



**13 MAY 2002**

**Meeting No 1352**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.35pm on 13 May 2002 pursuant to Notice 6/1352 dated 9 May 2002.

**INDEX TO MINUTES**

<b><u>Subject</u></b>	<b><u>Page No.</u></b>
1. Confirmation of Minutes .....	182
2. Minutes by the Lord Mayor -	
2A. Complaints Accountability System.....	183
2B. Pitt Street Mall - Access Management Policy .....	185

<u>Subject</u>	<u>Page No.</u>
3. Memorandum by the General Manager - Compliance and Prosecution Group.....	189
4. Matters for Tabling ..... Reports of Committees -	192
5. Finance, Properties and Tenders Committee - 6 May 2002 .....	193
6. Planning Development and Transport Committee - 6 May 2002..... Reports to Council -	196
7. March 2002 - Quarter 3 Budget Review .....	226
8. Questions - Questions on Notice .....	227
Questions without Notice .....	230
9. Motions .....	239
10. Street Safety Camera System - Maintenance Agreement - Acceptance of Tender .....	240

### PRESENT

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

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

At the commencement of business at 5.35pm those present were:-

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

The General Manager, Director City Development, General Counsel, Director Living City Services, Director City Projects and Director Corporate Services were also present.

#### Opening Prayer

The Lord Mayor opened the meeting with prayer.

### ITEM 1. CONFIRMATION OF MINUTES

#### Minutes of Council Meeting of 25 March 2002

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

That the minutes of the meeting of Council of 25 March 2002, as circulated to Councillors, be confirmed.

Carried unanimously.

**Minutes of Extraordinary Meeting of Council of 8 April 2002**

Moved by Councillor Turnbull, seconded by the Councillor Ho -

That the minutes of the Extraordinary Meeting of Council of 8 April 2002, as circulated to Councillors, be confirmed.

Carried unanimously.

**Minutes of Extraordinary Meeting of Council of 29 April 2002**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the minutes of the Extraordinary Meeting of Council of 29 April 2002, as circulated to Councillors, be confirmed.

Carried unanimously.

**ITEM 2A. COMPLAINTS ACCOUNTABILITY SYSTEM**

FILE NO:

DATE: 9/5/02

**MINUTE BY THE LORD MAYOR****To Council:**

The City's current complaints and issues management system collects tactical data for the organisation to track and resolve issues. It does not, however, produce strategic data that can be used to target problem premises, locations or issues. This data is crucial if the City is to meet the challenges brought about by the changes to local government boundaries.

The Complaints Accountability System (CAS) will be an integrated complaints and issues management system that will meet the following objectives:

1. Expeditiously deal with complaints and maximise stakeholder satisfaction.
2. Use complaint data to target problem premises, locations and issues the city and new areas.
3. Provide a record of all dealings between the City, complainants and complainees that is sufficient for evidentiary purposes.
4. Provide a staff performance measure in respect of customer satisfaction.

Attachment A details the CAS data and reporting requirements.

Reporting will be central to the success of the CAS in targeting problems and ensuring accountability. The CAS will produce a hierarchy of detailed reports that will provide both quantitative and qualitative data to relevant staff, managers, the General Manger, the Lord Mayor and Councillors.

Most notably, the City intends to publish an annual report card of errant premises and related issues. It is only reasonable that these places, be they licensed premises, construction sites or any other type of premises, be put under public scrutiny if they continually fail to meet the conditions of their licence or consent, or have a record of offences or crimes occurring on their premises.

The reduction of crime and anti-social behaviour is the responsibility of all members of the community; not just police and city authorities alone. Owners and managers of premises permitting, or failing to act against, crime, anti-social behaviour or other activities which reduce the amenity of a locality must be made accountable as well. Under the CAS the worst offenders will be highlighted and brought to public attention.

The CAS, combined with the proposed City Prosecution and Compliance Unit, will place the City in a far stronger position to vigorously deal with new challenges the City will face once its boundaries change.

As the City's boundaries expand, the City will be increasingly judged on its ability to respond and deal expeditiously with a wide and often problematic range of issues, premises and locations. Stakeholder satisfaction and public accountability will also be critical.

#### RECOMMENDATION

It is recommended that the Minute by the Lord Mayor entitled "Complaints Accountability System" be endorsed, that the Lord Mayor and General Manager be authorised to implement the initiatives outlined herein and that provision be made within the 2002/03 budget for system implementation.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 13 May 2002, on Complaints Accountability System, it be resolved that -

- (A) the subject Minute by the Lord Mayor be endorsed;
- (B) authority be delegated to the Lord Mayor and General Manager to implement the initiatives outlined in the subject Minute by the Lord Mayor;
- (C) provision be made within the 2002/2003 budget for system implementation; and
- (D) the draft proposal, as outlined in Attachment A to the subject report, be circularised to relevant stakeholders, including those concerned with issues of access.

Carried unanimously.

**ITEM 2B: PITT STREET MALL - ACCESS MANAGEMENT POLICY**

FILE NO. S018706

DATE: 13/5/02

**MINUTE BY THE LORD MAYOR**

Councillors may recall the Mayoral Minute to Council of 29 March 1999 whereby Council resolved to take all necessary steps to pursue the permanent closure of the Pitt Street Mall as a public road under the provisions of the Roads Act 1993. Council sought to have the road closed to facilitate parking enforcement by Council officers under the Local Government Act, due to the limited legislative options available to restrict parking, and the lack of effective enforcement by the police parking patrol.

This action was pursued due to difficulties in managing and policing the use of the Mall by unauthorised vehicles, including:

1. Conflict between vehicles entering the Mall and pedestrians;
2. The proliferation of vehicles detracts from the aesthetics and amenity of the Mall as a shopping and pedestrian area;
3. The use of the Mall as a parking area for servicing properties lacking a frontage to the Mall, and
4. Vehicles using the Mall instead of dedicated loading docks in servicing buildings fronting the Mall.

The closure option could not be implemented at the time due to other priorities in the lead-up to the Olympic Games. In addition, as the City did not have jurisdiction for parking enforcement within the CBD its effectiveness was questionable. From October 2001 the City of Sydney took responsibility for most of its own parking enforcement and so further options for improving the Mall have presented themselves.

Not only does the proliferation of parked vehicles in the Mall make the Mall look cluttered and unattractive, it also creates a safety hazard for pedestrians and causes significant damage to the Mall paving. Maintenance of the paving alone costs more than \$350,000 each year. The safety issues are evident to anyone walking through the Mall.

I believe the situation in the Pitt Street Mall has remained unsatisfactory for a long period of time. The existing Mall delivery access times from 6am to 10am are no longer appropriate. Vehicle access must be prohibited during the day when pedestrian needs are paramount. Deliveries should only be allowed before 9am in the morning and after 9pm at night as is the case in many European cities.

Accordingly a policy has been formulated to manage access within the Mall. The policy involves four key strategies aimed at delivering a vision for the Pitt Street Mall as a high quality pedestrian retail space, which enhances the Mall's attractiveness as the premier retail strip in Australia. It involves:

1. Access Management – vehicular access to the Mall is physically prevented from 9am to 9pm daily;

2. Parking Enforcement – provision of effective and appropriate parking restrictions to prevent illegal parking;
3. Pedestrian safety and amenity - provision of pedestrian priority (shared zone restrictions) in conjunction with additional bollards adjacent to City Central Plaza, Centrepoint and the Imperial Arcade, and
4. Communication Strategy – ensure Council’s Policy on the Mall is effectively communicated to the public and key stakeholders.

