



2 JUNE 2003

Meeting No 1384

MINUTES of a Meeting of the Council of the City of Sydney held in the Reception Room at the Sydney Town Hall, commencing at 5.38pm on 2 June 2003 pursuant to Notice 9/1384 dated 29 May 2003.

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PRESENT

The Right Hon The Lord Mayor Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 5.38pm, those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

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

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

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of Monday 12 May 2003**

Moved by Councillor Coulton, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 12 May 2003, as circulated to Councillors, be confirmed, subject to the following correction:

- On page 395, in the first line of the last paragraph of the Answer by the Lord Mayor to Question 6, the amount of "\$40 million" should have been "\$14 million".

Carried.

Minutes of Extraordinary Meeting of Council of Friday 23 May 2003

Moved by Councillor Ho, seconded by Councillor Marsden -

That the Minutes of the extraordinary meeting of Council of 23 May 2003, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. ADDITIONAL MATTERS FOR COUNCIL

FILE NO:

DATE: 2/6/03

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 2 June 2003 are -

- a confidential report on Appointment of Quantity Surveying Consultant for the Gateways Projects: Tender No 0313; and
- a report on Development Resolution Committee - Review of Operation and Terms of Reference.

I bring these items forward for the consideration of Council.

(SGD) COUNCILLOR LUCY TURNBULL
LORD MAYOR

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

That consideration of the confidential matter, as referred to in the Minute by the Lord Mayor, be deferred to the end of the meeting and dealt with in closed session.

Carried.

ITEM 14: DEVELOPMENT RESOLUTION COMMITTEE - REVIEW OF OPERATION AND TERMS OF REFERENCE

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

That arising from consideration of a report by the Manager Development to Council on 2 June 2003, on Development Resolution Committee - Review of Operation and Terms of Reference, it be resolved that the revised Terms of Reference for the Development Resolution Committee, as shown at Attachment A to the subject report, be adopted.

Carried.

Note - the revised Terms of Reference for the Development Resolution Committee, as adopted by Council, are as follows.

DEVELOPMENT RESOLUTION COMMITTEE - TERMS OF REFERENCE

1. Introduction

Sydney City Council is the consent authority for development applications (DAs) in the new areas formerly within South Sydney and Leichhardt Local Government Areas from 8 May 2003. This will include outstanding DAs, upon the transfer of those areas to the City.

It is likely there will be a significant “backlog” of DAs from the new areas which the City will need to determine. Also, there will be new DAs being lodged in the new areas.

Prior to the boundary changes, approximately 900 DAs were lodged with the City annually. It is anticipated a further 800-850 annual DAs will be lodged following the boundary changes.

In terms of processing times of DAs, both Leichhardt and South Sydney were reported to have average processing times of approximately 100 days, compared to approximately 27 days for the City of Sydney (Department of Local Government figures, 2000-2001). Excessively high processing times are not in the public interest.

There is benefit in establishing a small Committee (“Development Resolution Committee”) to determine the backlog of DAs within the new areas.

The Committee will:

- (a) Free Council from the determination of minor applications;
- (b) Provide an accessible and democratic forum for applicants and objectors to minor development.

It should be noted the Committee is different in function to the Small Permits Appeals Panel (SPAP), which deals with reviews of determinations already made by staff members.

The Committee is a decision making body, having a temporary lifespan, to assist in determining outstanding applications.

Matters determined by the Committee can not be reviewed by the SPAP. Rather, any application for a review of determination made by the Committee shall be considered by the Council or the Central Sydney Planning Committee.

DEVELOPMENT RESOLUTION COMMITTEE - TERMS OF REFERENCE

2. Membership and Terms of Reference**2.1 Members of Development Resolution Committee**

A committee to be known as the Development Resolution Committee is formed and is comprised of:

- (a) The Lord Mayor, or the Deputy Lord Mayor as the Lord Mayor's alternate;
- (b) The General Manager, or one of:
 - (i) the Director City Development and Projects, or
 - (ii) The Manager, Development,as the General Manager's alternate.

