe shall enter into a licence with Council for the subject area with all legal costs associated with the preparation of the licence being borne by the licensee. Such licence shall be executed prior to the commencement of operation of the footway cafe.
 - (a) Note: Should the operator of the cafe change at any time, the licence is required to be renewed under the name of the new operator.
- (12) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (13) The licensee intending to lease from Council or use footways, plazas or other portions of the public way for outdoor food retailing purposes must contract either with Council or with a suitable refuse contractor for the daily removal of putrescible wastes prior to the commencement of operations of the licensed area.
- (14) In addition to Council's daily street sweeping and cleansing operations, the operator of the outdoor café shall ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (15) All outdoor furniture, including tables, chairs, planters, umbrellas, etc shall be the subject of Council approval prior to the commencement of the use. The furniture must comply with the requirements of the Outdoor Cafe Policy 1996. In selecting the outdoor furniture, care should be taken to ensure that the design will not leave impressions or otherwise damage the footway pavement within the licensed area. Any damage to Council's footway must be rectified at the lessee's expense.
- (16) All outdoor furniture and planting shall be maintained at all times in a physically sound and aesthetically acceptable condition.
- (17) No furniture or other structure shall be fixed to the pavement, without the consent of Council.
- (18) No advertising, other than that of the café or its logo, is permitted on any of the café furniture.
- (19) The chairs should be able to be stacked or folded for storage when not in use with a furniture storage area being provided within the premises.
- (20) The use of disposable tableware at the footway café is not permitted at any time.

- (21) The use of the licensed area shall not give rise to a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.
- (22) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.
- (23) The proposed licensed area shall be adequately illuminated at night to the satisfaction of Council. Care should be taken to ensure that the illumination does not cause injury to the amenity of the neighbourhood.
- (24) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
- (25) 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.

Carried unanimously.

Note - Ms Diana Mullins addressed the meeting of the Planning Development and Transport Committee on Item 7.6.

DEVELOPMENT APPLICATION: HOLLYWOOD HOTEL, 2 FOSTER STREET, SURRY HILLS (D2000/00381)

7.7

That consideration of this matter be deferred to the meeting of Council on 24 July 2000.

Carried.

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

Note - Mr Jonas Mohan-Wild, Ms Doris Hoynes, Mr Kevin Lane, Mr Baron Alder and Mr Charles Bishop addressed the meeting of the Planning Development and Transport Committee on Item 7.7.

**DEVELOPMENT APPLICATION: 814 GEORGE STREET, SYDNEY
(D/00/00287)**

7.8

That consideration of this matter be deferred to the meeting of Council on 24 July 2000.

Carried.

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

Note - Mr Neil Ingham, Mr George Smith and Mr Harvey Saunders addressed the meeting of the Planning Development and Transport Committee on Item 7.8.

Order of Business

Note - Item 8 on the Business Paper was dealt with by Council after Item 13 and before Confidential Items.

ITEM 9. DEVELOPMENT APPLICATION: 35-43 CLARENCE STREET SYDNEY (D/00/00288)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 July 2000 and to Council on 24 July 2000, in relation to Development Application D/00/00288 made by City Plan Services for the site at 35-43 Clarence Street Sydney, for the fit-out of part of the ground and lower ground floors for use as a pub and restaurant and the use of the approved outdoor terrace area as a 'beer garden', it be resolved that -

(A) 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. D00/00288 dated 12/04/00 and information and drawings numbered 9736/ADA/04F dated 29/06/00 and 05D dated 29/06/00, 06D, ASK 49 and prepared by Crone Associates and as amended by the following conditions:

TRIAL PERIOD

- (2) The hours of operation for the pub shall be regulated as follows:
 - (a) The hours of operation of the premises shall be restricted to between 10.00 am to midnight on Mondays to Saturdays (inclusive), and from 12.00 noon to 10.00 pm on Sundays;
 - (b) Notwithstanding (a) above, the premises may operate for the following additional hours:
 - (i) from midnight on Fridays and Saturdays to 2.00 am.

for a trial period of 1 year from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.

- (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and

any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.