These strategies should be pursued:

- (a) in the short term utilising existing powers for the control of vehicles on a road;
- (b) in the medium term by closure the Mall as a road and using the stronger power available under the Local Government Act for a public space;
- (c) in the long-term re-routing delivery vehicles out of the Mall.

**In the short term**, commencing 1 July 2002, the following actions are proposed:

1. Physically prevent all vehicle access in the Mall between Centrepoint and King Street from 9am to 9pm each day;
2. Prevent all access by loading vehicles in the Mall between Market Street and Centrepoint from 9am to 9pm with managed vehicle access to the Centrepoint car park;
3. Protect pedestrians by the installation of additional bollards on both sides of the Mall outside the Imperial Arcade, Centrepoint and City Central Plaza;
4. Provide a new regime of traffic and parking controls including:
  - “*Shared Zone*” restrictions to limit vehicle speeds to 10kph, give pedestrians priority and allow parking for deliveries only, and
  - “*Area No Parking 9am-9pm*” restrictions to prevent deliveries and parking during these times,;
- 5 Strictly limit "emergency vehicle" access to real emergencies;
- 6 Share existing loading dock facilities with cash delivery vehicles such as Armaguard;

**In the medium term**, by 31 December 2002, it is proposed to permanently close the Mall as a road so as to allow the City greater control to manage this important pedestrian place. In return for local stakeholder support for this, easements would be provided to maintain essential access rights to several sites that do not have alternative loading and unloading access.

**In the long term**, it is proposed to identify and take opportunities for further re-routing of delivery vehicle to avoid their necessity to use the mall.

These proposals were recently put to a meeting of key stakeholders, and subsequently endorsed unanimously by those at the meeting. These stakeholders included property owners, building managers and major retailers.

Furthermore, if these initiatives are adopted and adhered to for a least 12 months by those making and receiving deliveries, Council will then be able to commit funding in the order of \$3-4 million to reconstruct paving in the Mall. There is no point in re-paving the Mall if the current usage patterns remain.

The policy as outlined in **Attachment A** provides an effective framework to enable the City to properly manage the Mall. It aims to ensure that everyone can use the Mall in safety and comfort, while ensuring that the delivery and servicing needs of adjacent retailing activity do not compromise the Mall's intrinsic pedestrian function.

**RECOMMENDATION:**

That arising from consideration of a Minute by the Lord Mayor to Council on 13 May 2002, on the Pitt Street Mall Access Management Policy, it be resolved that -

- (A) Council adopt the Pitt Street Mall Access Management Policy in principle and publicly advertise it for 28 days with a view to final adoption in June 2002 for implementation on 1 July 2002. Key stakeholders such as the TWU, the service utilities, emergency service agencies, and cash delivery companies, are to be consulted during the exhibition period;
- (B) Council resolve to restrict vehicular access to the Pitt Street Mall so that vehicular access is not permitted between 9am and 9pm only, and take all necessary steps to implement this access restriction in accordance with the Division 2 of Part 8 of the Roads Act 1993 in accordance with the delegation to Council by the Roads and Traffic Authority;
- (C) the Lord Mayor be delegated authority to negotiate access arrangements with Centrepont and the Imperial Arcade and other stakeholders;
- (D) the City to implement "Area No Parking 9am-9pm" restrictions in the Pitt Street Mall as provided in Rule 168 of the Australian Road Rules;
- (E) the Roads and Traffic Authority be requested to approve the provision of "Shared Zone" restrictions in the Pitt Street Mall;
- (F) a budget of \$60,000 be re-allocated from within the current Traffic and Access capital works budget towards the installation of non-retractable bollards to extend the existing line of bollards on both sides of the Mall to Market Street;
- (G) the General Manager be directed to develop a communication strategy to underpin the Pitt Street Mall Access Management Policy;
- (H) The City to take all necessary steps to close Pitt Street between Market and King Street in accordance with Section 34 of the Roads Act 1993, in conjunction with the provision of easements for service utilities and rights of carriageway as appropriate to maintain access to Centrepont, Imperial Arcade, Katies, Soul Pattinsons and the Strand Arcade - to be effective by 31 December 2002; and
- (I) The Traffic and Access Branch identify and develop proposals for Council's consideration to further re-route delivery vehicles to avoid their necessity to use the Mall.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a Minute by the Lord Mayor to Council on 13 May 2002, on Pitt Street Mall - Access Management Policy, it be resolved that -

- (A) Council adopt in principle the Pitt Street Mall Access Management Policy, shown at Attachment A to the subject Minute by the Lord Mayor, and publicly advertise it for 28 days with a view to final adoption in June 2002 for implementation on 1 July 2002. Key stakeholders such as the TWU, the service utilities, emergency service agencies, and cash delivery companies, are to be consulted during the exhibition period;
- (B) subject to satisfactory completion of the processes outlined in clause (A), Council resolve to restrict vehicular access to the Pitt Street Mall so that vehicular access is not permitted between 9am and 9pm only, and take all necessary steps to implement this access restriction in accordance with Division 2 of Part 8 of the Roads Act 1993 in accordance with the delegation to Council by the Roads and Traffic Authority; and investigate, and implement if feasible, load limits on Pitt Street Mall;
- (C) authority be delegated to the Lord Mayor to negotiate access arrangements with Centrepoint, the Imperial Arcade and other stakeholders;
- (D) subject to satisfactory completion of the processes outlined in clause (A), the City implement "Area No Parking 9am-9pm" restrictions in the Pitt Street Mall in accordance with Rule 168 of the Australian Road Rules;
- (E) the Roads and Traffic Authority be requested to approve the provision of "Shared Zone" restrictions in the Pitt Street Mall;
- (F) a budget of \$60,000 be re-allocated from within the current Traffic and Access capital works budget towards the installation of non-retractable bollards to extend the existing line of bollards on both sides of the Pitt Street Mall to Market Street;
- (G) the General Manager be directed to develop a communication strategy to underpin the Pitt Street Mall Access Management Policy;
- (H) the City take all necessary steps to close Pitt Street between Market and King Streets in accordance with Section 34 of the Roads Act 1993, and to provide easements for service utilities and rights of carriageway as appropriate to maintain access to Centrepoint, Imperial Arcade, Katies, Soul Pattinsons and the Strand Arcade - to be effective by 31 December 2002;
- (I) the Traffic and Access Unit identify and develop proposals for Council's consideration to further re-route delivery vehicles to avoid their necessity to use the Mall; and

- (J) subject to any amendments to the Pitt Street Mall Access Management Policy found necessary from the public exhibition and consultation process, and noting that this matter will be the subject of a further report to Council following the public exhibition and consultation process, authority be delegated to the Lord Mayor and the General Manager to implement the provisions of the Pitt Street Mall Access Management Policy by 1 July 2002.

Carried unanimously.

### **ITEM 3. COMPLIANCE AND PROSECUTION GROUP**

FILE NO:

DATE: 10/5/02

#### **MEMORANDUM BY THE GENERAL MANAGER**

##### **PURPOSE**

1. To advise Council of a proposal to effect an internal reorganisation by creating a new Compliance and Prosecution Group.
2. The proposed Group is intended to significantly enhance the City's capacity to achieve compliance with its lawfully exercised powers and responsibilities, by way of an enhanced capability to prosecute, initiate legal actions and/or enforce orders, where deemed necessary to do so.
3. The enhanced compliance and prosecution function is also expected to influence a positive change to the amenity of the City's local government area, including in respect to the behaviour of licensed premises, brothels, restricted premises, restaurants, places of entertainment and any other relevant businesses or premises where the public tends to congregate and the potential for anti-social behaviour exists or the health and safety of the public may be in issue. The need for this enhanced function is expected to increase with the expansion of the City's boundaries into problem areas such as Kings Cross.

