



26 JUNE 2000

Meeting No 1311

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.58pm on 26 June 2000 pursuant to Notice 8/1311 dated 22 June 2000.

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PRESENT

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

Councillors - Dixie Coulton, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.58pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting as he was overseas.

Councillor Kathryn Greiner extended her apologies for her inability to attend the meeting as she was overseas.

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

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Turnbull, seconded by Councillor Ho -

That the minutes of the meeting of Council of 5 June 2000, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

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

That the order of business be altered such that the Minute by the Lord Mayor and Memoranda by the General Manager be deferred to later in the meeting and dealt with immediately before 'Confidential Items'.

Carried.

ITEM 4. MATTERS FOR TABLING

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

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

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

Carried.

Petition

The Chairman (the Lord Mayor) tabled a petition, signed by approximately 190 persons, opposing the proposal to locate an EnergyAustralia sub-station at 72 Commonwealth Street.

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

That the petition be received and noted and referred to the Director City Development and the Planning Development and Transport Committee for consideration.

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 19 JUNE 2000**PRESENT**

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

Councillors Dixie Coulton, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 5.30 pm, those present were -

The Lord Mayor, Councillors Coulton, Greiner, Ho and Turnbull

Councillor Fabian Marsden was also present.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as his return flight from overseas had been delayed.

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

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

Carried.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.40pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 19 June 2000 be received, and the recommendation set out below for Item 5.1 be adopted.

Carried.

The Committee recommended the following:-

WORKERS COMPENSATION AND SUPERANNUATION EXPENDITURE FORECAST (S008111)**5.1**

That arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee on 19 June 2000 on Workers Compensation and Superannuation Expenditure Forecast, it be resolved that Council:-

- (A) note the reduction in the workers compensation provision by \$2.000million;
- (B) note the reduction in expenditure on superannuation in 1999/2000 by \$1.400million;
- (C) note that the forecast operating result for 1999/2000 will be improved by \$3.4million to reflect the savings against budget for workers compensation of \$2.000million and superannuation of \$1.400million.

Carried.

ITEM 6. REPORT OF THE CULTURAL AND CITY CARE COMMITTEE - 19 JUNE 2000

PRESENT

Councillor Dixie Coulton
(Chairman)

The Lord Mayor (Councillor Frank Sartor), Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 5.41 pm, those present were -

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

Councillor Fabian Marsden was also present.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as his return flight from overseas had been delayed.

Moved by the Chairman (Councillor Coulton), seconded by Councillor Greiner -

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

Carried.

The meeting of the Cultural and City Care Committee concluded at 6.05 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That the Report of the Cultural and City Care Committee of its meeting of 19 June 2000 be received, and the recommendation set out below for Item 6.1 be dealt with as shown immediately following that item.

Carried.

The Committee recommended the following -

CHANGES TO CITY OF SYDNEY BUSKING POLICY 2000 / OLYMPIC BUSKING POLICY (S06-02841)**6.1**

That arising from consideration of a report by the Cultural Policy Coordinator to the Cultural and City Care Committee on 19 June 2000, on Changes to City of Sydney Busking Policy 2000/Olympic Busking Policy, it be resolved that -

- (A) the revised Busking Policy for the City of Sydney, as shown at Attachment A to the subject report, be adopted;
- (B) the Olympic Busking Policy, as shown at Attachment B to the subject report, be adopted, subject to:
 - (i) amendment of paragraph 4.3 to read as follows:

“A total of 300 Olympic Busking Permits will be issued. Of these 300 permits, no more than 33.3%, or 100 permits, will be issued to buskers who are not Australian Residents.”;
 - (ii) subject to confirmation that Council is not legally required to ensure that buskers who are not Australian residents have an appropriate work visa, the amendment of paragraph 4.2.3 to delete the words ‘and appropriate Work Visa’.

Amendment. At the request of Councillor Coulton and by consent, the motion was amended by the deletion of clause (B) and the substitution of the following new clause (B) -

- (B) “adoption of the Olympic Busking Policy, as shown at Attachment B to the subject report, be deferred to allow buskers represented at the meeting, and other buskers, to make representations to the Sydney Harbour Foreshore Authority in relation to foreshore areas, including East Circular Quay; and to this end -
 - (i) the General Manager be requested to arrange for buskers to meet with the appropriate representative of the Sydney Harbour Foreshore Authority;
 - (ii) authority be delegated to the Lord Mayor to determine the policy after consultation with the Chairman of the Cultural and City Care Committee, and taking into account the amendments proposed by the Committee and the changes negotiated with the Olympic Roads and Traffic Authority by members of the Busking Policy Review Panel, with respect to No Go zones.”

Motion, as amended by consent, carried unanimously.

Note - The Busking Policy for the City of Sydney, as adopted by Council, is as follows:

CITY OF SYDNEY BUSKING POLICY 2000

1 GLOSSARY OF TERMS

For the purposes of this policy the following definitions apply:

- 1.1 *Busker:*** An entertainer who provides impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.
- 1.2 *Performance:*** Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
- 1.3 *Soliciting of funds:*** The act of asking, begging, seeking or requesting money or goods from members of the public.
- 1.4 *Offering for sale:*** The display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money (for example, CDs or cassettes).
- 1.5 *Dangerous materials and implements:*** Materials and implements that pose risk, hazard or uncertain outcomes for people.
Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.
Dangerous implements include knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public.
- 1.6 *Restricted areas:*** Specified areas within the city that have had restrictions placed on busking activities that may occur in them.
- 1.7 *Designated sites:*** Specified sites within restricted areas where busking can occur under defined conditions.
- 1.8 *Circle acts:*** Structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20 minutes.
- 1.9 *Walk-by acts:*** Spontaneous performances where the audience is not required to stop and watch.

2 OBJECTIVES

This policy has been developed:

- 2.1** To encourage activities that contribute colour and life to the City and opportunities for alternate voices to be heard through public performance.
- 2.2** To provide an equitable system of use for popular busking sites in the city among the buskers earning a living through their art form.
- 2.3** To identify and qualify locations suitable as busking sites.

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- 2.4** To minimise complaints, criticism and other problems associated with buskers operating in the Sydney area, while supporting the rights of individuals to express themselves in a democratic manner.

3 PRINCIPLES

The City of Sydney Council recognises that:

- 3.1** Sydney has a strong tradition of busking and buskers contribute to a sense of place in the city of Sydney.
- 3.2** Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- 3.3** Buskers provide entertainment and thought provoking experiences to tourists and members of the general public.
- 3.4** Busking is a valid means for people to make a living.
- 3.5** Busking should not unduly interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

4 CONDITIONS

This policy covers the City of Sydney local government area WITH THE EXCEPTION OF THOSE AREAS UNDER THE RESPONSIBILITY OF:

Sydney Harbour Foreshore Authority: (The Rocks)

Royal Botanic Gardens Trust: (The Domain and Royal Botanic Gardens)

Darling Harbour Authority: (Darling Harbour, Tumbalong Park etc.)

The Opera House Trust: (Opera House steps, concourse and forecourts.)

For information about busking in these areas please contact the authority responsible.

Authorised busking is permitted *anywhere* in the City of Sydney (with the exception of the areas identified above) under the *conditions* outlined in this section. However, some areas of the city are *restricted* to the use of *designated sites* for busking activities and additional *special conditions* apply to busking in these areas. Restricted areas, designated sites and conditions for the use of them are identified in section 5 of the policy.

Busking activities are covered for public liability under the City of Sydney's insurance policy whilst ever the busker complies with the conditions and requirements for busking contained in this policy.

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Obtaining an authorised permit to busk in the city:

- 4.1** Buskers must hold an authorised permit to busk, issued by the City of Sydney. Permits may be obtained from the City of Sydney One Stop Shop, following payment of:
- 4.1.1** \$10 for a three (3) month permit, based around four yearly quarters (or \$5 if within the last half of the quarter), or
 - 4.1.2** \$40 for an annual permit.
- 4.2** For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a Busking permit will be issued:
- 4.2.1** Proof of identity in one of the following forms:
 - 4.2.1.1** a current motor vehicle driver's license,
 - 4.2.1.2** a student identity/proof of age card
 - 4.2.1.3** a current passport
 - 4.2.1.4** a bank card or credit card with signature.
 - 4.2.2** Australian Income Tax File number, ABN Number, or Statutory Declaration declaring intention to pay tax on earnings.
 - 4.2.3** Passport and appropriate Work Visa if the applicant is a non-resident of Australia.
 - 4.2.4** Proof of parental consent for applicants under the age of 18 years. Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a permit to busk. Consent forms can be obtained from the City of Sydney One Stop.
- 4.3** Annual Busking Permits are valid from January to December of any one year and must be renewed prior to or by the expiry date of 31 December each year.
- 4.4** Details of Buskers holding Permits to Busk will be entered into a Register of approvals granted by City of Sydney pursuant to section 113 of the Local Government Act. Additionally, pursuant to Sections 113(2) and 113(5) of the act the information recorded will include the name and address of the person or persons to whom the approval is granted and this information will be available for public inspection without charge during ordinary office hours.
- 4.5** Permits are not transferable or refundable.
- 4.6** The following are **not** considered to be buskers under the terms of this policy and as such will not be issued a permit:

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Balloon sculptors, tarot card and palm readers, fortune readers, artists selling their works (such as portrait artists), masseurs or masseuses, vendors of any kind (including vendors of reindeer ears, fluffy toys, jewellery etc), solicitors of money for any purpose.