TERRACE

- (3) The use of the terrace shall be restricted to between the opening time of the pub and restaurant and 10.00 pm daily. After 10.00 pm, the terrace shall only be used to provide access for people with disabilities to the lower ground floor level of the pub and restaurant.

SECTION 61 CONTRIBUTION

- (4) 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) 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.

ACOUSTIC REPORT

- (5) The applicant shall submit a report, prepared by a specialist acoustic engineer, that shall:

- (a) establish the maximum noise levels to be produced by the activities on the subject premises;
- (b) establish the maximum acoustic levels that may be experienced by the building's other occupiers and surrounding buildings without negative impact on their amenity levels;
- (c) detail all measures to be implemented within the development site to attenuate the noise levels identified in (a) above to ensure that the level identified in (b) above is not exceeded.

The report and its recommendations shall be submitted to, and approved by, the Director City Development, prior to the issue of the Construction Certificate. The applicant shall implement the recommendations and attenuation measures that are approved and required by the Director City Development.

OPERATION OF PREMISES

- (6) A copy of the Management and Security Plan for the operation of the premises shall be signed by the Licensee and submitted to the Council, prior to the issue of the Construction Certificate.
- (7) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).
- (8) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.
- (9) Lighting shall be provided at the ground floor entrance. Details of this shall be submitted to, and approved by, the Director City Development prior to release of the Construction Certificate.
- (10) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (11) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (12) The removal of recycled bottles and glasses shall only occur between 8.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

- (13) The gaming area shall be restricted to the southern end of the lower ground floor area, as indicated on the approved plans.
- (14) The maximum number of gaming machines shall not exceed 15.
- (15) Any future external signage for the gaming area shall only be ancillary to an identification sign for the premises, as an under-awning sign or other sign acceptable to the Council.
- (16) No automatic teller machines (ATM) shall be installed in the premises.
- (17) No flashing signage visible from the public way shall be installed.
- (18) Signs shall be placed in clearly visible positions within the building requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (19) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

NOISE

- (20) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premises and within 3 metres of the premises.
- (21) The use of the premises shall not give rise to any one or more of the following:
 - (a) transmission of vibration to any place of different occupancy greater than specified in AS 2670;
 - (b) an indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055: "Acoustics – Description and Measurement of Environmental Noise";
 - (d) an "offensive noise" as defined in the Noise Control Act, 1975; or
 - (e) the emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;

- (f) The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with Parts 1 and 2 of Schedule 7 of the Noise Control Act 1975 for outdoor measurements, and AS 2107 for indoor measurements.

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

- (23) A separate development application shall 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.

SIGNS

- (24) 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.
- (25) Portable signs must not be placed on the footway or other public areas.

BUILDING CODE OF AUSTRALIA

- (26) All doors in a path of travel required for egress shall have a clear width of not less than 1 metre.

Schedule 1B

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

BUILDING CODE OF AUSTRALIA

- (27) Smoke hazard management shall be provided in accordance with E.2.2 of the BCA96. Details of which shall be submitted to Council for the approval of the Director City Development prior to the issue of a Construction Certificate.

WASTE REQUIREMENTS

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

- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note: Certification will also be required on completion of the building, prior to issue of a Certificate.

ACCESS

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

Schedule 1C

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

DESIGN OF FOOD PREMISES

- (30) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food

(General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

- (a) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of

EITHER:

- (i) the Certifying Authority with the construction certificate application, ie.

*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- (ii) the Principal Certifying Authority prior to the commencement of the work, ie.

*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note: Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Council's Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

WASTE MANAGEMENT

- (31) A Waste Management Plan, to the satisfaction of the Principal Certifying Authority, for the construction period of the proposed development must be submitted before commencement of work on the site.
- (32) 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. The Architect, or other appropriately qualified person experienced in Waste Handling Design and Environmental Management, must submit such Certification.

- (33) 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:
- (a) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal.
 - (c) 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.

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.

CERTIFICATION OF MECHANICAL VENTILATION

- (34) 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.
- (35) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:

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

STRUCTURAL CERTIFICATION

- (36) Prior to the 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 of 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:

- a. The relevant clauses of the Building Code of Australia (BCA);
- b. The relevant conditions of Development Consent;
- c. The Architectural Plans incorporated with the Construction Certificate; and
- d. The relevant Australian Standards listed in the BCA (Specification A1.3).

Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Schedule 1D

Conditions to be complied with during construction

CONSTRUCTION DURING THE OLYMPICS

- (37) 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.

NO OBSTRUCTION OF PUBLIC WAY

- (38) 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 VERMIN

- (39) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

HOURS OF WORK AND NOISE

- (40) 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'.

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.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (41) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
 - (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

BARRICADE PERMIT

- (42) 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 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

VENTILATION

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

HEALTH

- (44) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (45) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils 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. Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (46) 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

- (47) All evaporative cooling warm water or water-cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (48) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (49) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.
- (50) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.
- Note: Council reserves the right to randomly audit any mechanical ventilation documentation.
- (51) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (52) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

SANITARY FACILITIES

- (53) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (54) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

STRUCTURAL CERTIFICATE

(55) Prior to issue of an Occupation Certificate and/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 and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:

- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
 - (ii) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (iii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iv) Evidence of relevant experience in the form of a CV/Resume;
 - (v) Appropriate current professional indemnity insurance.
 - (vi) 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.
 - (vii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (viii) Council reserves the right to randomly audit any structural documentation.
- (B) it be noted that a proposed condition relating to details and particulars of the appearance and materials to be used on the new terrace and landscaped areas has been deleted on the basis that the applicant has confirmed that there will be no change to the detailing, finishes or materials of the outdoor terrace area, as approved by the Central Sydney Planning Committee on 15 June 2000, pursuant to the Section 96 (2) Application for the subject site, relating to DA No: Z95/00807.

Carried.

ITEM 10. DEVELOPMENT APPLICATION: HOLLYWOOD HOTEL, 2 FOSTER STREET, SURRY HILLS (D2000/00381)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 July 2000 and to Council on 24 July 2000, in relation to Development Application D2000/00381 made by Doris Hoynes for the site at 2 Foster Street Surry Hills, for the use of the front and back bar areas on the ground floor of the existing Hollywood Hotel as a Place of Public Entertainment for functions that involve live and recorded entertainment, it be resolved that:

- (A) consideration of the matter be deferred and the Director City Development be requested to undertake independent acoustic site testing within the development in order to assess whether the existing acoustic measures are able to achieve Council's noise criteria for sound attenuation for places of public entertainment;
- (B) authority be delegated to the General Manager to determine the development application, having regard to -
 - (i) the results of the acoustic testing as set out in (A) above;
 - (ii) the conditions of consent detailed in the subject report, as amended at the meeting of Council.

Carried unanimously.

ITEM 11. DEVELOPMENT APPLICATION: 814 GEORGE STREET, SYDNEY (D/00/00287)

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 17 July 2000 and to Council on 24 July 2000, in relation to Development Application D/00/00287 made by Millcrist Investments Pty Ltd for the site at 814 George Street Sydney for the fit-out and use of basement level as a new pub, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D00/00287 dated 12/04/00 and information and drawings numbered 9923 DA-02C and 03A dated 05/04/00 and prepared by Design Associates and as amended by the following conditions:

TRIAL PERIOD

- (2) The hours of operation for the pub shall be regulated as follows:
 - (a) The hours of operation of the premises shall be restricted to between 10.00 am to midnight on Mondays to Saturdays (inclusive), and from 12.00 noon to 11.00 pm on Sundays, provided that alcohol shall not be served before 12.00 noon.
 - (b) Notwithstanding (a) above, the premises may operate for the following additional hours:
 - (i) from midnight on Thursdays, Fridays and Saturdays to 3.00 am.

for a trial period of 6 months from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.
 - (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received, commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period.

GAMING MACHINES

- (3) No gaming machines, amusement devices or the like are permitted to be installed in the premises.

SECTION 61 CONTRIBUTION

- (4) 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) 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.