##### **BACKGROUND**

4. The Living City Services Division currently includes separate units responsible for Parking Enforcement, Law Enforcement, Building Regulation and Compliance, Environmental Health and CCTV.
5. Where considered necessary, some of these LCS units forward matters they wish to be pursued through the Courts to the General Counsel. The General Counsel then determines the prospects of success and accordingly, whether to proceed. Where legal action is initiated, it is done so by the City's external lawyers. Some minor matters such as health prosecutions are occasionally pursued in the local courts by City staff.

6. The City recently instructed external lawyers to commence proceedings in the Licensing Court against the Pavilion Hotel in George Street. The City's action was initiated as a consequence of a handgun murder at the Pavilion Hotel in February this year, following nineteen other recorded assaults there in the previous fourteen months.

Past practice indicates that, for structural reasons, deficiencies of enforcement and the associated non-compliance with Council policy and/or orders issued by City staff has been an issue. The operational areas which issue notices and orders generally do not have the resources or capacity to enforce all orders which are not complied with. While relatively few orders are referred to the General Counsel for enforcement, that unit does not have the resources to deal with a significant increase in the volume in addition to the sheer volume and discrete nature of the legal work currently undertaken by the General Counsel. Accordingly, there is a need for Council to have a distinct and specialised compliance and prosecution function.

## **PROPOSAL**

7. It is proposed to establish a Compliance and Prosecution Group under the management of a new Executive Director, Compliance and Prosecution (City Prosecutor). The Group will form part of the Office of the General Manager.
8. Apart from the new position of City Prosecutor, which is to be advertised externally, the Group is proposed to be comprised of existing City staff employed in Law Enforcement, Parking Enforcement, Building Regulation and Compliance, Environmental Health and CCTV. The City Prosecutor will be directly responsible for the management of the Group.
9. The City Prosecutor is proposed to be a suitably qualified legal practitioner with significant experience in prosecution and enforcement, engaged at the M3 level.
10. The City Prosecutor will determine, in consultation with the General Manager, which matters referred from the Group should be prosecuted in court and which other legal action should be initiated in the public interest and in accordance with Council policy. The General Manager must consult with the Lord Mayor in respect to any proposed legal action that may have substantial policy and/or cost implications for Council. The City Prosecutor will pursue matters directly in court wherever possible, however the engagement of external lawyers will continue to be considered, where appropriate, on a case by case basis. The Group's staff will also be provided with the necessary training and support to pursue minor prosecutions themselves where deemed appropriate.
11. The City Prosecutor, through the General Manager and Lord Mayor, will provide a quarterly report to Councillors on the status of all legal actions commenced or concluded during the previous quarter. Included in this report will be recommendations on any legislative or policy changes that the Group has identified as desirable to assist Council's objectives.
12. The proposed structure of the Compliance and Prosecution Group is set out in Attachment A.

**CRITICAL DATES**

13. External advertising for the position of City Prosecutor is proposed to commence immediately. Formation of the Compliance and Prosecution Group will be timed to generally coincide with the commencement of the City Prosecutor. Also, the Group is intended to be up and running as an integral component of the City's better neighbourhoods strategy for new local government areas should they occur.

**FINANCIAL IMPLICATIONS**

14. There will be a cost to Council in respect to the remuneration package and on-costs for the City Prosecutor. The actual cost will be subject to negotiation, but to ensure a high quality candidate is selected the upper range of the M3 management scale is anticipated.

**CONSULTATION**

15. Pursuant to the terms of the Enterprise Agreement, consultation with affected staff will be necessary. Relevant managers, including the General Counsel, have already been consulted.

**RECOMMENDATION:**

That arising from consideration of a Memorandum by the General Manager to Council on 13 May 2002, on the Compliance and Prosecution Group, it be resolved that:-

- (J) Council approve the establishment of the Compliance and Prosecution Group in the Office of the General Manager in the terms outlined in the subject Memorandum by the General Manager;
- (K) Council approve the employment of the new position of Executive Director, Compliance and Prosecution (City Prosecutor) on a remuneration package to be determined by the General Manager, in consultation with the Lord Mayor, but within the M3 range;
- (L) the General Manager do all things necessary to ensure the establishment of the Group at the earliest practicable date, and to make provision for the new costs in the 2002-2003 Budget.

(SGD) ROBERT DOMM  
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 13 May 2002, on the Compliance and Prosecution Group, it be resolved that:-

- (A) Council approve the establishment of the Compliance and Prosecution Group in the Office of the General Manager in the terms outlined in the subject Memorandum by the General Manager;
- (B) Council approve the employment of the new position of Executive Director, Compliance and Prosecution (City Prosecutor) on a remuneration package to be determined by the General Manager, in consultation with the Lord Mayor, but within the M3 range;
- (C) the General Manager do all things necessary to ensure the establishment of the Group at the earliest practicable date, and to make provision for the new costs in the 2002-2003 Budget.

Carried unanimously.

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

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

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

Carried.

**ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 6 MAY 2002****PRESENT**

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

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

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

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

Councillor Fabian Marsden was also present, arriving at the meeting at 5.47pm during discussion on Item 1.

**Apology**

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee owing to urgent work commitments.

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

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

Carried.

**Closed Meeting**

At 5.42pm, the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 1 and 3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.00pm.

**Report of the Committee**

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 6 May 2002 be received, and the recommendations set out below for Items 5.1 and 5.3 be adopted.

Carried.

The Committee recommended the following:-

**Closed Meeting**

At 5.42pm the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Items 1 and 3 on the agenda as these matters comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters 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 matters and the circumstances of communications.

Items 1 and 3 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

**STREET SAFETY CAMERA SYSTEM - MAINTENANCE AGREEMENT - ACCEPTANCE OF TENDER (S016479)**

**5.1**

That consideration of this matter be deferred to the meeting of Council on 13 May 2002.

Carried.

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

**TENDER NO 0201 - GRAFFITI REMOVAL SERVICE: COMPETITIVE TENDERING ROUND TWO (S017376)**

**5.2**

Note - no report was circulated and this matter was not discussed at the meeting of the Finance, Properties and Tenders Committee, nor at the meeting of Council.

**TENDER NO 0202 - WATER FEATURES MAINTENANCE SERVICE:  
COMPETITIVE TENDERING ROUND TWO (S019313)**

**5.3**

That arising from consideration of a report by the A/Senior Project Coordinator, Contracts & Asset Management to the Finance, Properties and Tenders Committee on 6 May 2002, on Tender No 0202 - Water Features Maintenance Service: Competitive Tendering Round Two, it be resolved that -

- (A) all tenders be rejected;
- (B) Council not invite new tenders for the water features maintenance service, as a satisfactory result is not expected due to:
  - (i) the majority of service providers in the market appear to have participated in this tender process, and
  - (ii) the anticipated benefits of dealing directly with providers in water features maintenance.
- (C) authority be delegated to the General Manager, in consultation with the Lord Mayor, to negotiate with the two lowest tenderers and enter into a suitable contract for the Water Feature Maintenance Service;
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried.

**ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 6 MAY 2002**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

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

At the commencement of business at 6.25 pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

Councillor Nick Farr-Jones arrived at the meeting of the Planning Development and Transport Committee at 6.30 pm, during discussion on Item 6.2.