- 4.7** By signing the Application for Permit to Busk in the appropriate space, applicants must agree to comply with:
- 4.7.1** The requirements for obtaining busking permits and special busking permits, and,
 - 4.7.2** The conditions for busking in the city in both unrestricted and the designated sites in restricted areas.

Conditions for busking in the city:

In relation to busking **in all areas of the city** (with the exception of those areas outside the authority of the City of Sydney), whether in restricted or unrestricted areas, the following conditions apply:

- 4.8** Buskers **must** display their Permits to Busk in a prominent, highly visible position in the busking site at all times during their acts.
- 4.9** Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.
- 4.10** When performing in Restricted Areas, buskers must use the designated sites specified in Section 5 of this Policy and no other area under the conditions specified for each designated site.
- 4.11** When performing in Restricted Areas, buskers may perform for a maximum of 2 hours in any one designated site.
- 4.12** Buskers may receive voluntary donations from the audience but may not solicit funds.
- 4.13** Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.
- 4.14** Buskers may only use amplification that is battery operated. Mains voltage amplification is prohibited.
- 4.15** Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance.
- 4.16** Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so under the terms and conditions outlined in Annexure 1.
- 4.17** Buskers may only use dangerous implements and materials, as defined in 1.5, if they hold a Special Busking Permit to do so, and must comply with

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the terms and conditions in the Code of Practice at Annexure 2. Special Busking Permits may be obtained from the One Stop Shop and require a 'Peer Endorsement' form to be completed and signed by the two peers appointed by the Busking Policy Review Committee. Contact details for peer endorsement will be provided at the One Stop Shop.

- 4.18** Authorised officers of the City of Sydney may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public inconvenience or is, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.
- 4.19** Buskers must also comply with directions issued by authorised officers of the Sydney Harbour Foreshore Authority, where the site falls within the Authority's area of responsibility, members of the NSW Police Force, Ambulance, Fire and any other Emergency Services.
- 4.20** Pursuant to sections 89, 109, 110 and 124 of the Local Government Act, City of Sydney may revoke or modify permits if the permit holder fails to comply with the requirements and conditions of approval. Authorised officers of the City of Sydney and the Sydney Harbour Foreshores Authority may confiscate permits for non-compliance. The City of Sydney may serve notice upon the person or persons holding a busking permit giving reasons for the revocation or modification of the permit and providing the permit holder with the opportunity to show cause why the approval should not be revoked or modified.
- 4.21** Busking permits may be revoked or modified in the circumstances where persons:
- 4.21.1** Are deemed by the City of Sydney to be causing a nuisance.
 - 4.21.2** Do not keep their site safe and clean while working.
 - 4.21.3** Cause obstruction to pedestrians or vehicular traffic and entrances to shops or buildings.
 - 4.21.4** Interfere in any way with an approved entertainment or activity without permission.
 - 4.21.5** Sell or offer for sale any articles or commodity.
 - 4.21.6** Use dangerous implements or materials as part of a performance without a special busking permit to do so.
- 4.22** Council and other authorised officers reserve the right to prohibit use of a restricted area, designated site or such area as may be specified by it while Council or other road works are in progress.
- 4.23** The use of unrestricted areas, restricted areas and designated sites for busking activities will be monitored by the Review Committee and continued use will be subject to their report.

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5. RESTRICTED AREAS

The following **special conditions** apply to the use of designated sites for busking activities in Restricted Areas:

5.1 FIRST FLEET PARK (1 designated site)

- 5.1.1 Busking is not permitted in the park when special events are in progress
- 5.1.2 Buskers must be mindful of and respect the rights of patrons using the park for recreation.
- 5.1.3 Buskers must comply with directions issued by authorised officers from the Sydney Harbour Foreshore Authority as well as City of Sydney authorised officers.
- 5.1.4 Chalk art is prohibited when directly applied to the pavement (See Attachment I).

5.2 CIRCULAR QUAY WHARF AREA (4 designated sites)

- 5.2.1 Use is subject to review upon completion of street upgrade & wharf development work.
- 5.2.2 Buskers may only perform at the four designated sites as indicated on Map 5.2 (Three 'walk by' and one 'circle act' sites).
- 5.2.3 Busking is not permitted between the hours of 12 noon and 2.30 pm on weekdays at these sites.
- 5.2.4 Buskers may not perform during special events.
- 5.2.5 Buskers may not perform near the entry to retail outlets.
- 5.2.6 Circle acts are only permitted in **designated Circle Act sites**, marked with the letter "C" on Map 5.2. Designated circle act sites provide for both circle acts and walk by acts. The use of dangerous goods and materials at "C" sites requires a Special Permit.
- 5.2.7 In order to avoid safety and health hazards to the public, buskers must be aware that when performing in the vicinity of food outlets and serving areas, they must not use materials that may leave a residue on tables, chairs or eating utensils (eg bubbles).
- 5.2.8 Chalk art is prohibited when directly applied to the pavement areas (see Attachment I).

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5.3 CIRCULAR QUAY EAST & WEST ESPLANADES (4 designated sites)

- 5.3.1 Subject to review, busking is currently not permitted along the Eastern Esplanade.
- 5.3.2 Busking is only permitted at the four designated sites along the Western Esplanade. Two of these sites are designated as circle act sites and two as walk by sites.
- 5.3.3 Chalk art is prohibited when directly applied to the pavement areas (see Attachment I).

5.4 ALFRED STREET, CIRCULAR QUAY (1 designated site)

- 5.4.1 Busking is permitted at one designated site.

5.5 CUSTOMS HOUSE SQUARE (1 designated site)

- 5.5.1 Busking in Customs House Square may only occur with the express permission in writing of Customs House Management. Details of contacts for Customs House Management can be obtained from the City of Sydney One Stop Shop.

5.6 MACQUARIE PLACE (2 designated sites)

- 5.6.1 Buskers must respect the rights of patrons using the park or nearby cafes and hotels and not unduly disrupt their activities.
- 5.6.2 Buskers may perform for a three (3) hour maximum period of time in this area.

5.7 WYNYARD PARK (2 designated sites)

- 5.7.1 Busking in the two designated sites is not permitted on the grassed area of the park but is permitted only on the hard surface areas.

5.8 MARTIN PLACE (5 designated sites)

- 5.8.1 Use is subject to Review when the redevelopment of Martin Place has been completed.
- 5.8.2 No busking is allowed between Pitt Street and George Street at any time.
- 5.8.3 Buskers may not perform less than 25 metres from the Martin Place Amphitheatre while performances are taking place in the Amphitheatre.
- 5.8.4 Buskers may not perform less than 15 metres from any other performer in Martin Place.

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5.8.5 Circle shows are permitted between Macquarie Street and Phillip Street but only one show at any given time.

5.8.6 No busking is allowed in Martin Place on Anzac Day (25 April) without the written approval of Council.

5.9 PITT STREET MALL (3 designated sites)

5.9.1 Busking in Pitt Street Mall is limited to three (3) locations only, as marked, at any one time.

5.9.2 Busking performances are limited to walk-by acts only.

5.9.3 Busking is not permitted prior to 2 pm in the Mall on weekdays. Busking is permitted after 11 am on weekends.

5.9.4 Buskers may not perform while special events are in progress in the Mall.

5.10 HYDE PARK (3 designated sites)

5.10.1 Busking is permitted at three (3) designated sites adjacent to the Archibald Fountain area.

5.10.2 Busking is only permitted on hard surfaces.

5.11 BELMORE PARK (6 designated sites)

5.11.1 Busking is permitted at six designated

5.12 QUEENS SQUARE (1 designated site)

5.12.1 Busking will only be permitted on Saturdays if the Supreme Court is not sitting and Sundays from 1.00 pm onwards.

6 BUSKING REVIEW COMMITTEE

Subsequent to the adoption of the Revised Busking Policy (1999) by the Council of the City of Sydney:

6.1 A Busking Review Committee will be maintained until the end of the year 2000 to monitor the effectiveness of the policy and advise on Busking issues that emerge in the City in the ensuing period.

6.2 The Committee will meet four times during that period, viz March, June, September and December 2000.

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6.3 The Committee will report to the Manager, Cultural Affairs and Protocol and will comprise:

- One (1) representative of the Cultural Advisory Committee,
- One (1) representative of the Retail Traders Association,
- One (1) representative from the Media Entertainment & Arts Alliance,
- One (1) Street performer and One (1) Musician nominated by Council in consultation with the Media Entertainment and Arts Alliance,
- Two (2) representatives from City of Sydney, Cultural Affairs and Protocol Unit or as nominated by the Unit Manager, and,
- One representative of the Sydney Harbour Foreshores Authority.