SECURITY MANAGEMENT PLAN

- (5) The applicant shall prepare and submit, in consultation with the Christ Church of St Laurence, a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be signed by the Licensee and approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

COMMUNITY CONSULTATIVE COMMITTEE

- (6) The licensee shall establish a community consultative committee, of the building owner, licensee (if different to the building owner), a nominee of the Director City Development and at least 5 representatives of adjoining owners and one representative of the Police. In terms of the representatives, the

licensee shall seek nominations from all adjoining owners and a representative sample chosen. If less than 5 nominations are received, those nominations shall be accepted. The consultative committee shall meet at monthly intervals (at times convenient to the committee), commencing at least 1 month prior to commencement of the pub and shall continue during the trial period. The committee shall act as a forum to management issues and their impact on adjoining occupiers, though shall not authorise activity for which Council approval is required without such prior approval.

CHRIST CHURCH OF SAINT LAURENCE EVENTS

- (7) On regular occurrence (not less than every 3 months), the licensee shall seek the date and timings of Church events, such as Sung Masses, Easter and Christmas Masses, Weddings, Funerals and Baptisms and shall ensure that the amenity of the events will not be prejudiced by the operation of the premises the subject of this Development Application. In the event of Church activities occurring at short notice, the Church shall provide notice to the licensee of special events at least two weeks prior to the event.

ARCHAEOLOGICAL INVESTIGATION/ HERITAGE

- (8) Should any historical relics be unexpectedly discovered on the site during excavation, 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.
- (9) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- (10) The applicant is to commission an experienced heritage architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, reconstruction, adaptive reuse, recording and demolition. The heritage architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (11) The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.
- (12) Detailed design documentation, including material samples and methodology for the following:

- (a) the relocation of the Pitt Street entrance, and reconstruction of the former window bay,
- (b) the installation of new doors and entrance to the ground floor of the Railway Square elevation; the installation of new entry stairs and new glazed entry doors to the George Street elevation;
- (c) upgraded internal air-conditioning;

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

ACOUSTIC REPORT

- (13) The development shall be in accordance with the recommendations of the acoustic report dated 11/04/00 and prepared by PKA Acoustic Consulting.

OPERATION OF PREMISES

- (14) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).
- (15) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The extent of camera surveillance along George and Pitt Streets shall be included in the Security Management Plan for the approval of Council. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.
- (16) Lighting shall be provided at the ground floor entrance. Details of this shall be submitted to, and approved by, the Director City Development prior to release of the Construction Certificate.
- (17) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. In this regard, the Management shall employ private security staff who shall be in attendance at the premises from 10.00 pm until closing, 7 days per week.
- (18)
 - (a) Access to the basement bar area via the Pitt Street fire stair shall be restricted to hostel guests only and shall be controlled by security card access or similar. Use of this fire stair to access the bar by other patrons or the general public is not permitted. The Management/Licensee shall ensure that suitable signage and security measures are implemented to achieve compliance with this condition.

- (b) The Management/Licensee shall ensure that patrons of the pub enter and exit the building from the relocated entrance on the southern elevation (Railway Square elevation).
- (19) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (20) The removal of recycled bottles and glasses shall only occur between 9.00am and 5.00 pm, Monday to Saturday and is not permitted on Sundays or Public holidays. The licensee shall ensure that these activities do not cause noise disruption to the amenity of the surrounding area.
- (21) No automatic teller machines (ATM) shall be installed in the premises.
- (22) No flashing signage visible from the public way shall be installed.
- (23) Signs shall be placed in clearly visible positions within the building requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (24) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

RECEPTACLES FOR CIGARETTE BUTTS

- (25) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
 - (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building; and
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

NOISE

(26)

- (a) the existing roller shutter to the loading dock shall be rigged (and if necessary replaced) for quiet operation to the satisfaction of Council.
- (b) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premises and within 3 metres of the premises.

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

- (a) transmission of vibration to any place of different occupancy greater than specified in AS 2670;
- (b) an indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;
- (c) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055: "Acoustics – Description and Measurement of Environmental Noise";
- (d) an "offensive noise" as defined in the Noise Control Act, 1975; or
- (e) the emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health;
- (f) The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with Parts 1 and 2 of Schedule 7 of the Noise Control Act 1975 for outdoor measurements, and AS 2107 for indoor measurements.