**Order of Business**

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

3. Integrated Development Application: 60-70 Elizabeth Street (also known as 153-163 Phillip Street), Sydney
2. Crown Development Application: SIT Campus, Building E, 19 Mary Ann Street, Ultimo (Frontage to Thomas Street)
1. Progress Report on Development Applications
4. Development Application: Carla Zampatti Building, 435A-441 Kent Street Sydney

The meeting of the Planning Development and Transport Committee concluded at 6.48 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 6 May 2002 be received, and the recommendation set out below for Item 6.1 be adopted, with Items 6.2 to 6.4, inclusive, being noted.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL**

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

**6.1**

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 6 May 2002, in regard to the progress report for the month of March 2002, it be resolved that the subject report be received and noted.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Items 6.2 to 6.4, inclusive, were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**CROWN DEVELOPMENT APPLICATION: SIT CAMPUS, BUILDING E, 19 MARY ANN STREET, ULTIMO (FRONTAGE TO THOMAS STREET) (D2001/00895)**

**6.2**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That, at the request of the applicant, consideration of this matter be deferred to a future meeting of the Planning Development and Transport Committee.

Carried.

**INTEGRATED DEVELOPMENT APPLICATION: 60-70 ELIZABETH STREET  
(ALSO KNOWN AS 153-163 PHILLIP STREET), SYDNEY (D2001/00878)****6.3**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 6 May 2002 in relation to Development Application D2001/00878 made by Davenport Campbell for the site at 60-70 Elizabeth Street (also known as 153-163 Phillip Street), Sydney for alterations and additions to the existing building and the award of Heritage Floor Space, it be resolved that:-

- (A) A deferred commencement consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:
- (1) Submission of certification by a Registered Surveyor certifying the total floor space area (as defined in the Central Sydney Local Environmental Plan 1996) of the existing building. This information is required to limit any future development of the site to the total area of the conserved building (refer Part (B) Condition 2).

The above information shall be submitted to Council's satisfaction within 3 months from the date of this deferred commencement consent.

- (B) subject to the satisfactory completion of the requirement detailed in clause (A)(1), the development consent shall operate subject to the following conditions and any conditions reasonably arising from consideration of clause (A):

## **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.

**Note 2:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D2001/00878 dated 20 December 2001 and:

Statement of Environmental Effects prepared by Davenport Campbell dated December 2001;

Conservation Management Plan prepared by Rod Howard Heritage Conservation Pty Ltd dated March 2001 (revised August 2001);

Heritage Impact Statement prepared by Rod Howard Heritage Conservation Pty Ltd dated December 2001;

The Finishes Schedule prepared by Davenport Campbell dated 20 December 2001;

Scope of works for the threshold at the main Elizabeth Street entrance to the building contained in Rod Howard Heritage Conservation Pty Ltd letter dated 20 February 2002;

Signs Strategy prepared by Rod Howard Heritage Conservation Pty Ltd dated February 2002, as revised by the addendum to Section 4.0 (submitted with Rod Howard Heritage Conservation Pty Ltd letter dated 6 April 2002);

Scope of works for the Level 7 Board Room and Ante Room contained in Rod Howard Heritage Conservation Pty Ltd letter dated 6 April 2002;

“Report on Paint Removal Investigation from Facades of 60-70 Elizabeth Street, Sydney” prepared by International Conservation Services Pty Ltd dated April 2002;

and drawings numbered DA0-B1/B, DA0-B2/B, DA0-LG/B, DA0-UPG/B, DA1-B1/B, DA1-B2/B, DA1-LG/B, DA1-UPG/B, AEX-01/B, AEX-02/B, AE-01/B, AE-04/B, P1-01/A, PB.01 and PB.02 all dated 20 December 2001, and drawings numbered AD-01/A, AD-02/A, AE-02/C, AE-03/C, AE-05/C and AE-06/B all dated 10 January 2002, all prepared by Davenport Campbell,

and as amended by the following conditions:

#### **AWARD OF HERITAGE FLOORSPACE – STAGED AWARD**

- (2) The owner may be awarded 5540sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
  - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificate under Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;

- (b)
- (i) 2216sqm (40%) of heritage floor space may be awarded after completion of the following conservation works proposed in the current application:
    - a. all works to Basement Levels 1 and 2, and the Lower Ground and Upper Ground Floors;
    - b. Phillip Street entrance awning;
  - (ii) 1108sqm (20%) of heritage floor space may be awarded after completion of the following conservation works proposed in the current application:-
    - a. removal of the painted surface to the Elizabeth and Phillip Street facades in accordance with the methodology contained in the "Report on paint removal investigation from facades of 60-70 Elizabeth Street, Sydney" prepared by International Conservation Services Pty Ltd dated April 2002;
    - b. cleaning and regilding of the globe at the top of the Elizabeth Street façade in accordance with the Heritage Impact Statement prepared by Rod Howard Heritage Conservation Pty Ltd dated December 2001;
  - (iii) 1108sqm (20%) of heritage floor space may be awarded after completion of the following conservation works proposed in the current application:-
    - a. Level 7 Board Room and Ante Room;
  - (iv) 1108sqm (20%) of heritage floor space may be awarded after completion of the following conservation works proposed in the current application:-
    - a. removal of all intrusive signage, including the existing backlit signs above the car park entrance and pedestrian entry within the Elizabeth Street façade, in accordance with the Addendum to the Signage Strategy.
- (c) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
- (i) ensure the continued conservation and maintenance of the building; and
  - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of *[insert]*sqm.

- (d) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (e) The owner will only be registered as the owner of 5540sqm of heritage floor space upon the completion of each stage described in paragraphs (a) - (c) of this condition, to the satisfaction of Council.
- (f) On the satisfactory completion of each of (a) – (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (3) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
  - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
  - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (4) The form of recording is to be as follows:-
  - (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
    - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
    - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;

- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
  - a. the project description, method of documentation, and any limitations of the photographic record; and
  - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

#### **SECTION 61 CONTRIBUTION**

- (5) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

- (a) Cash Contribution Required

In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.

Payment shall be by BANK CHEQUE made payable to the City of Sydney.

- (b) Amount of Contribution

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.

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.

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

The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**PROPOSED WORKS NOT TO CAUSE DAMAGE TO HERITAGE ITEM**

- (6) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

**PROVISION OF SERVICES IN HERITAGE BUILDINGS**

- (7) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

**USE OF CONSERVATION ARCHITECT**

- (8) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

**USE OF EXPERIENCED TRADESPERSONS**

- (9) The applicant is to commission experienced tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

**INTERPRETATION STRATEGY REQUIRED**

- (10) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval of the Director City Development prior to the issue of any Construction Certificate and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.

**EXTERNAL LIGHTING**

- (11) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

**SIGNS**

- (12) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs. Such signage proposals shall have regard to the signage strategy (as amended) for the premises.

**GENERAL BUILDING CODE OF AUSTRALIA REQUIREMENTS**

- (13) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following upgrading works are required to the building prior to the issue of the Occupation Certificate:
- (a) Car parking spaces that obstruct access to fire exits in the basement levels must be deleted to comply with Performance Requirement DP4 of the Building Code of Australia; and
  - (b) The water closet for persons with disabilities at upper ground floor level must be altered to comply with AS 1428.1.

**Schedule 1B****Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority****PUBLIC ART**

- (14) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**RECEPTACLES FOR CIGARETTE BUTTS**

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

- (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
- (f) emptying of receptacle/s must be carried out on a daily basis.

#### **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- (16) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.
- (17) In accordance with the Rod Howard Heritage Conservation Pty Ltd letter dated 20 February 2002, the existing threshold fabric at the main Elizabeth Street entrance to the building shall be retained and adapted to form part of the disabled access into the building.

#### **GLAZING**

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

#### **AWNINGS**

- (20) The awning/canopy must comply with the City of Sydney Awnings Policy 2000.