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ANNEXURE 1**City of Sydney Busking Policy**
PAVEMENT ART AS A FORM OF BUSKING**Code of Practice**

This code of practice only covers the areas that are the responsibility of City of Sydney, For areas managed by other organisations contact the authority responsible for busking policy in that area.

- 1** Busking may include *pavement art* where it can be seen as a form of *public entertainment* under the guidelines of the City of Sydney Busking Policy *with all the above existing conditions applying*, and including the following *specific* applications of City of Sydney's policies to pavement art:
 - 1.1** Pavement art, for the purposes of this policy, is defined as:
 - 1.1.1** Chalk drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out on the pavement (see Section 5 of the policy as it relates to maximum sizes for use in specific designated sites).
 - 1.2** Drawing directly on the pavement may only occur where:
 - 1.2.1** The material used is removable by water and does not leave a residue, and,
 - 1.2.2** The surface is of a non-porous material, such as bitumen and concrete. Surfaces not able to be drawn directly upon include sandstone, granite and other porous surfaces currently being used in some pavements, pathways and walkways in the city.
 - 1.3** Individual renditions of the artists' work may not be offered for sale, or sold to the public
 - 1.4** Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.

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City of Sydney Busking Policy**ANNEXURE 2.****CODE OF PRACTICE****Use of Dangerous Materials & Implements in Busking****1 Policy Statement**

The City of Sydney recognises that many buskers operating in the city use materials and implements in their practices that may reasonably be viewed as dangerous. However, the City of Sydney also acknowledges that, in the hands of skilled and experienced buskers, the use of fire and superficially dangerous implements such as knives and swords, in circus or juggling acts, lends an appealing theatrical element that is popular with the viewing public.

The purpose of this Code of Practice is to ensure that the use of dangerous materials and implements is restricted to buskers who have highly developed skills and experience in their use, and who are acutely aware of the need to ensure the safety of the public as well as their own safety when using them.

2 Approved sites for the use of dangerous materials and implements.

- 2.1** Six (6) sites have been nominated as appropriate for buskers who use dangerous materials and implements. These sites are the **only** sites upon which buskers may perform using these materials and implements.
- 2.2** The designated sites do not include Parks. Fire and dangerous materials may not be used in busking acts conducted in any park in the city.
- 2.3** The general and specific site conditions contained in the City of Sydney busking policy apply to these sites, in addition to the special requirements for the use of dangerous materials and implements in busking acts.
- 2.4** The six Special Busking Sites are identified on the maps attached to the Busking Policy as “SBS” and are located at:
 - 2.4.1** Alfred Street Circular Quay (1 site).
 - 2.4.2** West Esplanade Circular Quay (2 sites).
 - 2.4.3** Martin Place (2 sites).
 - 2.4.4** Macquarie Place (1 site).

3 Special Busking Permits

- 3.1** Buskers using dangerous materials and implements must hold a current Special Busking Permit to use these items in their acts.
- 3.2** All general conditions applying to standard Busking Permits apply to the holding of a Special Busking Permit.
- 3.3** Buskers holding Special Busking Permits must display them at all times in a prominent position while performing their acts using dangerous materials and implements.

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4 Conditions for Special Busking Permits

Buskers holding a Special Busking Permit, when using dangerous materials or implements in their acts, must adhere to the following conditions in the interests of public safety, and their own. The Special Permit busker must, at all times:

- 4.1** Ensure the health and safety of the audience witnessing the performance.
- 4.2** Ensure that public property is not damaged in the course of the performance.
- 4.3** Define the performance space to be used by establishing a *physical boundary* of **at least 2 metres** between herself/himself and the audience utilising one of the following options:
 - 4.3.1 Roped or chained off area.
 - 4.3.2 Chalk line (if the surface to be drawn upon is not of a porous material such as granite and sandstone, and if the line drawn is water-soluble and removed once the busker has completed the act).
- 4.4** Include a Work Cover approved Fire Blanket in their performance kits that is kept visible and accessible throughout the performance.
- 4.5** In the case of the use of flammable liquids, fuels are limited to kerosene, firewater or scented lamp oils (eg citronella) only. No other fuels will be permitted.
- 4.6** Store and transport any flammable liquids permitted under the Code of Practice in accordance with section 7 of the Australian Dangerous Goods Code, that is:
 - Portable plastic containers of **no greater than a 5 litre capacity**.
 - Containers conspicuously marked with the words
 - **‘HIGHLY FLAMMABLE’**, in capital letters on both sides of container
 - **‘Class 3 Flammable liquids’**, and
 - **The name of the liquid** in the container, eg Kerosene etc.
- 4.7** Use a **plastic bucket as a drip tray** for flares or torches (not metal), or preferably use a **pre-soaking method** for the flares or torches. City of Sydney will not tolerate drip stains on ground surfaces that are not immediately removed, or able to be removed by the busker using the site after the act has been completed.
- 4.8** If using dangerous implements in a performance, as defined under the Dangerous Goods Act, Clauses 14, 31, 239, 240, 242 and 248, covering the use and packaging of prohibited items, all edges on metal implements must be **blunted and rendered non-dangerous** (including chain saws and other mechanical devices). An implement is determined as *blunt* if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

5 Restrictions on Special Busking Permits

- 5.1** All restrictions applying to holders of Standard Busking Permits apply to holders of Special Busking Permits.

CITY OF SYDNEY BUSKING POLICY 2000

- 5.2 Special Busking Permits are only issued to **individual** buskers, not groups. That is, **each** busker in a group must hold a current Special Busking Permit if they are to use these items.
- 5.3 Special Busking Permits apply to Special Busking Sites only.

6 Process for Obtaining a Special Busking Permit

- 6.1 Special Busking Permits may be obtained from the City of Sydney One Stop Shop located at Level 2, Town Hall House, 456 Kent Street Sydney.
 - 6.2 Special Busking Permits are available under the same terms and conditions as standard Busking Permits with the exception of the additional requirements nominated below.
 - 6.3 Special Busking Permits require *Peer Endorsement*. **No less than two signatures** must be obtained from the identified *Peer Group* of Special Busking Permit holders for each Busker applying for a Special Busking Permit.
 - 6.4 Peer Endorsement in the terms stated above must be obtained before the Special Busking Permit will be issued.
 - 6.5 A passport-sized photograph of the applicant busker must be submitted with the application form and Peer Endorsement at the time of application.
-

ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 19 JUNE 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

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

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee as his return flight from overseas was delayed.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

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

Carried.

Closed Meeting

At 6.40 pm, the Planning Development and Transport Committee resolved to close the meeting to the public to discuss Item 7.5 on the agenda.

The meeting of the Planning Development and Transport Committee concluded at 6.50 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 19 June 2000 be received, and the recommendations set out below for Item 7.1, 7.2 and 7.5 be adopted, with Item 7.4 being noted, and Item 7.3 not being dealt with.

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 19 June 2000, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS (IMROC) PARRAMATTA ROAD 2000 AND BEYOND - REQUEST TO COUNCIL FOR ADDITIONAL FUNDING (S003937)

7.2

That consideration of this matter be deferred to the meeting of Council on 26 June 2000.

Carried.

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

Note - Ms Susan McHattie, Executive Officer, IMROC, addressed the meeting of the Planning Development and Transport Committee on this matter.

PRE-DEVELOPMENT APPLICATION PROPOSAL: 85-91 GOULBURN STREET, SYDNEY (S011913)

7.3

Note - No report on this item was circulated at the meeting of the Planning Development and Transport Committee and this matter was not discussed.

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 7.4 had been determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 397-409 KENT STREET AND 2 MARKET STREET, CNR MARKET & SUSSEX STREET, SYDNEY: ALLIANCE BUILDING (DA /2000/00236)

7.4

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 19 June 2000 in relation to Development Application DA 2000/00236 made by City Plan Services for the site at 397-409 Kent Street for the change of use, alterations and fitout of the existing premises known as the Lady Jane Restaurant to a late opening licensed bar with 15 gaming machines on part of levels 6 & 7 of the existing building, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. DA 2000/00236 dated 27/03/2000 and the report titled "*2 Market Street: Licensed Bar: Statement of Environmental Effects*" prepared by City Plan Services, dated March 2000 and drawings numbered 99048/A01 to /A04 Revision B and 99036/SD1 Revision A prepared by Crone Associates, and as amended by the following conditions
- (2) The portion of the proposal to enclose the terrace on Level 7 is refused and the existing awning is to be removed. Any proposed replacement shading devices or structure(s) and material is to be submitted to and approved by the Director City Development.

- (2b) The use of the external terrace area by patrons shall not be permitted after 10.00 pm on any day.
- (3) The applicant shall surrender the existing consent given under Notice of Determination No D99/00530 dated 29 November 1999, in accordance with the prescribed form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to the issue of a Construction Certificate for any part or stage of the development.

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) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
 - (d) **Timing of Payment**
 - (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

HOURS OF OPERATION

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

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.