2.2 Terms of Reference – Matters the Committee can determine

The Committee has power to determine development applications and applications under Section 96 of the EPA Act 1979, in respect of land in those areas formerly administered by Leichhardt and South Sydney City Councils, including those applications which have received written objections. Specifically, the Committee may consider:

- (a) Undetermined applications which have been outstanding for 30 days or more; and
- (b) Applications lodged after 8 May 2003 which are outstanding for a period of 30 days or more.

The determination of such matters must:

- (i) Have full regard to Council's controls and policies applying in that area.
- (ii) Not waive statutory charges (such as fees, levies under Section 61 of the City of Sydney Act 1988 or contributions under Section 94 of the EPA Act 1979).
- (iii) Not grant any consent such that the determination allows more development than an applicant originally applied for/not substantially the same as applied for.
- (iv) Endeavour to give priority to the applications outstanding for the longest period of time.

Notes

- A. Despite the above, the Committee or the Chairperson may decide not to exercise its delegations in relation to any particular applications, depending on the circumstances of the case.

DEVELOPMENT RESOLUTION COMMITTEE - TERMS OF REFERENCE

- B. Existing staff delegations are not affected by the operation of the Committee. These delegations allow Council staff to determine applications involving submissions which can be addressed by conditions or which are not considered well founded. The Small Permits Appeals Panel is able to review such staff determinations.

3. Matters the Committee can not determine

Despite the above, the Committee must not determine the following matters:

- (a) Development applications involving new external work over 3 storeys in height (Council is the consent authority); or
- (b) DAs involving an objection under State Environmental Planning Policy No. 1 where the Central Sydney Planning Committee (CSPC) is the consent authority unless:
 - (i) the DA is within the terms of authority delegated by CSPC to the Committee; and
 - (ii) the DA is otherwise within Committee's powers under these Terms of Reference;
- (c) DAs involving demolition of a heritage item (Council is the consent authority);
- (d) Works that exceed \$2M in value.

4. Advisor to Committee

The Committee may, at the request of the Lord Mayor, be assisted by a person external to Council who may attend meetings of the Committee. The person shall be selected from a panel nominated by the Lord Mayor, which shall comprise persons with expertise in town planning, architecture, heritage and/or development. This person may vary from meeting to meeting.

This clause does not limit the provision of assistance by Council staff to the Committee.

5. Frequency of Committee Meetings

It is intended that the Committee will meet frequently in the early stages, at least weekly, at a time determined by the Lord Mayor.

The venue shall be Council Chambers, Sydney Town Hall, or such other venue nominated by the Chairperson.

6. Site Visits

It is intended to make use of digital photographs at the meetings to highlight the context of a particular proposal. The necessity for a site visit in considering a matter will be at the discretion of the chairperson.

DEVELOPMENT RESOLUTION COMMITTEE - TERMS OF REFERENCE

7. Notification of Meetings

Applicants and objectors directly impacted by a proposal shall be advised of the meeting. This shall be done by Council officers, by use of phone, letter or other appropriate means (such as facsimile or e-mail) using reasonable endeavours and having regard to the timing of a meeting, information provided in submissions and their legibility.

A copy of the agenda listing for meetings will be placed on Council's web-site.

8. Determination of Applications

Subject to criteria in this document, the Committee has delegated authority of Council to determine applications under relevant provisions of the EPA Act 1979 and associated Regulation 2000.

Notification of the outcome of a decision shall be undertaken by Council staff, as soon as is practicable after a meeting, to applicants and objectors.

Minutes of the meetings shall be published on Council's website within 10 days of the meeting. People who made formal submissions regarding a proposal will be formally advised of the determination.

Decisions of the Committee must be unanimous.

9. Term of Office

The Committee is appointed for a period of 1 year, or such other lesser period nominated by the Lord Mayor. Any extension of the Committee beyond 1 year must be approved by the Council prior to such extension.

10. Committee Meeting - Procedures

- (a) The General Counsel is responsible for the conduct and administration of the Committee.
- (b) The relevant Council Unit will provide the necessary resources as required.
- (c) The meetings are open to the public. The use of recording devices by the public must have prior approval of the Chairperson.
- (d) Agendas will be produced and minutes taken by Secretariat staff.
- (e) Reports will be publicly available at the meeting.
- (f) Verbal submissions shall be limited to a maximum 3 minutes duration, provided a speaker does not repeat anything raised by a previous speaker. A person may make one submission in respect of the agenda item being considered by the Committee.
- (g) Speakers repeating previous issues raised, or behaving in an unruly manner may be ruled out of order and required to end their presentation and leave the meeting at the discretion of the Chairperson.