#### **UNDER AWNING LIGHTING**

- (21) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting is to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **PAVING MATERIALS**

- (22) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

**ALTERATIONS, ENLARGEMENT OR EXTENSION OF AN EXISTING BUILDING NOT INVOLVING CHANGE OF USE**

- (23) The certifying authority must not issue a construction certificate for the work unless it is satisfied that the fire protection and structural capacity of the existing elements of the building will not be reduced.

**LETTER TO VERIFY SUPPORT FOR NEW LOADS**

- (24) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

**COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA**

- (25) Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

## **Schedule 1C**

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

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

- (26) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
  - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.

- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

**APPLICATION FOR BARRICADE PERMIT FOR ENCLOSURE OF A PUBLIC PLACE (ROAD AND FOOTPATH) REQUIRED FOR CONSTRUCTION/BUILDING WORKS**

- (27) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

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

**CERTIFICATION OF MECHANICAL VENTILATION**

- (29) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
- (30) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
  - (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;

- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
  - (i) Supply Air Ducts, Shafts and Fans - Blue
  - (ii) Return Air Ducts, Shafts and Fans - Pink
  - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
  - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
  - (v) Mixing Boxes and Conditions - Yellow
  - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

### **STRUCTURAL CERTIFICATION FOR DESIGN**

- (31) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
  - (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
  - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:

- (i) The relevant clauses of the Building Code of Australia (BCA);
  - (ii) The relevant conditions of Development Consent;
  - (iii) The Architectural Plans incorporated with the Construction Certificate; and
  - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
  - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
- (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a 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.
- (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

## **AWNING MAINTENANCE**

- (32) A maintenance plan for the awning must be submitted for the approval of Council prior to the commencement of construction, including the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awning. The maintenance plan and schedule are to include annual inspection of steelwork, connections and support, regular cleaning of drains and the footpath under the awning, tri-annual repainting of the awning, regular cleaning of lighting and replacement of defective lighting, and regular cleaning of the awning glazing at least every six months or more frequently if required.

## **Schedule 1D**

### **Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority**

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

- (33) 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.

**USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**

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

**LOADING AND UNLOADING DURING CONSTRUCTION**

- (35) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

**PROTECTION OF STREET TREES**

- (36) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

**NO OBSTRUCTION OF PUBLIC WAY**

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

## **Schedule 1E**

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

#### **OCCUPATION CERTIFICATE TO BE SUBMITTED**

- (38) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (39) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

#### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (40) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
  - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
  - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a 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.

## **NUMBERING**

- (41) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

## **HISTORIC MARKER**

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

# **Schedule 1F**

## **Conditions to be complied with during the use of Premises**

### **REMOVAL OF GRAFFITI**

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

**NO SPRUIKERS OR AMPLIFIED NOISE**

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

**NOISE - USE**

- (45) The use of the premises including music and other activities must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
  - (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
  - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
  - (e) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

**NOISE - MECHANICAL PLANT**

- (46) Noise associated with mechanical plant must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) A sound level at any point on the boundary of the site greater than 50dBA.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.
- (e) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

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

- (47) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

#### **NO SIGNS OR GOODS ON PUBLIC AREAS**

- (48) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

## **Schedule 2**

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

## Schedule 3

### Terms of Approval

#### Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

- (49) Work shall be supervised on site by a nominated consultant experienced in the conservation of similar heritage items. The nominated consultant shall ensure the work to be in accordance with the Conservation Management Plan dated August 2001, and the Statement of Heritage Impact dated December 2001, both prepared by Rod Howard Heritage Conservation Pty Ltd. The name and experience of this consultant shall be submitted in writing to the Heritage Council for approval prior to construction commencing.
- (50) The nominated consultant shall submit to the Heritage Council written certification that the works have been carried out in accordance with the above mentioned conservation management documents at completion of the works.
- (51) An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.
- (52) The following additional information is to be provided for approval in the section 60 application:
  - (a) A methodology for the removal of the paint to the Benedict Stone surface on the Phillip and Elizabeth St facades. The methodology is to include;
    - type of paint stripper to be used and its chemical composition
    - dwell times for the application of the stripper
    - neutralisation method
    - testing regime for evidence of neutralisation
    - if water under pressure is used, the maximum pressure to be used at the surface
    - access method to carry out the works to the facade.
  - (b) A specification for repairs to the Benedict Stone surface where poorly matched repairs are revealed by the removal of paint.
  - (c) The details of proposed signage, or the re-submission of the signage strategy including the height of lettering and margins, the method of attaching signs, and the relationship of signs to architectural features.

(53)

- (a) A photographic archival record shall be prepared including black and white photographs and slides, prior to the commencement of works. Copies are to be lodged with the Council of the City of Sydney and the NSW Heritage Office prior to the commencement of works.
- (b) A photographic archival record shall be prepared including black and white photographs and slides during the progress of works and at completion of the project. Copies are to be lodged with the Council of the City of Sydney and the NSW Heritage Office within eight weeks of the practical completion of the project.

Carried unanimously.

**DEVELOPMENT APPLICATION: CARLA ZAMPATTI BUILDING, 435A-441 KENT STREET SYDNEY**

**6.4**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 6 May 2002, in relation to Development Application D2002/00234 made by Carla Zampatti P/L for the site at 435A-441 Kent Street for an award of Heritage Floor Space in association with the refurbishment of the existing building to accommodate retail and commercial tenancies including the carrying out of conservation works, relocation of the vehicle access point and provision of new vehicle driveway, provision of new service core and construction of roof top addition (approved under development application D2000/00924), it be resolved that the application be approved subject to the following conditions:-

## **Conditions of Consent**

### **Schedule 1A**

#### **Approved Development**

##### **APPROVED DEVELOPMENT**

- (1) The approved conservation works must be carried out in accordance with the works detailed in Development Application No: 2002/00234 dated 19 April 2002, the Statement of Heritage Impact received on the 22 April 2002, Schedule of Specific Conservation Works dated April 2002 and the Conservation Management Plan dated 22 April 2002 and prepared by Noel Bell Ridley Smith and Partners Architects Pty Ltd and as detailed in the drawings detailed below and prepared by Arclinea Design Pty Ltd:-

**Drawing No**

001 Issue B	Basement Plan
002 Issue C	Ground Floor Plan/Public Domain Plan
003 Issue A	Level 1 Plan
004 Issue A	Level 2 Plan
005 Issue A	Level 3 Plan
006 Issue B	Level 4 Plan
007 Issue B	Level 5 Plan
008 Issue B	Roof Plan
009 Issue B	Site Plan
606 Issue B	Atrium Bridge
607 Issue B	Vehicle Entrance
101 Issue B	Section EW - Atrium
102 Issue A	N- S
103 Issue B	E-W Section – Driveway
201 Issue B	Kent Street Elevation and South Elevation
202 Issue A	West Elevation
402 Issue D	Ground Core/Walkway Plan
603 Issue C	Entrance Section 1:20
606 Issue B	Atrium bridge 1:20
607 Issue B	Vehicle Entrance
701 Issue A	Level 1 Plan/Hydraulic Service strategy
702 Issue A	Level 1 RCP/Mechanical Services Strategy

as amended by the following conditions:-

- (2) The works detailed in the submitted application documentation and above stated plans shall also be carried out in accordance with the development consent D2000/00924 approved on 22 December 2000 and amended on 19 November 2001. Where there is an inconsistency between individual conditions of these consents the conditions of this consent shall prevail.