OPERATION AND MANAGEMENT

- (6) The premises shall always be operated and managed in accordance with A Management and Security Plan submitted to and approved by the Director City Development prior to the issue of the Construction Certificate. Once approved a copy of this Plan shall be signed by the Licensee and submitted to the Council prior to the issue of the Construction Certificate.
- (7) This management plan must detail measures to be implemented, which shall be approved by the Director City Development prior to the issue of the Construction Certificate, that will require, by signage, patrons to enter/egress via the Market Street entrance/exit.
- (8) Internal signage shall be placed within the premises in prominent positions to encourage patrons to egress via the Market Street exit.
- (9) The Licensee is encouraged to become a member of the City of Sydney Accord with Licensed Premises (contact the City Services Development Unit 9265 9003 for information).

- (10) CCTV surveillance cameras shall be installed in the inside of the building and the Management/Licensee shall comply with Council's policies on the use of CCTV cameras. The surveillance tapes shall be kept for a minimum period of 14 days for viewing, upon request, by the police.
- (11) 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.
- (12) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (13) Eating and dining facilities are to be available during all hours of operation of the licence.
- (14) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (15) The gaming area shall be restricted to the area indicated on the approved plans.
- (16) The maximum number of gaming machines shall not exceed 7.
- (17) No automatic teller machines (ATM) shall be installed in the premises.
- (18) No flashing signage visible from the public way shall be installed.
- (19) Signs shall be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (20) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

NOISE

- (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;

- (a) an indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies;
 - (c) a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055: "Acoustics – Description and Measurement of Environmental Noise";
 - (d) an "offensive noise" as defined in the Protection of the Environment Operations Act 1997, or
 - (e) the emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of sound levels in (b), (c) and (d) must be carried out in accordance with the Protection of the Environment Operations Act 1997 for outdoor measurements, and AS 2107 for indoor measurements.
- (22) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.

PLACE OF PUBLIC ENTERTAINMENT

- (23) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by a separate application.
- (24) Should a Place of Public Entertainment licence be granted subsequent to this consent, the applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant of other matters considered appropriate by Council have been satisfactorily implemented.

SIGNS

- (25) For licensed premises, in addition to the sign showing the Licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
- (26) 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.
- (27) A separate development application for any proposed signs that are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

BCA AND HEALTH MATTERS

- (28) All doors in a path of travel required for egress shall have a clear width of not less than 1 metre.
- (29) Smoke hazard management shall be provided in accordance with E.2.2 of the BCA96.
- (30) The walls to the store/garbage and recycling area shall be cement rendered finished to a smooth even surface and painted with a washable paint of light colour.
- (31) All proposed shelving in the coolroom and store area shall be free standing constructed of galvanised angle iron or other approved material with the lowest shelf 150mm clear of the floor.
- (32) The floor of the coolroom shall be graded to the doorway and an approved sanitary fitting shall be located outside the door.
- (33) An approved audible device shall be located outside the coolroom but controllable only from within the coolroom.
- (34) The floor to the garbage and recycling area shall be graded and drained to an approved floor waste.
- (35) The bars shall be constructed of solid material finished on the internal wall surface with glazed tiles or other approved material and coved to a minimum radius of 25mm at the intersections with the plinth.
- (36) The bar tops shall be free of cracks, crevices or cavities and finished on the top and at exposed edges with a smooth impervious material.
- (37) The floor of the new bar shall be finished with a smooth impervious material coved to a minimum radius of 25mm at the intersection with the walls and plinths.

Schedule 1B

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

(38) 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.

(39)

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

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

(b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

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

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

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

- (41) Any room or area used for the preparation, storage, service, delivery and/or conveying of food and/or beverage for sale must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the NSW Food (General) Regulation 1992.
- (42) The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the NSW Food (General) Regulation 1992.

Schedule 1C

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

WASTE MANAGEMENT

- (43)
 - (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority before commencement of work on the site.
 - (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. The Architect must submit such Certification or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;

- b. Name and address of transport company;
- c. Address of proposed site of disposal;
- d. Name/address of company/organisation accepting material;
- e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
- f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
- g. Material for disposal and justification of disposal.
- h. If details of items (b) to (g) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

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

Note:

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

(44) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.

- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
- (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:-
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and

- (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes

An appropriately qualified practising structural engineer certifying by completing Attachment S1 must have:-

- a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
- b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
- c. Evidence of relevant experience in the form of a CV/Resume;
- d. Appropriate current professional indemnity insurance.

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.

Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Council reserves the right to randomly audit any structural documentation.

Schedule 1D

Conditions to be complied with during construction

CONSTRUCTION DURING THE OLYMPICS

- (45) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities.

HOURS OF WORK AND NOISE

- (46) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

LOADING AND UNLOADING DURING CONSTRUCTION

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

USE OF MOBILE CRANES

- (48) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
 - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.
- (49) Any materials, vehicles, refuse, skips, or the like, under any circumstances must not obstruct the public way. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

Schedule 1E

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

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

- (52) All doors serving as required exits or forming part of a required exit shall be provided in accordance with D2.19, D2.20 and D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate (form 10 of the Environmental Planning and Assessment Regulation 1994) shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.
- (53) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (54) The emergency lighting system serving Levels 6 and 7 shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (55) Signage complying with Clause D2.23 of the Building Code of Australia shall be provided to all required fire doors providing direct access to fire stairs.
- (56) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (57) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

Carried unanimously.

Closed Meeting

At 6.40 pm, the Planning Development and Transport Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(g) of the Local Government Act 1993 to discuss Item 7.5 on the agenda as this matter comprised receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;

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

Item 7.5 was then dealt with by the Planning Development and Transport Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

PART "A" CONTINUED - DETERMINED BY COUNCIL**SECTION 82A REVIEW: DEVELOPMENT APPLICATION; 469-481 KENT STREET SYDNEY (CONFIDENTIAL) (D99-00907)****7.5**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 19 June 2000, in regard to the request for a review of conditions (5) and (18) of Notice of Determination D99/00907 for 469-481 Kent Street Sydney, it be resolved that:-

- (A) Condition (5) be retained in its current form for the following reasons:
- (i) the uncertainty as to Council's ability to enforce the covenant;
 - (ii) imposition of a covenant would result in the granting of an uncertain consent in regard to the use of the habitable rooms adjacent to the western boundary of the site;
 - (iii) imposition of a covenant in lieu of the creation of an easement for light and air would create an undesirable precedent;
 - (iv) the imposition of a covenant is likely to fetter the discretion of the consent authority in regard to the consideration of any future application for development over the right-of-carriageway;
- (B) Condition (18) be retained in its current wording.

Carried unanimously.

ITEM 8. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 20 JUNE 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 5.30 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

Closed meeting

At 5.34pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item 8.2 on the agenda.

The meeting of the Priorities and Outcomes Committee concluded at 5.36 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 20 June 2000 be received, and the recommendations set out below for Items 8.1 and 8.2 be adopted.

Carried.

CHRISTMAS 2000 DECORATIONS PROGRAM (S010495)

8.1

That arising from consideration of a report to the Priorities and Outcomes Committee on 20 June 2000 by the Project Manager, Look of the City, on Christmas 2000 Decorations Program, it be resolved that:

- (A) Council endorse the Look of the City Committee's proposed design strategy for the 2000 Christmas Decorations Program, as outlined in the subject report;
- (B) authority be delegated to the General Manager to negotiate agreements with contractors for the design, procurement, installation and dismantling of the 2000 Christmas Decorations program;
- (C) Councillors be progressively briefed on the Christmas 2000 Decorations Program, including the next prototyping stage for street banners.

- (D) a draft brief for the process of implementing new design concepts for Christmas Decorations after 2000 be presented to the Priorities and Outcomes Committee well before the end of this year.

Carried unanimously.

Closed meeting

At 5.34 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 Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 8.2 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;

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

Item 8.2 was then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

COMPETITIVE TENDERING ROUND TWO: ST PETERS WASTE MANAGEMENT FACILITY (S011870)

8.2

That arising from consideration of a report by the Project Manager, City Service Development to the Priorities and Outcomes Committee on 20 June 2000, on Competitive Tendering Round Two: St Peters Waste Management Facility, it be resolved that: -

- (A) The Council's preferred option for the site is:

The competitive tendering of operations of the St Peters Waste Management Facility, to be initiated through an Expression of Interest (EOI), the terms of which shall be approved by the Priorities and Outcomes Committee. The EOI would invite market-led solutions for the whole site that ascribes to the operational, management and environmental principles prescribed by Council.

- (B) Results of the EOI be reported back to the Priorities and Outcomes Committee with a tender resulting from the EOI completed by December 2000.

Carried unanimously.

ITEM 9. INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS (IMROC) PARRAMATTA ROAD 2000 AND BEYOND - REQUEST TO COUNCIL FOR ADDITIONAL FUNDING (S003937)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Development and Transport Committee on 19 June 2000 and to Council on 26 June 2000, on Inner Metropolitan Regional Organisation of Councils (IMROC) Parramatta Road 2000 and Beyond - Request to Council for Additional Funding, it be resolved that -

- (A) Council commend IMROC for the initiatives in relation to the Parramatta Road Project;
- (B) Council express concern whether the project will ever have sufficient resources and the backing of an organisation with the requisite capacity to ensure the project is fully implemented;
- (C) notwithstanding (B), and that fact that none of Parramatta Road lies within the City of Sydney boundary, as a gesture of goodwill to our neighbouring Councils, the City will provide (in addition to the \$5000 already committed) a contribution of \$7500 for 2000/01 toward "Parramatta Road by Design", with any further contribution depending on progress by 30 June 2001.
- (D) the Deputy General Manager convey the exact terms of the resolution to all Councils involved in the project.