DEVELOPMENT RESOLUTION COMMITTEE - TERMS OF REFERENCE

- (h) Objectors are encouraged to take note of issues raised by previous objectors. Speakers will be required to raise new issues, not just repeat previous issues.
- (i) The Chairperson may require larger groups of objectors to nominate a maximum of 3 spokespeople. Similarly, applicants will be requested to limit speakers to 2.
- (j) As the purpose of the Committee is to expeditiously determine applications and to consider merits of proposals, information which will assist in understanding the merits of a case will be most valuable. The use of legal representatives is unnecessary, can be intimidating for others and is discouraged.
- (k) The Committee may adopt further guidelines for the orderly conduct of meetings which are not inconsistent with this clause 10.

11. Appeal Rights

Appeal rights exist to the Land and Environment Court of NSW. Applicants may also seek a review under s82A of the EPA Act 1979 within 1 year of a matter being determined by the Committee. Such appeals shall be determined only by the Council (not the Small Permits Appeal Panel), or the CSPC for matters delegated from that Committee.

Notification of appeal rights are included in determination notices.

12. Quorum

A quorum for a meeting shall be at least two, in which case comprising the chairperson and one other member.

13. Conflict of Interest

Committee members will be required to declare any conflict of interest in relation to any matter that comes before them. In such cases, that member will be ineligible to participate in the determination of that matter.

14. Fees for Panel Members

A fee shall be paid to the external representative(s) of the Committee, with such an amount or hourly rate to be determined by the General Manager in consultation with the Lord Mayor.

15. Reporting of Decisions to the Council/minutes

Monthly reports to Councillors and an annual report to Council shall be submitted, summarising the decisions of the Committee.

DEVELOPMENT RESOLUTION COMMITTEE - TERMS OF REFERENCE

16. Central Sydney Planning Committee

The Terms of Reference include references to authority delegated by the Central Sydney Planning Committee (CSPC). A delegation from the CSPC will be required to empower the Committee to exercise the CSPC's functions.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

There were no Memoranda by the General Manager for this meeting of Council.

ITEM 4. MATTERS FOR TABLING

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

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

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 26 MAY 2003

PRESENT

The Right Hon The Lord Mayor Councillor Lucy Turnbull
(Chairman)

Councillors Dixie Coulton, Robert Ho and Fabian Marsden.

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

The Lord Mayor, Councillors Coulton, Ho and Marsden.

Apologies

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

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

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

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

Carried.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.50pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 26 May 2003 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 30 APRIL 2003 (S02-0960)**5.1**

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 26 May 2003, on Investments held by Council as at 30 April 2003, it be resolved that the report be received and noted.

Carried.

WRITE-OFF OF IRRECOVERABLE DEBTS – GLOBAL MEDIA CORPORATION AND BRICE CIVIL ENGINEERING (S020196)**5.2**

That arising from consideration of a report by the Policy, Planning and Projects Accountant to the Finance, Properties and Tenders Committee on 26 May 2003, on Write-Off of Irrecoverable Debts - Global Media Corporation and Brice Civil Engineering, it be resolved that:

- (A) Global Media Corporation's outstanding sponsorship contribution, to the value referred to in paragraph 9(a) of the subject report, be written off; and
- (B) Brice Civil Engineering Services' outstanding road reinstatement debts, to the total value referred to in paragraph 9(b) of the subject report, be written off.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 26 MAY 2003

FILE NO:

DATE: 3/6/03

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Robert Ho and Fabian Marsden.

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

The Lord Mayor, Councillors Coulton, Ho and Marsden.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee owing to business commitments outside Sydney.

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

Moved by Councillor Turnbull, seconded by Councillor Ho -

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

Carried.