REMOVAL OF GRAFFITI

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

EXTERNAL LIGHTING

(29) A separate development application shall 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.

SIGNS

- (30) 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.
- (31) Portable signs must not be placed on the footway or other public areas.
- (32) The applicant shall submit to Council, and have approved, an application under Section 68 of the Local Government Act 1993 for a Place of Public Entertainment Licence prior to the issue of the Construction Certificate.

Schedule 1B

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

DESIGN MODIFICATIONS

- (33) The design of the pub shall be modified as follows:
 - (a) The entrance to the premises shall be relocated to the southern elevation (Railway Square elevation) of the building and the proposed entrance at Pitt Street shall be used as an entrance to the hostel only. The alterations will need to be accompanied by a Heritage Impact Statement and a Building Code of Australia report to support the alterations.
 - (b) The amendments shall be submitted for the approval of the Director City Development and the Chair of the Planning Development and Transport Committee prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

WASTE REQUIREMENTS

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

- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note: Certification will also be required on completion of the building, prior to issue of a Certificate.

SANITARY FACILITIES

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

ACCESS

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

Schedule 1C

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

DESIGN OF FOOD PREMISES

(37) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

(a) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of

EITHER:

(i) the Certifying Authority with the construction certificate application, ie.

*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

(ii) the Principal Certifying Authority prior to the commencement of the work, ie.

*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or

*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note: Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Council's Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

WASTE MANAGEMENT

- (38) A Waste Management Plan, to the satisfaction of the Principal Certifying Authority, for the construction period of the proposed development must be submitted before commencement of work on the site.
- (39) 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. The Architect, or other appropriately qualified person experienced in Waste Handling Design and Environmental Management, must submit such Certification.
- (40) 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:
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal.
 - (c) 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.

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.

CERTIFICATION OF MECHANICAL VENTILATION

- (41) 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.
- (42) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
 - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION

- (43) Prior to the 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 of 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).

Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Schedule 1D

Conditions to be complied with during construction

CONSTRUCTION DURING THE OLYMPICS

- (44) 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.

NO OBSTRUCTION OF PUBLIC WAY

- (45) 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 VERMIN

- (46) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

HOURS OF WORK AND NOISE

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (48) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

BARRICADE PERMIT

- (49) 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 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

VENTILATION

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

HEALTH

- (51) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

OR

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (52) 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. Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

- (53) 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
- (54) All evaporative cooling warm water or water-cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (55) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (56) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.
- (57) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note: Council reserves the right to randomly audit any mechanical ventilation documentation.

FIRE SAFETY CERTIFICATE

- (58) A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (59) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

PLACE OF PUBLIC ENTERTAINMENT

- (60) The applicant shall obtain approval from Council for the use of the premises or any part thereof as a place of public entertainment under Section 68 of the Local Government Act 1993. Such approval shall be obtained prior to taking up such use.

BUILDING CODE OF AUSTRALIA

- (61) All doors in a path of travel required for egress shall have a clear width of not less than 1 metre.
- (62) Smoke hazard management shall be provided in accordance with E.2.2 of the BCA96.
- (63) In any place of public entertainment the ceiling height shall not be less than 2.7 metres in accordance with F3.1 of the BCA96.

FOOD REQUIREMENT

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

STRUCTURAL INSPECTION CERTIFICATE

- (65) Prior to issue of an Occupation Certificate and/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 and a copy of the certificate with a microfilm set of the final drawings submitted to Council after:
 - (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

- (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-
- (ii) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
- (iii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
- (iv) Evidence of relevant experience in the form of a CV/Resume;
- (v) Appropriate current professional indemnity insurance.

- (vi) 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.
 - (vii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (viii) Council reserves the right to randomly audit any structural documentation.
- (66) The applicant shall apply to the Sydney Traffic Committee for the creation of a loading zone along the Pitt Street frontage of the site.

Carried unanimously.

ITEM 12. QUESTIONS ON NOTICE

POKER MACHINES – SOCIAL IMPACTS (S010694)

1. By Councillor Greiner –

Question

Lord Mayor, I draw attention to the potential demise of the Cricketers' Club of NSW, Barrack Street, Sydney.