Carried.

ITEM 10. PRE-DEVELOPMENT APPLICATION PROPOSAL: 85-91 GOULBURN STREET, SYDNEY (S011913)

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

That arising from consideration of a report by the Specialist Building Surveyor to Council on 26 June 2000 in relation to the pre-development application proposal made by Harry Seidler & Associates for the site at 85-91 Goulburn Street Sydney, for demolition of the existing building and construction of a new 17 level mixed use building, it be resolved that -

- (A) Council waive the requirement for a Development Plan and the related requirement to undertake a competitive design process, pursuant to Clause 28B(4)(e) and 28D(2)(c) of Central Sydney Local Environmental Plan (Amendment No. 8) 1996, provided that the height of the building be reduced to a maximum height of 55 metres and the plan will be generally in accordance with the provisions of the Central Sydney Local Environment Plan 1996, to the satisfaction of the Director City Development;

- (B) Council advise the applicant that -
- (i) no assessment has been made of the architectural merits of this particular proposal;
 - (ii) notwithstanding the waiving of the requirement for a Development Plan, Council still requires the achievement of design excellence;
- (C) the applicant also be advised that:
- (i) no assessment of the proposal against the requirements of the Building Code of Australia and associated Australian Standards has been conducted;
 - (ii) this advice is non-binding and does not fetter the discretion of the consent authority;
 - (iii) the consent authority incurs no liability for any expense borne by the applicant as a result of reliance upon this pre-development application advice;
 - (iv) this pre-development application advice remains valid for a period of 6 months from the date of this Resolution of Council;
 - (v) the subject pre-development application has not been advertised or notified to adjoining owners by Council. When a formal application is notified and advertised, submissions may be lodged with Council which, when considered by the Council, may cause it to determine the application in a manner which may be inconsistent with the advice provided in this Resolution of Council.

Carried.

**ITEM 11. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 -
DRAFT AMENDMENT NO. 11: HEIGHT ISSUES (S0011712)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of the report by the Specialist Planner – Strategic/Section 94 to Council on 26 June 2000, regarding Draft Amendment No. 11 to *Central Sydney Local Environmental Plan 1996*, it be resolved that Council -

- (A) Exhibit *Central Sydney Local Environmental Plan 1996 – Draft Amendment No. 11* generally in accordance with the Draft Amendment that is Attachment “B” to this report, for a period of 28 days;
- (B) Authorise the Lord Mayor to finalise matters relating to *Central Sydney Local Environmental Plan 1996 - Draft Amendment No.11* for the purposes of public exhibition; and

- (C) Approve of Council's use of its delegated powers under Section 65 (Certificate of Director) and Section 69 (Report by Director) of the *Environmental Planning and Assessment Act 1979*, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997, and titled, "*LEPs and Council land - Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council*".

Carried.

**ITEM 12. REVIEW OF THE DEVELOPER CONTRIBUTIONS SYSTEM:
REPORT TO THE MINISTER FOR URBAN AFFAIRS AND
PLANNING (S012139)**

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

That arising from consideration of a report by the Specialist Planner – Strategic/Section 94 to Council on 26 June 2000, regarding the review of developer contributions, it be resolved -

- (A) that the City oppose in principle the current system of the contributions under Section 94 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
- (i) it is not sufficiently transparent to developers and the public;
 - (ii) arising from the nexus provisions (and the formulae that flow from this), their subjectivity as to what development contribution levels should be;
 - (iii) it is inflexible;
 - (iv) it does not differentiate between green field sites and built up sites;
 - (v) it is prone to legal challenge.
- (B) that consideration of the matter be deferred and the proposed submission be restructured to conform generally with the following principles for the levying of moneys for the provision of public and community infrastructure by local government:
- (i) that the system must be objective and the quantum easy to measure. This implies a flat rate percentage, such as the Section 61 contribution in the City of Sydney;
 - (ii) that the system must cater for differences in location, e.g. built up areas such as a CBD area, versus a suburban built up area versus a growth area. This implies that there should be different categories of levy, depending on the nature of the area within which the development is located;
 - (iii) appeal rights should be limited. For example, a contributions plan should be appealable within a certain period of being made, but conditions of

development consent, conforming with a contributions plan, should not be appealable in the courts.

- (iv) that some of the burden of provision of infrastructure in non growth areas should be placed on existing property owners. This could be done by way of allowing a rate exemption by way of a special rates levy for Councils that wish to levy funds for the provision of new infrastructure, provided that the funds are levied for items of infrastructure that are part of an exhibited and approved contributions plan.
 - (v) agreements between authorities and developers should only be allowed on large sites and the total quantum of cost to the developer must be equal to or greater than what would have been levied under the contributions plan.
- (C) that authority be delegated to the Lord Mayor to approve the revised submission.

Carried unanimously.

**ITEM 13. SUBMISSION ON DEVELOPMENT APPLICATION AT 24-42
REFINERY DRIVE, PYRMONT (FORMER CSR SITE) AND DRAFT
MASTERPLAN AMENDMENT - LEND LEASE MASTER PLAN -
REFERRAL FROM THE DEPARTMENT OF URBAN AFFAIRS AND
PLANNING (O /2000/00026)**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Specialist Planner to Council on 26 June 2000, in relation to the referral from the Department of Urban Affairs and Planning (DUAP) of a proposed amendment to the Master Plan and a Development Application from Lend Lease Development for Stage 2, Regatta Wharf, Pyrmont, it be resolved that the submission at Attachment A to the subject report be endorsed in principle but that prior to being forwarded to DUAP for consideration it be amended and strengthened, in consultation with the Chair of the Planning Development and Transport Committee in relation to the following matters -

- (a) ceiling heights;
- (b) building height and bulk;
- (c) principles of ecologically sustainable development;
- (d) energy and water conservation reports.

Carried.

ITEM 14. CHINATOWN/HAYMARKET ECONOMIC DEVELOPMENT STRATEGY (S01-1981)

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Director City Development to Council on 26 June 2000, on Chinatown/Haymarket Economic Development Strategy, it be resolved that -

- (A) Council consider a range of initiatives as outlined in the subject report to enhance the economic vitality of the Chinatown / Haymarket precinct, including:
- (i) Extending Dixon Street mall north to Liverpool Street;
 - (ii) Prohibiting parking in Dixon Street mall
 - (iii) Direct Marketing (advertising);
 - (iv) Chinatown map guide;
 - (v) Chinatown Experience Card
 - (vi) China library;
 - (vii) Haymarket small business directory;
 - (viii) Chinatown in the City: processions and events;
 - (ix) Support for cultural initiatives and events;
 - (x) Chinatown Events Calendar;
 - (xi) Chinese cooking classes and demonstrations, similar to those initiated by the Fish Markets.
- (B) the General Manager be requested to investigate and, if feasible, implement any or all of the initiatives listed in (A).

The motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull

Noes (1) - Councillor Ho.

Motion carried.

ITEM 15. INVESTMENTS HELD BY COUNCIL AS AT 31 MAY 2000 (AO2-00360)

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

That arising from consideration of a report to Council on 26 June 2000 by the Management Accounting Officer, on Investments held by Council as at 31 May 2000, it be resolved that the report be received and noted.

Carried.

ITEM 16. LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE - GOSFORD - 12-15 NOVEMBER 2000 - NOMINATION OF DELEGATES (S008224)

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

That arising from consideration of a report by the Committee Secretary to Council on 26 June 2000, on Local Government Association Annual Conference - Gosford - 12-15 November 2000 - Nomination of Delegates, it be resolved that Council -

- (A) nominate Councillors Dixie Coulton and Fabian Marsden to attend the New South Wales Local Government Association Annual Conference to be held at Gosford from 12 to 15 November 2000, and in the event that one of these delegates is unable to attend, Council nominate Councillor Robert Ho as an alternate delegate;
- (B) authorise any other interested Councillor to attend the New South Wales Local Government Association Annual Conference;
- (C) authorise all travel, accommodation and other reasonable expenses associated with the attendance of delegates, alternate delegate and interested Councillors at the Conference, to be met by Council.

Carried.

ITEM 17. QUESTIONS ON NOTICE

JACKSON'S LANDING - TRAFFIC (S010694)

1. By Councillor Greiner -

Question

Lord Mayor, development at Jackson's Landing site is causing serious traffic congestion. Construction vehicles are leaving the site via Harris Street and Pirrama Roads.

Could they not access Jackson's Landing site in such a way that this traffic enters via Harris Street and exits via Bowman Street in order to avoid Pirrama Road, and in particular to avoid the very busy intersection at Pirrama Road and Union and Murray Streets?