Order of Business

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

3. Development Application: 219-227 Castlereagh Street, Sydney
1. South Sydney Local Environmental Plan 1998 (Amendment No. 9): City of Sydney's Concurrence
2. Draft Advertising and Notification Development Control Plan

The meeting of the Planning Development and Transport Committee concluded at 6.45pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of Monday 26 May 2003 be received, and the recommendations set out below for Items 6.1 and 6.2 be adopted, with Item 6.3 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL**SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 (AMENDMENT NO. 9): CITY OF SYDNEY'S CONCURRENCE (S23575)****6.1**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 26 May 2003 in relation to the City of Sydney's consent under Section 154(2) of the Environmental Planning and Assessment Act 1979 (EPA Act) to the making of Amendment No. 9 of South Sydney Local Environmental Plan 1998 it be resolved that:-

- (A) authority be delegated to the Lord Mayor to provide written consent as required under Section 154(2) of the Environmental Planning and Assessment Act 1979 (EPA Act) to the making of Amendment No. 9 of South Sydney Local Environmental Plan 1998, subject to the following:-
 - (i) deletion of the 5.5 sqm per occupant development standard as proposed in clause 43(2). The Central Sydney Planning Committee advises that this requirement is considered reasonable but appropriate within a Development Control Plan or policy, not as a development standard within a Local Environmental Plan. Should South Sydney Council wish to continue with the inclusion of this development standard, the provision should be amended to state that this provision shall not apply in respect to land within the City of Sydney;

(ii) amendment of the proposed heritage provision as follows:-

(a) The following descriptions of Heritage Items be amended (as shown in bold).

Item No.	Street	Suburb	Str. No.	Name and Description	Inventory No.
1C	Abercrombie Street	Chippendale	72-80	Macintosh Tyres & Co, two storey Art Deco functionalist warehouse, c.1948	8.54
1D	Abercrombie Street	Chippendale	79-83	Goodwyn & Co, two and three storey Victorian style warehouse c.1876	8.55

(b) The following Heritage Item description to be amended (as shown in bold):-

Item No.	Street	Suburb	Str. No.	Name and Description	Inventory No.
230 B	City Road	Chippendale	20	Former Cooper's Cottages, single storey Colonial Georgian terrace group remnants, c. 1843	8.45

(c) The following Heritage Item should be deleted given the unsympathetic approved re-development now under construction:-

Item No.	Street	Suburb	Str. No.	Name and Description	Inventory No.
1G	Abercrombie Street	Darlington	135-137	Chippendale Post Office (former), single storey Federation free classical, 1917	8.58

(B) authority be delegated to the Lord Mayor to make any minor drafting changes to the final written consent provided to South Sydney Council arising from consideration of the subject report by the Central Sydney Planning Committee, and Council.

Carried.

DRAFT ADVERTISING AND NOTIFICATION DEVELOPMENT CONTROL PLAN (S023739)**6.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 26 May 2003 in relation to the Draft City of Sydney Development Control Plan 2003 - Advertising and Notification, it be resolved that Council:-

- (A) endorse the public exhibition of Draft City of Sydney Development Control Plan 2003 – Advertising and Notification, as shown at Attachment A to the subject report, and as prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 for the purposes of public exhibition, subject to the inclusion of the following point at the end of Clause 4.3 - Procedures:
- Council will also use reasonable endeavours to list new development applications in local newspapers for information purposes. However, this is not to be a mandatory requirement, nor should it constitute statutory formal notification under this instrument;
- (B) authorise the Lord Mayor to make any minor drafting changes arising from consideration of Draft City of Sydney Development Control Plan 2003 - Advertising and Notification by Council and the Central Sydney Planning Committee;
- (C) endorse the operation of the Draft City of Sydney Development Control Plan 2003 - Advertising and Notification as an Interim Policy for Advertising and Notification, from the commencement date of the public exhibition;
- (D) endorse the repeal of the following:-
- (i) Development Control Plan No. 36 (prepared by Leichhardt Council) - Notifications (January 2001);
 - (ii) Development Control Plan No. 12 (prepared by South Sydney City Council) - Notification of Development Applications (March 2001);
 - (iii) Part 11 of Development Control Plan 1996 (prepared by the City of Sydney) - Advertising and Notification of Development Applications (2001);
 - (iv) Council Policy No. 148 (prepared by the City of Sydney) - Development Applications Advertising and Notification (Ultimo/Pymont) (1995);

to the extent to which they apply to the City of Sydney Local Government Area, with the repeal of each of these Development Control Plans/policy to occur on the commencement date of the public exhibition for Draft City of Sydney Development Control Plan 2003 - Advertising and Notification; and