A Daily Telegraph newspaper report by Mr Mark Skelsey stated that the Club had seen poker machine revenue drop by 58% during the past 18 months, which has undermined its financial position. Later in the same report reference is made to the State Government's new Gaming Law, which means that any amalgamations have to pass a social impact assessment designed to protect communities from excessive poker machines.

Given the rampant explosion of applications for licensed premises in the city to have poker machines, would you agree to undertake an assessment of the impact by –

- (a) providing Councillors with an assessment of the numbers of poker machines already existing in the city; and
- (b) as a result of that, doing our own social impact assessment on the demand for further poker machines.

Answer by the Lord Mayor

The Director City Development advises that:

“With respect to Question (a), regarding the current numbers of gaming machines in existence in the city, Council officers will request that the Department of Gaming and Racing provide that information as Council has no such records or control over gaming licensing provisions.

With respect to Question (b), in relation to a social impact assessment for the Local Government Area, it is considered that the Department of Gaming and Racing should be requested to undertake such an assessment. Moreover, until that assessment has been made, and its findings reviewed, and, where appropriate, implemented, the Department and the Licensing Court should be requested not to issue any further licences for gaming machines.”

QUESTIONS WITHOUT NOTICE**RATING OF PROPERTY (S010700)**

1. By Councillor Greiner -

Question

Lord Mayor, I understand the Deputy General Manager has been in discussion with a tenant of 183 Macquarie Street and has determined that there has been a flaw in Council's rating of parcels of land comprising the lift lobbies or vestibules in commercial buildings which are owned jointly or as tenants in common by the individual owners of the office suites on the same floor as a lift lobby or vestibule.

In view of the confusion about the right of Council to aggregate the land value of each parcel of land which is the foyer of a lift lobby or vestibule in a commercial building and the common property of the Body Corporate, will you ensure that Council resolves to correct this anomaly and compensate the affected ratepayers who have been overcharged since the 1996/97 financial year?

Answer by the Lord Mayor

Councillor Greiner, without in any way accepting the veracity or otherwise of your assertions, even though they are out of order given it's meant to be a neutral question, I will ask the Deputy General Manager to comment. He can either give the answer now or he can take it on notice. I will leave it to him.

Deputy General Manager

The answer, of course, is not as simple as the applicant makes out. I have had a number of discussions with this ratepayer and I am currently seeking some legal advice and I will have some further discussions with the person concerned.

Councillor Greiner (continued)

Could the Deputy General Manager, when appropriate, circulate Councillors, through the Councillors' Information Service, details of the outcome of this matter.

Answer by the Lord Mayor (continued)

That is a second question and the answer is yes.

“DAY OF MOURNING SITE”, ELIZABETH STREET (S010699)

2. By Councillor Farr-Jones

Question

Lord Mayor, could I ask, through you, a question of the General Manager. General Manager, could you provide Council with an update of your discussions with the Metropolitan Aboriginal Land Council concerning the site at Elizabeth Street, which we discussed some weeks ago, the renovation of that site and the contribution or the facilitation that Council may be able to provide to the construction of the museum?

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

I would like to take that question on notice.

ANGEL PLACE RECITAL HALL (S010700)

3. By Councillor Greiner -

Question

Lord Mayor, I understand that the air conditioning in the Recital Hall at Angel Place is considered to be quite poor, in that it is significantly affecting performances and audience comfort due to overheating.

Would you please ensure a report to Councillors from an independent expert on the efficacy of the air conditioning and why it appears to be failing?

Answer by the Lord Mayor

Before we commit funds to get an expert onto this I will take advice from staff. I ask that the staff report first in the Councillors' Information Service and see whether an independent expert is warranted. If there is a problem we will do that. This is the first I have heard of this and I have had lots of compliments about the facility. We will just see what the story is.

NOISE ATTENUATION (S010700)

4. By Councillor Greiner -

Question

You will recall that at other times I have been concerned about the standard of noise attenuation between apartments and my belief standards are not efficacious. I understand there has been legal action by new City residents of some buildings against both the developer and/or the construction company.

Would you ensure that Council is in contact with the Building Code of Australia authority to ensure that they actually do conduct a review of basic standards of noise attenuation within buildings?