**DESIGN DETAILS/AMENDMENTS**

- (3) The design details of the development, including all external finishes and colours, including glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Arclinea Design Pty Ltd and submitted with the development application D2000/00924 unless otherwise approved by Council.
- (4) All external glazing in the development must be clear and untinted except as otherwise specified by this consent.
- (5) Final and precise details, including architectural design details and details of materials and finishes, of the following:-
  - (a) the pedestrian access ramp;
  - (b) the atrium bridges;
  - (c) the glazed atrium walls;
  - (d) atrium roof and louvres;
  - (e) the glazed pedestrian entrance doorway;
  - (f) the vehicle entrance doorway; and
  - (g) the reconstructed timber doors at the entrance to the pedestrian walkway and in Bay 4;
  - (h) a colour scheme for repainted items throughout the building;
  - (i) the extent of replacement of timber windows on west facade;
  - (j) details of preservation works to be carried out on the retained lift car, loading dock and loading dock doors;
  - (k) details of the interpretation through design of all former goods lift penetrations;
  - (l) details of the presentation of lift machinery in its new location;
  - (m) documentation of the extent and type of stonework repairs and indents;  
and
  - (n) documentation of the extent and type of brickwork repairs.

shall be submitted and approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (6) The original timber columns and beam structure on Level 3 of the building shall be retained in situ. Details of the design of the new structure to support the rooftop addition and its relationship with the existing timber structure to be retained shall be submitted and approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **AWARD OF HERITAGE FLOOR SPACE**

- (7) The owner may be awarded 4145sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
  - (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
  - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
    - (i) ensure the continued conservation and maintenance of the building; and
    - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 5813 sqm.
  - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
  - (d) The owner will only be registered as the owner of 4145 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
  - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

#### **HERITAGE**

- (8) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building that is listed as a Heritage Item.
- (9) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.

- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (c) The form of recording is to be as follows:-
  - (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
    - (ii) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
    - (iii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
    - (iv) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
  - (v) A summary report of the photographic documentation, detailing;
    - a. the project description, method of documentation, and any limitations of the photographic record; and
    - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
  - (vi) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (10) A written statement should be provided by the Heritage Consultant appointed to the project confirming that the work carried out is consistent with the scope of work in the HFS application, and, has been carried out to an acceptable conservation standard. This statement is required prior to the release of the award of HFS.

- (11) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (12) An excavation permit, under section 140 of the NSW Heritage Act, is to be obtained from the City of Sydney prior to any works that may impact, remove or otherwise alter archaeological deposits, including sub/inter floor deposits.
- (13) The applicant is to commission experienced trade persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works. Prior to the commencement of work the applicant is to submit to Council a copy of the contractual terms for the appointment of the site manager and trades persons and appropriate information to demonstrate that they have the appropriate skills required to undertake the approved scope of conservation work.
- (14) A Register is kept on site to detail all visits made by the conservation architect and archaeologist including the length of stay and works inspected during each visit.
- (15) An interpretation plan for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval and completed prior to the registration of HFS. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts (and/or other material) presentation of lift machinery and explanation of the goods handling process, and interpretation by design to assist the public to understand the history and significance of the site. The plan should include information required to satisfy the signage strategy condition 18 below.
- (16) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site. The design, location and wording of the plaque shall be submitted for the approval of Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.
- (17) The recommendations for specific conservation works contained in section 9.3 of the CMP prepared by Noel Bell Ridley Smith & Partners (22<sup>nd</sup> April 2002) shall be undertaken prior to the award of HFS.

- (18) The following amendments shall be made to the CMP prepared by Noel Bell Ridley Smith & Partners (22<sup>nd</sup> April 2002):
- (a) The significance of the goods lifts is to be assessed by an experienced industrial archaeologist and the assessment incorporated into the CMP. As a result of this assessment the policies shall be reviewed accordingly.

## **SIGNS**

- (19) All existing signage on the building shall be removed, including the unauthorised Carla Zampatti advertising panel on the south elevation of the building and a signage strategy shall be prepared, submitted and be approved by Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. All future signage should be subject to a separate DA and must be consistent with the signage strategy.

## **SECTION 61 CONTRIBUTION**

- (20) 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.

**EXTERNAL LIGHTING**

- (21) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

**REMOVAL OF GRAFFITI**

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

**WINDOW CLEANING**

- (23) The owner/manager of the building shall ensure that all windows on the facade of the building are cleaned regularly and, in any event, not less than annually.

**HOURS OF WORK AND NOISE**

- (24) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
  - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
  - (c) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

**USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**

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

Carried unanimously.

**ITEM 7. MARCH 2002 - QUARTER 3 BUDGET REVIEW (S015503)**

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

That arising from consideration of a report by the Senior Management Accountant to Council on 13 May, on March 2002 - Quarter 3 Budget Review, it be resolved that Council -

- (A) note the Quarter 3 forecast showing an operating surplus of \$39.8m;
- (B) note the Quarter 3 forecast for capital works of \$25.06m;
- (C) note the Quarter 3 forecast for plant and assets of \$3.4m; and
- (D) authorise income and expenditure in line with the forecast as detailed in Attachment A to the subject report.

Carried.

**ITEM 8. QUESTIONS ON NOTICE****WORLD SQUARE SITE (S018718)**

1. By Councillor Greiner -

**Question**

Lord Mayor, could you please inform the Councillors

1. The number of Section 96 applications that have been made on the World Square site?
2. Were decisions made on these Section 96 applications made under delegated authority?
3. In what way have these Section 96 applications altered the approved design of the building?

**Answer by the Lord Mayor**

The Director City Development advises that -

**“Meriton World Tower - Development Application D2000/00563**

The Meriton World Tower is currently under construction. Seven S96 applications have been made in respect of this consent. Six of these applications were approved under the delegation of the CSPC and the applicant withdrew one application. The applications are: -

<b>Application</b>	<b>Amendments</b>	<b>Decision</b>
D2000/00563 A	Reduction in unit numbers (no change to appearance)	Approved.
D2000/00563 B	Re-allocation of car parking spaces (no change to appearance)	Withdrawn.
D2000/00563 C	Alterations to childcare centre and recreation facilities on Level 14 (minor change to appearance)	Approved.
D2000/00563 D	S96(1) application to amend a misdescription of the approved plans for Level 10 (no change to appearance)	Approved.

<b>Application</b>	<b>Amendments</b>	<b>Decision</b>
D2000/0563 E	Enclosure of terraces on the podium levels and amendment of unit mix (minor change to appearance)	Approved.
D2000/00563 F	Amendment of the materials and façade details (significant change - sub committee)	Approved.
D2000/00563 G	Provision of three discharge vents to Level 14 (minor change to appearance)	Approved.

Of the above only D2000/00563F proposed significant alterations to the exterior of the building. Although determined under delegation, a CSPC design sub committee considered this application and the approval was consistent with the advice of the sub-committee.

### **Multiplex Site - 1995 Masterplan– Development Application Z95/00811**

Multiplex submitted a S96 application to modify the approved building podium and tower envelope, internal layout, arrangement of uses and allocation of car parking in respect of the southern section of the site (excluding the completed and occupied OSW development containing Hordern Towers and the Avillion Hotel and the Meriton World Tower).

The application has been the subject of a CSPC endorsed competitive design process. A number of reports have been considered by the CSPC on this proposal. The CSPC delegated authority to the Lord Mayor to determine the S96 application and the application has subsequently been approved.”

### **HIRING OF LOWER TOWN HALL (S01878)**

2. By Councillor Greiner -

#### **Question**

Lord Mayor, as you know I have previously raised with you concerns about the hiring out of the Lower Town Hall and the Marconi Room for warehouse sales of retail articles as it presents an unfair advantage in the retail competitive market place and directly impacts on the City’s ratepayers.

There has clearly been a change in policy for the hiring out of the Lower Town Hall.