Is it not timely to update the Traffic Management Study undertaken 5 years ago?

Answer by the Lord Mayor

The Director City Development advises that -

“I am advised by the City’s Transport and Access Manager that the recent increase in construction traffic along Pymont Bridge and Pirrama Roads was, in part, a result of excavation activity at the Glassworks building site located on the corner of Bowman and Harris Streets.

In the last few weeks, the excavation work at this site was completed. As a consequence there has been a reduction in construction traffic along this route. For the remaining construction period associated with the site, all construction vehicles are required to access via Bank Street. As the site is located on the corner of Bowman Street and Harris Street, the departure of construction vehicles will continue via Pirrama Road along the City’s approved Ultimo-Pymont Construction traffic route. Access for construction vehicles to all other construction sites in Jackson’s Landing is still via Bank and Bowman Streets only.

The use of Harris Street to facilitate construction vehicle movements to and from construction sites in the Pymont Peninsula is not supported. The approved Ultimo-Pymont Heavy Vehicle Route was jointly developed by the City, Department of Public Works and Services and City West Development Corporation following extensive consultation with residents and business owners in the Ultimo/Pymont Precinct. Any move to incorporate Harris Street as a preferred construction traffic route will create justifiable anger within the local community. The adjacent land uses along the Pirrama Road, Darling Drive and Pymont Bridge Road make these roads far more suitable for heavy vehicle movements than Harris Street north of Pymont Bridge Road.

As to a Traffic Management Study, the Department of Urban Affairs and Planning (DUAP), the City West Development Corporation and the City of Sydney jointly conducted transport management studies undertaken in the mid-1990s in Ultimo and Pyrmont. The study focussed on transport, traffic and parking issues and accounted for the anticipated developments that were to occur on the peninsula.

There has been a request for a traffic management study that would review not only the traffic, but also the overall transport recommendations that arose from these earlier studies. However, with construction activity still occurring in Pyrmont, such a review is premature. Currently, the appropriate procedure is to ensure that traffic management plans are in place for the different developments being built in Pyrmont, particularly the Jackson's Landing site. As this construction activity substantially winds down, then the need for an overall transport, traffic and parking review, in conjunction with the relevant State Government authorities, will be considered."

SMARTPOLES (S010694)

2. By Councillor Greiner -

Question

Lord Mayor, in relation to the manufacture of Smartpoles and their installation, is it true that Council has been served with a Summons for Breach of Contract, Breach of Copyright and Breach of Trade Practices?

Answer by the Lord Mayor

The Acting Director Legal and Secretariat advises that:

"A memo was sent to Councillors on 2 June 2000 advising of the current situation in relation to this matter. A copy of that memo will be sent again to Councillors. I will provide Councillors with updated information at appropriate times in the future."

CUSTOMS HOUSE (S010694)

3. By Councillor Greiner -

Question

Lord Mayor, with the departure of another major tenant from Customs House, Councillors should be provided with an accurate financial analysis of the commercial success or otherwise of Customs House.

Will you please provide Councillors, under confidential cover, with a copy of the latest Profit and Loss Statement for Customs House?

Answer by the Lord Mayor

The General Manager and I have consistently said that the strategy for Customs House is the creative adaption of a public asset to a public advantage over a period of three to five years. The original plan adopted by Council has always envisaged a subsidy for Customs House in the early years.

I do not believe that making available profit and loss statements for particular periods during this transitional stage would serve any purpose. In fact, the Customs House budget strategy is on target and we expect the building to fully pay for itself by 2002/3.

I have asked the General Manager to arrange a briefing of Councillors at an appropriate time.

MUSEUM OF CONTEMPORARY ART (S010694)

4. By Councillor Greiner -

Question

Lord Mayor, in relation to your proposed plans for the extension of the Museum of Contemporary Art, could you please guarantee the community that The Rocks Police Station will remain in its present location?

Answer by the Lord Mayor

The Director City Development advises that -

“The City’s proposal for the Museum of Contemporary Art, which now has State government support, involves not only major improvements to the MCA building itself, but also redevelopment of the site currently occupied by The Rocks Police, namely 132 George Street, as a new Moving Images Centre for Sydney. The agreement with the State government essentially gives the City an extended period (presently until 31 March 2001) in which to select an architect, gain development approvals and confirm financial/heritage feasibilities.

Certain hurdles remain, however, including firm agreement with the University of Sydney, the current owner of MCA Limited. If, at the conclusion of the extended feasibility period, any of these preconditions are not satisfied, the City may withdraw from the project without penalty. If, on the other hand, the project is demonstrated as feasible and the City decides to proceed, The Rocks Police will need to be relocated.

Consultation and negotiations will be conducted with the various interested parties in order to ensure that this relocation is achieved with minimum disruption to the excellent service currently provided by The Rocks Police.”

SIGNAGE APPLICATION (S010694)

5. By Councillor Greiner -

Question

Lord Mayor, I have received complaints from a number of city residents concerning the construction of the American Express Sky Sign -D/99/00777 169-183 Liverpool Street.

I note Council's Heritage and Urban Design Panel stated "The sign is too large; the sign does not relate well to the architecture of the building - the blue backing should be exactly the same height as the vent/louvre openings in the plant room (ie about 10% less); west elevation is abysmal and makes no attempt to relate to the architecture of the building - totally contrary to the DCP. . . . "

Would you please explain why this issue was dealt with under delegated authority? Would you please explain why this development was granted? Would this also not be an example of 'ambush marketing' given that American Express is a commercial rival to the main Olympic sponsor "Visa"?

Answer by the Lord Mayor

The Director City Development advises that -

“1. Why was the DA dealt with under delegated authority?

It is normal practice to deal with signage applications under delegated authority.

(a) Why was consent granted?

It has been the practice of Council for many years to allow signage associated with 'naming rights' of buildings to incorporate the corporate name, including colours, fonts and logos.

I personally made representations to representatives of American Express to delete the blue background completely. I was advised that they had no discretion to vary the manner in which their corporate identity was displayed.

I noted the advice of the Heritage & Urban design panel, which suggested that the blue background should be reduced by 10%. In my view 10% would have had no practical effect.

Having regard to Council's long standing practice of allowing corporate signage of this nature, and seeing no practical purpose in reducing the blue background by one tenth, I approved the application. However, as a condition of consent I limited the life of the sign to 5 years.

I have also instructed staff to incorporate in the current review of the Central Sydney Signage DCP a provision which advises applicants that building identification signage which reflects the corporate identity by way of font, colour and logo may not necessarily be approved but will need to be appropriately integrated with the architecture of the building.

(b) Is this sign an example of “ambush marketing”?

No, American Express is a major tenant in the building and has been for many years.

Clause 11c(3) of SEPP 38 – Olympic Games and Related Projects (Amendment NO. 6), permits signage for the purpose of ‘identifying the building or its occupants’.”

QUESTIONS WITHOUT NOTICE**TRAFFIC LIGHTS - COWPER WHARF ROAD (S010698)**

1. By Councillor Coulton -

Question

Lord Mayor, my question concerns traffic on Cowper Wharf Road coming into the City, east to west, which wants to make a right hand turn. At one point there was one lane going right and two lanes going left. The traffic was banked up at the navy ships. I asked a question about this matter approximately one month ago and, following that, the road changed from two lanes to the left to two lanes to the right and everyone has been happy about that.

But what is now happening is that the lights aren't synchronised at that spot. You get a green light and there is still a red light immediately where you want to go. It just doesn't make sense. Could this please be investigated?

Answer by the Lord Mayor

I ask that the Manager Transport and Access please investigate the synchronisation of the traffic lights on Cowper Wharf Road at the expressway.

ITEM 18. NOTICES OF MOTION

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

ADDITIONAL MATTERS FOR COUNCIL

FILE NO:

DATE: 26/6/00

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 26 June 2000 are Memoranda by the General Manager on -

- Construction Policy for the City of Sydney during the 2000 Olympic Period;
- 24 Hour Trading Policy for the City of Sydney during the 2000 Olympic Period.

I bring forward these items for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

ITEM 3A. CONSTRUCTION POLICY FOR THE CITY OF SYDNEY DURING THE 2000 OLYMPIC PERIOD

FILE NO: S012463

DATE: 26/6/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Construction Policy

Currently, there are 40 construction sites throughout the City (refer Map 1 at Attachment B) and many of these will not be completed before the Olympic Games when they commence in September 2000. There is a clear need for the City to have an adopted position in relation to the continued operation of these sites during the Games period.

The Olympic Roads and Transport Authority (ORTA) has prepared a Traffic, Transport and Pedestrian Management Plan for much of the City's Local Government Area (LGA) which restricts kerbside parking during certain periods of the day for different categories of vehicles.

In particular, there will be no on-street public parking during the period of the Games and service/construction vehicles will be restricted in the times they are able to utilise on-street parking provisions. Specifically, vehicles with a weight exceeding 3 Tonnes will only be able to deliver on-street at specific kerbside parking locations between the hours of 1AM and 7AM and vehicles that weigh 3 Tonnes or less will be restricted to deliver between 1AM and 10AM. ORTA are also investigating the feasibility of applying these weight and times restrictions to the movement of large vehicles on City streets, although it is unlikely that this will be achievable.