- (E) approve the advertising of the exhibition of Draft City of Sydney Development Control Plan 2003 - Advertising and Notification.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Item 6.3 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: 219 - 227 CASTLEREAGH STREET, SYDNEY (D2003/00073)

6.3

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 26 May 2003 in relation to Development Application D2003/00073 made by Mars Property Group Pty Ltd for the site at 219-227 Castlereagh Street for alterations and additions to existing 6 storey heritage listed office building involving the construction of an additional 3 storeys for use as large commercial offices to each floor, 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:
- (i) the applicant obtaining a documentary right of way or easement over the adjoining laneway at 211-217 Castlereagh Street for access to the basement parking level;
 - (ii) subject to the satisfactory resolution of (i) details of the design of the modification and conservation strategies shall be modified as follows:
 - (a) the proposed basement layout including the location of the vehicle ramp through the lightwell and potential amended parking numbers based on access;
 - (b) materials and finishes of the proposed laneway including details of any gate or fence proposed;
 - (c) preservation of the northern entry door and entry area including the ceiling and stairs to the first floor;

- (d) a fire engineered solution for the proposed discharge of the fire isolated stairs at ground level. This solution will have particular regard to the impact of heritage fabric and façade of the building;
- (e) further details of the roof top addition are to be approved by the Director City Development and Projects, in consultation with the Lord Mayor. In the light of reduced setbacks, if no approval is given the height of the addition shall be reduced to the satisfaction of the Director City Development and Projects;
- (f) further details of the colours and materials of the roof top addition are to be provided to the satisfaction of the Director City Development and Projects, noting that materials are to be selected with a view to reducing the negative impact of excessive reflectivity.

The above information shall be submitted to Council's satisfaction within 6 months from the date of this "deferred commencement" consent.

- (B) subject to satisfactory completion of the requirements listed in clause (A):
 - (i) Council waive the requirement for a Development Plan for the reasons detailed in the report;
 - (ii) Council remove and reinstate the restrictive covenant to restrict the floor space to that of the heritage item, new addition and apportioned floor space form the greater Telstra site;
 - (iii) development consent be granted subject to the following conditions:

Schedule 1A

Approved Development, Contributions and Covenants

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

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. D2003/00073 dated 6 February 2003 and Conservation Management Plan prepared by Architectural Projects Pty Ltd, dated 21 February 2003 and drawings numbered DA 1000, 1001, 1002, 1003, 1004, 1005, 1201, 1301, 1302, 1303, 1501, 1601 prepared by Angelo Candalepas dated 4 February 2003 and as amended by the following conditions
- (2) Any application to modify the development under the provisions of Section 96 of the Environmental Planning and Assessment Act 1979, especially having regard to modifications to the bulk, scale, proportions and architecture of the development as a whole and particularly, aspects of modulation, articulation and relationship of solids to voids, colours and materials, will be reported to the Planning Development and Transport Committee of Council for consideration.

SECTION 61 CONTRIBUTION

- (3) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
 - (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by EFTPOS (debit card only), CASH or a 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" excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
 - (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 Principal Certifying Authority (P.C.A), the P.C.A must obtain Council's written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.
- (ii) For developments over \$200,000 in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.

(d) **Timing of Payment**

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

BUILDING HEIGHT

(4)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 68.45m (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

FLOOR SPACE RATIO

(5) The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the addition to the heritage building must not exceed 6.28:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 5,460 m².
- (b) The Total Floor Space Ratio for the site (including the apportioned amount 2,224.84 m² from the greater Telstra site) must not exceed 8.85:1.

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

COVENANTS

- (6) The owner shall complete the conservation work approved by this development consent and 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:-
 - (a) ensure the continued conservation and maintenance of the building; and
 - (b) limit any future development of the site to the total area of the conserved building, which has a FSA of 5,460 m².