When did this policy change, and will you please bring this issue to Council to enable all Councillors to debate the hiring strategy for the Lower Town Hall and the Marconi Room?

**Answer by the Lord Mayor**

The Director Living City Services advises that -

“Council resolved on 27 November 1995 -

‘that Council limits clothing warehouse sales to two bookings per year, per hirer (including related hirers), with the maximum number of days open to the public being limited to 9 days for each hiring.’

The Policy adopted by Council is being strictly adhered to.”

## **QUESTIONS WITHOUT NOTICE**

### **PROPOSED BOUNDARY CHANGES (S018727)**

1. By Councillor Turnbull -

#### **Question**

Lord Mayor, could you please give Council a progress report on the boundaries issue?

#### **Answer by the Lord Mayor**

The boundary changes are still being debated in the courts. I believe a judgement is due to be handed down tomorrow in the Land and Environment Court. I don't expect that any decision of the Court will be final. Either way it could well be appealed.

I understand that South Sydney's special consultant on this matter has been paid \$50,000 a month. I understand they have spent a lot of money on this case and it basically shows the difficulty with the current Local Government Act of trying to change boundaries when Councils act in their own self-interest, and not necessarily in the public interest, to frustrate the process.

We have to allow the courts to deal with the matter. It has never been up to us anyway, it is up to the Government.

From our point of view we are unable to obtain and have failed to get co-operation in relation to rating data. We want to be able to set rates for the new areas but, of course, you take every step as it comes. I cannot pre-empt the court's decision, I cannot pre-empt the Minister's decision, but I would hope it is resolved soon and that money wasting ceases.

I have never seen so much money wasted. It has to do with self-preservation of the Councillors themselves. It doesn't justify it though. If you want to spend money on self-preservation you spend your own money, you don't spend public money.

Deputy Lord Mayor, I haven't got much more to add really. It is out of our hands, it has never been in our hands. I think it is a pity because we have some good ideas for those new areas and a lot of good work has been done by Council's staff.

We have a neighbourhood service centre building in Kings Cross work on which has been frustrated because South Sydney has deliberately gone slow with our development application and we have complained to the Ombudsman about this.

But these are the sort of under-graduate tactics that I guess we have got to live with for the time being. We would have loved to have been able to undertake work on the neighbourhood service centre a couple of months ago, but it took South Sydney a month and a half to even advertise the proposal. They are constantly trying to find new little bits of information to ask for as a pretext for the delay. I think it is a great pity.

I think the behaviour, especially of South Sydney more so than Leichhardt, has been very undergraduate and has involved a great waste of time and money. I think it is a great pity.

However, at the end of the day we are operating the City, I believe, very well and if the boundaries change we will apply our enthusiasm and passion to those new areas, and our resources - if not, we won't.

At the end of the day it is not much skin off our noses except that I think it is a great pity that all this money has been wasted, when you consider, especially on the eastern side, a clear majority of people want to be in the City. I cannot see riots in the streets by people resisting the change. Any riots are in the heads of a few councillors.

## **PARLIAMENTARY INQUIRY INTO BUILDING STANDARDS (S018724)**

2. By Councillor Greiner -

### **Question**

Lord Mayor, the Joint Parliamentary Inquiry into Building Standards is currently sitting. Is Council making an oral presentation to the Committee?

### **Answer by the Lord Mayor**

Council has made a written presentation and will be making an oral presentation as well. We will be invited to give evidence but the Committee has not set a date for that yet.

As for our written submission, the Committee has told us not to release or publish it without their consent and we have sought approval to release it, at least to other Ministers and the industry. Until we get that approval we can't release it.

We are intending to appear before the Inquiry. We have made a written submission along the lines we discussed.

I went to Melbourne on Friday and I met and had extensive discussions with people at Melbourne City Council on this issue to get an idea of their legislation and how their Council handles it. They have a different structure, they have a type of Builders Licensing Board at State level operating. They have a problem with retention of good building surveyors as well.

They have some common problems but also different problems. I took a lot of notes and I have forwarded a copy of their organisation structure to the General Manager.

**PROPOSED BOUNDARY CHANGES (S018730)**

3. By Councillor Coulton -

**Question**

Lord Mayor, following on from your answer to the first question on proposed boundary changes, are you aware as to how much money South Sydney has spent or is spending on stopping the boundary changes?

**Answer by the Lord Mayor**

I have heard various reports. I don't know but you would never find out. I have heard reports of \$750,000, but I am actually not sure.

I am sure if we put in a Freedom of Information application they would instantly give us an answer, an accurate one? All I can say is if the boundary changes do proceed, in subsequent negotiations over asset sharing I will be asking for the amount spent to be deducted from their share of the assets.

**PEDESTRIAN SAFETY (S018729)**

4. By Councillor Farr-Jones -

**Question**

Lord Mayor, as a regular user of the City streets, I do get concerned about the number of times I see people nearly run over because of people basically running through red lights. As a significant lobby organisation, should we be lobbying the Roads and Traffic Authority to potentially position red light cameras in strategic places.

At the age of 40 I can still move reasonably quickly but I have seen people go very close and I suspect we should be trying to take a stance on this.

Could we lobby the RTA to look at the issue because there are a number of hot spots and I don't want to see blood on the pavement. I think maybe three or four strategic red light cameras could be useful to try to change the culture.

**Answer by the Lord Mayor**

There were pedestrian injury statistics available a couple of years ago that I read. I will ask the staff at some point to brief the Councillors on pedestrian injuries in the central business district and the hot spots.

I think we should sit down and look at where the injuries take place. We will have a briefing on it.

**BUILDING COMPLIANCE (S018724)**

5. By Councillor Greiner -

**Question**

Lord Mayor, in the process of Council discharging its responsibility to ensure safety of life at Regis Towers, The Summit and The Mirage, the ratepayers of the City will have funded extraordinary external consulting costs.

What is the value of those costs and what are the budgeted legal costs that Council is impelled to incur in the continuance of the discharge of its duty?

I am not suggesting that we shouldn't have done these things. I am just wanting to know how much has it cost to hire the consultants for life saving issues and the legal costs, obviously an estimate, that will occur.

**Answer by the Lord Mayor**

In relation to the first part of your question, I don't know the answer but I will ask the General Manager to respond via the Councillors' Information Service.

In relation to the second part of your question, I obviously don't know if any of us can answer it because it depends on whether or not the defendant chooses to settle on criteria for rectification or chooses to see the court case through to the bitter end.

We are certainly in court.

So far it is hard to know. We have a number of consultants providing reports. It would be in the area of \$100,000 to \$200,000 but I don't know and I am reluctant to throw numbers around any more.

I invite the General Manager to comment.

**General Manager**

Lord Mayor, I don't know the specific figure but it is probably closer to \$100,000 than \$200,000, I think.

**Answer by the Lord Mayor (continued)**

General Counsel, the legal costs could be a lot more than that?

**General Counsel**

To date they are not but the cost of running the proceedings would be of or exceeding that amount.

**Answer by the Lord Mayor (continued)**

There is no question that we will be spending more money on extra resources in the building compliance area in the future as a consequence of all this. It will be recurrent costs forever. We will be increasing our resources to do more spot checks because the system as it stands, in our view, is not satisfactory.

**COWPER WHARF ROAD (S018730)**

6. By Councillor Coulton -

**Question**

Lord Mayor, in relation my previous questions on Cowper Wharf Road, why aren't the lights synchronised heading west at the Eastern Distributor. They are still not synchronised and why aren't they? Is there a good reason for that?

**Answer by the Lord Mayor**

I invite the Director City Development to respond.