Answer by the Lord Mayor

As you will recall, Councillor Greiner, when Councillor Jahn was here he was very concerned about this, and we had a review about internal noise transmission as well as transmissions to the outside and we adopted some new standards. We also made recommendations to the Australian Building Codes Board. Perhaps the Director City Development might let us know where those representations are up to either now or through the Councillors' Information Service.

Director City Development

I will reply through the Councillors' Information Service, but I am aware that the Australian Building Codes Board are reviewing their noise controls. They are different to ours. Their review is based on our recommendations but they will take a slightly different tack.

We have maintained that our standards are quite effective. I will find out what is happening with the Australian Building Codes Board.

ITEM 13. NOTICES OF MOTION

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

Business of which due notice had not been given

At this stage of the meeting, pursuant to the provisions of Clause 14(3) of the Local Government (Meetings) Regulation 1993, the following motion was moved -

Moved by Councillor Greiner -

That the General Manager be requested to submit a report to the next Council meeting outlining a brief for a Social Impact Assessment on the Effects of Gaming Machines in the City of Sydney; the brief to include

- (a) Data to be identified;
- (b) Financial implications for tendering to a Market Research company to implement the assessment, and
- (c) Process of community consultation with city residents, patrons and hoteliers

Urgency is sought to request the General Manager to present a brief to the next Council meeting.

The assessment will require a six months' implementation program and the information so identified in the Social Impact Assessment will provide factual data that will be a distinct assistance to both Councillors, Council staff and the State Government to more appropriately assess applications.

The motion that this matter be dealt with as a matter of urgency at this meeting was lost on the following show of hands -

Ayes (1) - Councillor Greiner

Noes (6) - The Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull.

Motion lost.

Note - the Lord Mayor requested that the General Manager prepare a report for the relevant Committee which covers the issues raised in Councillor Greiner's proposal and any alternative approach which Council may take to better prosecute its concerns about the effects of gaming in the City.

ITEM 8. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 18 JULY 2000

PRESENT

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

Councillors Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.05 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

At 5.06 pm the meeting was adjourned.

At 5.25 pm, at the resumption of the meeting of the Priorities and Outcomes Committee, those present were:

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

Closed meeting

At 5.26pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 8.1 to 8.5 (inclusive) on the agenda.

The meeting of the Priorities and Outcomes Committee concluded at 5.53 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 18 July 2000 be received, and the recommendations set out below for Items 8.1 to 8.6 inclusive be adopted.

Carried.

The Committee recommended the following -

Closed meeting

At 5.26 pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Sections 10A (2)(d)(i) and 10A(2)(c) of the Local Government Act 1993 to discuss Items 8.1 to 8.5 (inclusive) on the agenda as these matters comprised discussion of commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it, and/or 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 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 8.1 to 8.5 inclusive were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public, and Item 8.6 was dealt with by the Priorities and Outcomes Committee in open session. Items 8.1 to 8.6 were subsequently dealt with by Council in open session.

COMPETITIVE TENDERING ROUND TWO: DOMESTIC WASTE AND RECYCLING SERVICE (S0012338)

8.1

That arising from consideration of a report by the Section Manager – City Environment, Waste and Cleansing, to the Priorities and Outcomes Committee on 18 July 2000, on Competitive Tendering Round Two: Domestic Waste and Recycling Service, it be resolved that Council's preferred option for the domestic waste and recycling service is to tender each component of the domestic waste and recycling service (garbage, recycling and clean up service) with the option of awarding more than one service to a single provider.

Carried.

COMPETITIVE TENDERING ROUND TWO: RECREATION AND COMMUNITY SERVICES (S012393)

8.2

That arising from the consideration of a report by the Project Manager, City Service Development to the Priorities and Outcomes Committee on 18 July 2000, on Competitive Tendering Round Two: Recreation and Community Services, it be resolved that a staged process be taken to competitively tendering for the City's recreation and community services, involving:

- (i) Calling for Expressions of Interest to test the potential of the market;
- (ii) Calling for tenders to operate the services.

Carried.