Since mid 1997, the City has imposed a condition on all Development Applications and requests for kerbside 'Work Zones' that construction will be restricted and work zones removed during the period 1 September 2000 to 1 October 2000.

Under section 19 of the Olympic Arrangements Act 2000, a person acting in accordance with ORTA's restricted times for access will not be committing an offence if they breach the conditions of a development consent which prohibit deliveries during 1AM to 7AM (including conditions which regulate noise).

The provision of the Olympic Arrangement Act 2000 in combination with ORTA's Traffic, Transport and Pedestrian Management Plan only enables construction companies to receive deliveries and remove waste between 1AM and 7AM. Neither the Act and/or Plan enables construction companies to carry out any other form of construction activity between these hours that contravene pre-existing Development Application conditions of consent. A particular issue relates to the activity associated with concrete pours. Whilst most deliveries to construction sites can occur without the need for the materials immediate use, concrete must be used at the time of delivery. This activity involves high levels of noise for extended periods of time and as such should not be permitted between the hours of 1AM and 7AM. As a consequence, all concrete pours between the 1 September and 3 October 2000 should be prohibited unless the delivery can occur wholly within the site. In these circumstances such activity must only take place during the times specified in the Development Application conditions of consent.

Associated with the activity of concrete pours from adjacent streets is the provision of concrete connections across footpaths. ORTA have directed that these be removed along with associated ramping between 1 September and 3 October 2000.

The City has received a number of applications in recent weeks from builders seeking approval to continue construction activities during the Games period. Some of these applications seek the retention of on-street 'Work Zones' whilst others are proposing to operate by undertaking all activities wholly within their site.

Attached (Attachment C) is Map 2 that indicates exclusion areas for on street 'Work Zones' other than between 1 AM and 7AM during the Games and this is based on traffic, transport and pedestrian generation along with infrastructure to manage crowds, events, Olympic Live Sites and transport nodes. It should be noted that Schedule 1 also identifies those streets where 'Work Zones' cannot be provided on a Full-time basis.

Construction within the City will be constrained from 1 September to 3 October 2000 with normal activities being restricted to areas outside those shown on the attached map. Deliveries can only occur to sites between 1AM and 7AM for vehicles over 3 Tonne and 1AM to 10AM for vehicles 3 Tonne and under.

In addition to the above constraints, there are a number of major events which will have a major effect on City activities and will necessitate a total prohibition of all construction and delivery activities. These dates are 14 September (Torch Relay), 15 September (Opening Ceremony), 16 September (Women's Triathlon), 17 September (Men's Triathlon), 24 September (Women's Marathon) and 1 October (Men's Marathon and Closing Ceremony), 3 October 2000 (Athletes Parade).

The delivery regime prepared by ORTA for the City of Sydney will undoubtedly have a major impact on the building industry. Nevertheless, this plan has been developed in recognition of the unprecedented levels of pedestrian activity that are expected in central Sydney during the period of the Games. As a consequence, it is essential that the City has in place, a construction policy which is supportive of the ORTA Traffic, Transport and Pedestrian Management Plan to ensure that its effectiveness is not diluted.

It is therefore recommended that Council endorse the following policies in relation to construction activities.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 26 June 2000 on Construction Policy for the City of Sydney during the 2000 Olympic Period, it be resolved that authority be delegated to the General Manager to control construction activity during the 2000 Olympics between 1 September 2000 and 3 October 2000, inclusive, having regard to the following criteria:

- (A) the provision of on-street 'Work Zones' be limited to the period between 1 AM and 7AM on those streets defined within the shaded area of Map 2, shown at Attachment C to the subject Memorandum by the General Manager, and excluding those streets identified in Schedule A, shown at Attachment A to the subject Memorandum by the General Manager;
- (B) that all concrete pouring activity, other than that which is totally contained within the development site, be prohibited between 1 September 2000 and 3 October 2000, inclusive;
- (C) that relevant construction companies be advised to remove concrete pump connections across the footpath and associated pedestrian ramps between 1 September 2000 and 3 October 2000, inclusive;
- (D) that no on-street 'Work Zones' be provided at any time for sites with frontages to those streets detailed in Schedule A, shown at Attachment A to the subject Memorandum by the General Manager;

- (E) that construction activities contained wholly within the site be permitted to function as normal and in accordance with current development conditions of consent other than those located within restricted or closed access areas as detailed in Schedule A, Section 1, shown at Attachment A to the subject Memorandum by the General Manager;
- (F) that all construction and related delivery activities 14 September 2000 (Torch Relay), 15 September 2000 (Opening Ceremony), 16 September 2000 (Women's Triathlon), 17 September 2000 (Men's Triathlon), 24 September 2000 (Women's Marathon) and 1 October 2000 (Men's Marathon and Closing Ceremony), 3 October 2000 (Athletes Parade) be prohibited.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a Memorandum by the General Manager to Council on 26 June 2000 on Construction Policy for the City of Sydney during the 2000 Olympic Period, it be resolved that authority be delegated to the General Manager to control construction activity during the 2000 Olympics between 1 September 2000 and 3 October 2000, inclusive, having regard to the following criteria:

- (A) the provision of on-street 'Work Zones' be limited to the period between 1.00am and 7.00am on those streets defined within the shaded area of Map 2, shown at Attachment C to the subject Memorandum by the General Manager, and excluding on-site access for construction vehicles for those streets identified in Schedule A Section 1, shown at Attachment A to the subject Memorandum by the General Manager;
- (B) that no on-street 'Work Zones' be provided at any time for sites with frontages to those streets detailed in Schedule A, shown at Attachment A to the subject Memorandum by the General Manager;
- (C) that all concrete pouring activity, other than that which is totally contained within the development site, be prohibited between 1 September 2000 and 3 October 2000, inclusive;
- (D) that relevant construction companies be advised to remove concrete pump connections across the footpath and associated pedestrian ramps between 1 September 2000 and 3 October 2000, inclusive;
- (E) that construction activities contained wholly within the site be permitted to function as normal and in accordance with current development conditions of consent other than those located within restricted or closed access areas as detailed in Schedule A, Section 1, shown at Attachment A to the subject Memorandum by the General Manager;

- (F) that all construction and related delivery activities on 14 September 2000 (Torch Relay), 15 September 2000 (Opening Ceremony), 16 September 2000 (Women's Triathlon), 17 September 2000 (Men's Triathlon), 24 September 2000 (Women's Marathon) and 1 October 2000 (Men's Marathon and Closing Ceremony), and 3 October 2000 (Athletes Parade) be prohibited.
- (G) that representations be made to the Olympic Co-ordination Authority stressing the need for the construction noise code to be applied in respect of work at sites referred to in clause (E).

Carried.

ITEM 3B. 24 HOUR TRADING POLICY FOR THE CITY OF SYDNEY DURING THE 2000 OLYMPIC PERIOD

FILE NO: S012464

DATE: 26/6/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

In December 1999 the State Government passed special legislation (*The Liquor and Registered Clubs (Olympics and Paralympic Games) Act 1999*) for liquor licensing during the Olympic Games.

This legislation provides for blanket 24 hour trading for licensees of hotels, restaurants, nightclubs, caterers, functions and other certain types of liquor licences in the City of Sydney. Such 24 hour trading is permitted to occur between 2 September 2000 and 29 October 2000 inclusive - Licensing Court approval and separate development consent is not required to be obtained.

This legislation is currently being amended (an Amendment Bill was introduced to Parliament on 21 June 2000) to also include the areas controlled by the Darling Harbour Authority and the Sydney Harbour Foreshore Authority in this 24 hour blanket approval.

The blanket 24 hour trading approval applies to the on-premises consumption of liquor only (not liquor stores or hotel bottle shops). Licensees intending to trade under these arrangements are required to notify the Local Area Commander at the nearest Police Station, undertake courses in the responsible sale of alcohol, take steps to prevent intoxication on the premises and ensure that food is available when liquor is being sold.

As a result of the above legislation, other non-liquor licensed businesses within the City have requested that they also be given approval to trade for 24 hours, 7 days per week without the necessity to obtain or vary their development consent.

This request has merit in that other uses within the City could be trading in addition to licensed premises and a broad range of goods and services would be available to residents and visitors alike. Extended trading of other uses such as cafes, shops and offices would allow for staggered working hours/shifts to be implemented by businesses and would also provide other late night destinations in the City apart from licensed premises.

However, liquor stores and bottle shops should be separately reviewed. These premises were not included in the State Government's blanket 24 hour trading approval as it was intended that the consumption of liquor should occur within licensed premises and opportunities for consumption on streets and other public areas should be restricted. On this basis, bottle shops and liquor stores wishing to trade extended hours should be required to make a separate request to Council and such requests should be considered on their merits.