**Director City Development**

I thought I did respond to the previous questions, but I will find the previous questions and answers. The Roads and Traffic Authority said no to the synchronisation and it had to do with maintaining an easier easterly flow and westerly flow. It was more a back up route on the east.

**Answer by the Lord Mayor (continued)**

I think they wanted to maintain the integrity of the Sir John Young Crescent route onto the Expressway.

In the Cross City Tunnel proposal under the scheme as it was sitting about a week ago they were actually going to block that route all together. You would not be able to get access to the CBD north via Cowper Wharf roadway.

I have been fighting for the residents of Potts Point, I have been fighting really hard. Both the Deputy Lord Mayor and I are fighting very hard against this for you Councillor Coulton, for the residents of Potts Point and for everyone else affected.

**LITIGATION (S018729)**

7. By Councillor Farr-Jones -

**Question**

Lord Mayor, being conscious that I don't look to take up too much of our senior management's time and, especially, the General Counsel's, I would like confirmation that the question I raised at Council some time ago, viz a viz, being briefed on issues of litigation that Council is involved with will be answered in due course? I just want to keep the ball rolling.

**Answer by the Lord Mayor**

I think we should have a briefing of Councillors on 27 May 2002 to run through all the litigation. I apologise it has taken some time but the information wasn't readily available. We will have a briefing of all Councillors on 27 May.

**WASTE COLLECTION (S018725)**

8. By Councillor Ho -

**Question**

Lord Mayor, three months ago a resident from Quay One Apartments called me and said there is supposed to be a garbage collection underneath the Cahill Expressway. I rang Mr Gerry Gleeson of the Sydney Harbour Foreshore Authority and he advised me this is contracted to the City of Sydney and that he would look into it.

Last week the same people rang me again and said nothing has been done. Can I find out about this from the Council please?

**Answer by the Lord Mayor**

I ask the Director Living City Services to liaise with Councillor Ho before Councillor Ho travels to Beijing and address this issue, please, and ensure it is not raised at Council again.

**USE OF LOWER TOWN HALL (S018724)**

9. By Councillor Greiner -

**Question**

Lord Mayor, thank you for your answer to my Question on Notice concerning warehouse sales in the Lower Town Hall, and the reference to the recommendation of 27 November 1995, creating limitations on the number of times a warehouse sales hirer can access the Lower Town Hall.

I draw your attention to an amendment to that motion from Sydney Alliance colleagues calling on no further bookings being taken for clothing warehouse sales for the Lower Town Hall.

Would you please ask Council staff to prepare a report for Councillors indicating the names of those organisations and companies hiring the Lower Town Hall, the period of hire, the type of use, and the fee charged, with circulation via the Councillors' Information Service?

**Answer by the Lord Mayor**

Colleagues, you will recall that we introduced a twice a year rule for any different retailer because we were having Najee there four times a year and we introduced the twice a year rule. The only problem was the retailers went off to the Lower Hall of the State Theatre so we didn't actually save the City retailers at all. So it was a question of balancing between the City's need to utilise its facilities and, on the other hand, not providing such a disadvantageous rate.

Some of you may recall or might not recall that at the time we also increased the fees substantially to minimise any prospect that we were providing a cheap venue for these people.

Some of these are quite small uses for very few days. There has been a decline in uses in the last two years but, personally, and I don't know about my colleagues, I think the uses are fairly modest, don't cause a major problem and they earn some money for the Council.

We were looking at what to do with the Lower Town Hall. We are still looking at what to do with the venue and there will be a briefing of Councillors within about six weeks on what to do with it. If we move to change the configuration of the venue other uses with potential may arise.

I don't see the point of cutting out these warehouse sales because the retail traders want to make a political point, when we have actually increased the fees substantially and put quotas and a limit on what they can do. We are just shooting ourselves in the foot for no good reason.

These warehouse sales were held on forty eight days a year in 1999-2000, 38 days only in 2000-2001, and 48 days only this year. There is a limitation to what they can do because of the noise attenuation through the main Centennial Hall anyway. This is a non issue. If ever there was a non-issue this is it. Of the 365 days per year there are only 48 days that we have people in there.

**USE OF LOWER TOWN HALL - ASSOCIATED SIGNAGE (S018727)**

10. By Councillor Turnbull -

**Question**

Lord Mayor, is there a way that we can moderate the impact of the presence of the warehouse sales operators by reducing the offensive signage and sandwich boards which really clutter the roadways and diminish from this public domain? If a retailer were to provide that level of signage we would be on top of them like a ton of bricks.

**Answer by the Lord Mayor**

The retailers have their shopfronts and have their means of communication with passers-by and everybody else. People that come to the Town Hall, it is not their normal venue, so they have to advertise in the newspaper and they have to have signs showing what they are doing.

As to the nature of the signs, I don't disagree. If they are over the top, let's cut them back.

The Lower Town Hall is closed most of the time. It's crazy not to be using it.

**COUNCIL BUSINESS (S018729)**

11. By Councillor Farr-Jones -

**Question**

Lord Mayor, I wasn't going to ask this question but for the sake of our friends who have joined us in the Chamber tonight, I am sure, looking at their expressions, they are probably going to go away from here very disillusioned about the issues that this City, the largest City of Australia, actually deals with.

I'm not sure why but just the course of the meeting, the issues we discussed and debated and the actual agenda that we have delivered before us.

I just thought, Lord Mayor, it might be appropriate if you could deliver to them confirmation that the system of delegation in this City is alive and well.

**Answer by the Lord Mayor**

I don't think that question merits an answer.

**INTERNATIONAL STREET MALL SEMINAR (S018725)**

**12.** By Councillor Ho -

**Question**

Lord Mayor, on 23 May 2002, I am going to Beijing at the invitation of the Chinese Government. The official invitation was organised last year to celebrate the International Street Mall Seminar.

Twelve countries around the world will be represented, including San Francisco, USA, Tokyo, Japan, Singapore and for Australia it happens to be Sydney representing. I just wanted to set the record straight that Councillor Marsden was approached to go with me but due to other obligations he can't go.

So, I will go to Beijing and I would ask that you give me the blessing to represent the City of Sydney. Also I want to make it clear that my expenses will not be met by Council.

**Answer by the Lord Mayor**

Councillor Ho, Council will note that you are going to Beijing. We wish you a productive and interesting trip, and we note that it is at no cost to Council.

**ITEM 9. NOTICES OF MOTION**

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

**Adjournment**

At this stage of the meeting, at 6.25pm, it was -

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

That the meeting of Council be adjourned to the Finance Committee Room for consideration of Item 10 on the agenda.

Carried.

At the resumption of the meeting in the Finance Committee Room at 6.26pm, those present were -

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

**Closed Meeting**

At 6.27pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 10 on the agenda as this matter comprised the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Item 10 was then dealt with by Council while the meeting was closed to the public.

**ITEM 10. STREET SAFETY CAMERA SYSTEM - MAINTENANCE AGREEMENT - ACCEPTANCE OF TENDER (S016479)**

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

That arising from consideration of a report by the Coordinator Security and CCTV to the Finance, Properties and Tenders Committee on 6 May 2002, and to Council on 13 May 2002, on Street Safety Camera System - Maintenance Agreement - Acceptance of Tender, it be resolved that:

- (A) the tender be awarded to Chubb Electronic Security, a division of Chubb Security Australia Pty Ltd, in accordance with their preferred tender submission;
- (B) authority be delegated to the General Manager to enter into a contract; and
- (C) all relevant documents be executed by Council's attorney.

Carried unanimously.

At 6.30pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 3 June 2002 at which  
meeting the signature herein was subscribed.