COMPETITIVE TENDERING ROUND TWO - CITY ASSET MAINTENANCE (S012338)**8.3**

That arising from consideration of a report by the Manager, City Service Development, to the Priorities and Outcomes Committee on 18 July 2000, on Competitive Tendering - City Asset Maintenance, it be resolved that tenders be called for the following City Asset Maintenance contracts:

- (i) Graffiti Removal Contract – maintain as a specialist service.
- (ii) Street Tree Contract – tender as a specialist service with a specification that accounts for a strategic approach to the care and maintenance of street trees
- (iii) Parks and Open Spaces Contract – tender as a total asset management contract.
- (iv) Street Cleaning Contract – undertake a re-specification process to clearly identify asset groups, responsibilities and service levels.
- (v) Roads and Footways Contract – re-specification process to clearly identify asset groups, responsibilities and service levels.

Carried.

COMPETITIVE TENDERING ROUND TWO - PROPERTY AND FACILITIES MANAGEMENT SERVICES**8.4**

That arising from consideration of a report by the Facilities Manager, Property and Asset Management Unit, to the Priorities and Outcomes Committee on 18 July 2000 on Competitive Tendering Round Two - Property and Facilities Management Services, it be resolved that -

- (A) tenders be called for an amalgamated property and facility management service for all properties, with the exception of those under the care of head lessees, such as Capitol Theatre or those with specific management needs or arrangements, such as Customs House, Cook & Phillip Park Recreation Centre and City Recital Hall.
- (B) cleaning services be tendered as a separable option;
- (C) where the results of the Tenders for the amalgamated service are deemed unsuitable or costly, negotiations with the existing service providers be undertaken to extend the existing contracts and incorporate the tendered cleaning services.

Carried.

TENDER FOR THE MANAGEMENT OF THE PROPOSED NEW ANDREW 'BOY' CHARLTON AQUATIC CENTRE (S012317)

8.5

That arising from consideration of a report by the City Representative, City Service Development to the Priorities and Outcomes Committee on 18 July 2000, on Tender for the Management of the Proposed new Andrew 'Boy' Charlton Aquatic Centre, it be resolved that -

- (A) Council seek Tenders for the management and operation of the new Andrew 'Boy' Charlton Pool and Kiosk and Prince Alfred Park Pool and Kiosk;
- (B) the Request for Tender be substantially in the form of Attachment A to the subject report, subject to amendments made at the meeting of the Priorities and Outcomes Committee;
- (C) authority be delegated to the Lord Mayor to approve the final form of the Request for Tender, in consultation with the Director Legal and Secretariat.

Carried.

CITY OF SYDNEY STATE OF THE ENVIRONMENT REPORT (SOO5147)

8.6

That arising from consideration of a report by the Senior Project Manager - Environment, City Service Development, to the Priorities and Outcomes Committee on 18 July 2000, on the City of Sydney State of the Environment Report, it be resolved that -

- (A) the City of Sydney State of the Environment Report 1999/2000 be structured according to the requirements of the Local Government Act 1993 and cover the eight environmental sectors of land, air, water, biodiversity, waste, noise, Aboriginal heritage and non-Aboriginal heritage;
- (B) the City of Sydney develop an Environment Program that responds to the issues identified in the State of the Environment Report and to the requirements of the Local Government Amendment (Ecologically Sustainable Development) Act 1997.
- (C) the Deputy General Manager be requested to identify initiatives which could be undertaken over the next three to five years, such as developing strategies for the handling, treatment and uses of waste water.

Carried.

Closed meeting

At 7.10 pm the meeting resolved -

That the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 3B 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 3B was then dealt with by Council while the meeting was closed to the public.

ITEM 3B. ULTIMO PEDESTRIAN NETWORK (S009181)**Declaration of Interest**

Prior to discussion on Item 3B, the Chairman (the Lord Mayor) declared an interest in this item, in that he is a member of the Board of the Sydney Harbour Foreshore Authority. Having received advice that it does not constitute a pecuniary interest, the Lord Mayor took part in discussion and voting on this item.

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter will remain confidential until the General Manager considers it appropriate to make the Resolution public.

At 7.25pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 14 August 2000 at which
meeting the signature herein was subscribed.