In addition to the above, it is considered important to safeguard the amenity of residential areas within the City (Millers Point, Potts Point, Ultimo and Pyrmont). On this basis it is recommended that a blanket approval for 24 hour, 7 day trading should not be granted for non-licensed premises in residential areas. Premises wishing to trade extended hours in these areas should be required to make a separate request to Council and such requests should be considered on their merits.

Council could therefore resolve to allow all non-licensed premises in the City of Sydney to trade 24 hours, 7 days per week for the period 2 September - 29 October 2000 inclusive, with the exclusion of bottle shops, liquor stores and premises in residential areas which would be required to obtain separate approval for any proposed extension of hours.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 26 June 2000 on 24 Hour Trading Policy for the City of Sydney during the 2000 Olympic Period, and having regard to the demand for greater flexibility for retailing and commercial operations during the period of the Olympic Games, it be resolved that:-

- (A) all non-licensed premises in the City be permitted to trade 24 hours, 7 days per week for the period 2 September 2000 - 29 October 2000 inclusive, with the exclusion of bottle shops, liquor stores and premises in residential areas;
- (B) authority be delegated to the General Manager to determine requests for any proposed extension of trading hours for bottle shops and liquor stores having regard to the merits of each request and maintenance of the amenity of the area;

- (C) authority be delegated to the General Manager to determine requests for any proposed extension of trading hours for non-licensed premises in residential areas of the City (including Millers Point, Potts Point, Ultimo and Pyrmont), having regard to the merits of each request and maintenance of the amenity of the area.

(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 26 June 2000 on 24 Hour Trading Policy for the City of Sydney during the 2000 Olympic Period, and having regard to the demand for greater flexibility for retailing and commercial operations during the period of the Olympic Games, it be resolved that:-

- (A) all non-licensed premises in the City be permitted to trade 24 hours, 7 days per week for the period 2 September 2000 - 5 October 2000 inclusive, with the exclusion of non-licensed premises in residential areas and all bottle shops and liquor stores throughout the city;
- (B) authority be delegated to the General Manager, in consultation with the Chairman of the Planning Development and Transport Committee, to determine requests for any proposed extension of trading hours for bottle shops and liquor stores throughout the City during the Olympic period, having regard to the merits of each request and maintenance of the amenity of the area;
- (C) authority be delegated to the General Manager, in consultation with the Chairman of the Planning Development and Transport Committee, to determine requests for any proposed extension of trading hours for non-licensed premises in residential areas of the City (including Millers Point, Potts Point, Ultimo and Pyrmont), during the Olympic period, having regard to the merits of each request and maintenance of the amenity of the area;
- (D) authority be delegated to the General Manager to extend the period to which this policy applies for any period up to and including 31 October 2000, if necessary or desirable.

Carried unanimously.

ITEM 2. SUBMISSION TO THE NSW ATTORNEY GENERAL - AMENDING THE SYSTEM OF APPEALS TO THE LAND AND ENVIRONMENT COURT

FILE NO: S009441

DATE: 27/6/00

MINUTE BY THE LORD MAYOR

To Council:

The Attorney General has established a Working Party to examine the State's planning laws and the role of the Land and Environment Court in reviewing development applications. The Working Party has called for submissions from NSW Councils.

The Terms of Reference for the review appear below and provide some guidance for Councils in the preparation of submissions:

“That the working party examine the legislative basis upon which decisions in relation to development applications are currently reviewed by the Land and Environment Court in accordance with the provisions of the Land and Environment Court Act 1979 and the Environmental Planning and Assessment Act 1979, including but not limited to:

- 1. The most appropriate manner in which to review the decisions of Councils in relation to development applications;*
- 2. The constitution of the Land and Environment Court in reviewing the decisions of Councils, including whether the Court should be constituted by more than one Judge or Commissioner or by Commissioners possessing specified qualifications or expertise;*
- 3. Whether the Court should have regard to any additional matters in reviewing a Council decision in relation to a development application;*
- 4. Ways in which to streamline the manner in which development applications are processed by Councils and the Department of Urban Affairs and Planning so as to reduce the incidence of such review; and*
- 5. Whether greater reliance could be placed on alternative dispute resolution mechanisms in resolving disputes in relation to development applications.”*

Submissions are due to the Working Party on 30 June 2000.

On several occasions in the past I have raised with Ministers the need to reform the system of appeals to the Land and Environment Court, based on the City's experience with the Court as well as important points of principle.

It is intended that the City prepare and lodge a submission which examines the current system of appeals and the reasons why this system should be amended. The argument for change is supported by numerous examples of developments approved by the Court which have resulted in adverse environmental and policy impacts for the City, a view shared by many local Councils.

The problems experienced with many Councils include:

- (1) Inconsistency of decision-making from one Court assessor to the next.
- (2) The propensity of some assessors and judges to approve applications and/or vary conditions, such as to breach planning policies.
- (3) The ease with which developers can forum shop (ie “getting two bites at the cherry”) by going to Court if they think they can do better than the decision of the Council or the consent body.
- (4) The undermining of responsibility (and accountability) in decision making on planning and development matters. The Court has become an easy escape for some Councils.
- (5) Unnecessary costs and delays with the planning approvals process.

Given that Councillors have been briefed on the contents and direction of the draft submission and having regard to the deadline for submissions to the working party being 30 June 2000, I recommend that Council delegate authority to finalise and approve the submission generally according to the following principles:

- (1) The Court should not make policy and hence must be bound by the provisions of planning instruments and policies.
- (2) The Court must not be used for “forum shopping” by developers and hence cannot be a consent body *de novo* but a place of review (ie “all grounds” appeals must be prohibited).
- (3) There must be objectivity in the appeal process. The Court must be not able to overturn a planning decision simply because the value judgement of the Judge or Commissioner differs from that of a consent authority.
- (4) Consent authorities must be responsible and accountable for their decisions, ie they must act reasonably and not unduly delay projects.
- (5) The roles of the Land and Environment Court should be limited to;
 - (a) Reviewing the decisions of consent authorities where a consent authority, notwithstanding compliance with planning policy, has acted unreasonably.
 - (b) Determining applications which have been the subject of unreasonable delay from a consent authority.
 - (c) Matters of law.

- (6) There should be scope for specially constituted expert panels for appeals concerning certain classes of development (e.g. major developments).

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 26 June 2000 on a submission to the NSW Attorney General on amending the system of appeals to the Land and Environment Court, it be resolved that authority be delegated to the Lord Mayor, to finalise Council's submission to the Attorney General's Working Party on the State's planning laws and the role of the Land and Environment Court in reviewing development applications.

(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 26 June 2000 on a submission to the NSW Attorney General on amending the system of appeals to the Land and Environment Court, it be resolved that authority be delegated to the Lord Mayor to finalise and approve Council's submission to the Attorney General's Working Party on the State's planning laws and the role of the Land and Environment Court in reviewing development applications.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 26/6/00

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 26 June 2000 is a Memorandum by the General Manager on Automatic Public Toilets

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

ITEM 3C. AUTOMATIC PUBLIC TOILETS

FILE NO: S008909

DATE: 26/6/00

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Over the last 12 months the City has moved to install 10 automatic public toilets (APT's). These are the fully self contained units which have been well maintained by Decaux. At the moment we are having about 500 uses per week per unit which is ahead of our estimates. They seem to be well accepted by the general public.

The contract specification allows and envisages for the adoption of a user charge. This is supported by the operator who believes it will reduce spontaneous vandalism. This would help to ensure that maintenance down time is reduced.

Sydney is probably the only City to currently provide free APT use and a fee of 40c or 50c is considered appropriate as a suitable nominal fee. The standard fee around the world is \$1 per use.

RECOMMENDATION:

That Council set a nominal fee for APT use of 50c per flush and delegate to the General Manager authority to implement over the next 6 months.

(SGD) GREG MADDOCK
General Manager

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

That arising from a consideration of a Memorandum by the General Manager to Council On 26 June 2000 on Automatic Public Toilets, it be resolved that -

- (A) Council agree in principle to trial the application of a fee for use of Automatic Public Toilets over a period of six months, subject to the provision of tokens or another suitable mechanism to allow homeless people to use the APTs;
- (B) having considered an analysis of public benefit or otherwise, authority be delegated to the Priorities and Outcomes Committee to extend or discontinue the trial, or to approve continuing charges for APT use.

Carried unanimously.

Closed meeting

At 6.45pm the meeting resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 19 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Item 19 was then dealt with by Council while the meeting was closed to the public.

ITEM 19. STREET BANNER INSTALLATION AND DISMANTLING RATE FOR 2000/01 - TENDER NO 2013 (CONFIDENTIAL) (S005687)

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

That arising from consideration of a report by the Project Manager, Look of the City to Council on 26 June 2000 on Tender No 2013 for the Installation and Dismantling of Banners, it be resolved that Council -

- (A) accept the Tender submission provided by Claude Neon;
- (B) accept the option to utilise Sign Profiles should the contractual arrangements not be successful with Claude Neon;
- (C) enter into a contract with Claude Neon for the provision of banner installation and dismantling services for the amounts outlined in Attachment A to the subject report.

Carried.

Monday 26 June 2000

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At 6.48pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 24 July 2000 at which
meeting the signature herein was subscribed.