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.

CONSISTENCY OF DRAWINGS

- (7) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.
- (8) The architect (Angelo Candalepas & Associates) of the project as approved should not be changed without prior notice to Council.

PHYSICAL MODELS

- (9) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (10) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.

- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

HERITAGE

- (11) 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.
- (12) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (13) The applicant is to retain architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The 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 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.
- (14) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works to the heritage item.

INTERPRETATION STRATEGY

- (15) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development.
- (16) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
- (17) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development prior to the registration of an Occupation Certificate.
- (18) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.
- (19) Cable flooring of services will be required to minimise services exposure.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (20) 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.
- (21) 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.

(22) The following conditions apply to car parking:

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

Note:

The restriction/covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

GROUND FLOOR USE

- (23) A separate development application must be submitted at the appropriate time for the specific use of the ground floor.

SIGNS

- (24) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

TRAFFIC AND PARKING

- (25) Car parking and service vehicle provision shall satisfy Council' LEP and DCP 1996.
- (26) The layout of the car parks and service vehicle parking area shall comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989.

- (27) A “STOP” sign shall be installed at the exit point to require exiting vehicles to stop at the building line.
- (28) All loading, unloading and other construction activities shall be accommodated on-site except that:-
- (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a Work Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
 - (b) In addition to any approved Work Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a Work Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Work Zone may be given for a specified 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.
- (29) All costs of traffic management measures associated with the development shall be borne by the developer.

CAR PARK ENTRY FINISH

- (30) Car park roller doors adjoining the laneway shall be designed and constructed for quiet operation.

Schedule 1B

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

- (31) 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.

DESIGN MODIFICATIONS

- (32) The design of the building shall be modified as follows:
- (a) the proposed basement layout including the location of the vehicle ramp through the light well and potential amended parking numbers based on access;
 - (b) details of the northern entry door and entry area including the ceiling and stairs to the first floor;
 - (c) materials and finishes of the proposed laneway including details of any gate or fence proposed.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (33) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.

- (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of any smart pole(s) if required, (to be provided at the applicants cost).

- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note:

3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

ELECTRICITY SUBSTATION

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

RECEPTACLES FOR CIGARETTE BUTTS

- (35) 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.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(36)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.

- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

REFLECTIVITY

- (37) 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.

WASTE

- (38) The following requirements apply to storage and waste handling:
 - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

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

SANITARY FACILITIES

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

BUILDING CODE OF AUSTRALIA

- (40) The proposed location of egress of the fire stairs, from the upper levels, does not comply with the requirements Part D1 of the BCA, and must be resolved to the satisfaction of the Director of City Development and Projects prior to issue of Construction Certificate.
- (41) The proposed discharge of basement fire stair adjacent to the car park entrance is not considered satisfactory, and the path of travel must be protected by physical form of protection.
- (42) The building is to be in excess of 25 metres therefore a Fire Control Room is to be provided to comply with the requirements of Specification E1.8 of the BCA.
- (43) All materials used in the building shall comply with Specification C1.10, and Fire Resistant Levels (FRLs) are to comply with the provisions of Table 3 of Specification C1.1 of the Building Code of Australia.
- (44) Smoke Hazard Management, in accordance with Table (NSW) E2.2 of the Building Code of Australia. shall be provided to the premises.
- (45) Exit signs with directional arrows where necessary, shall be provided in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.
- (46) The emergency lighting system serving the occupancy, shall comply with clauses E4.2 and E4.4 of the Building Code of Australia.
- (47) Hydrants and hose reels shall be installed in accordance with Part E1 of the Building Code of Australia.
- (48) Sprinkler installation shall comply with the requirements of Specification E1.5 of the Building Code of Australia. A certificate from a competent person shall be submitted to the Principal Certifying Authority certifying compliance with this requirement.

ACCESS

- (49) 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.

NOTE: The applicant is advised that the current plans do not allow for the provision of access for persons with a disability from Castlereagh Street. This issue must also be resolved to the satisfaction of Director of City Development and Projects, prior to issue of Construction Certificate.

STORMWATER AND DRAINAGE

- (50) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council's standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.

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

- (51) 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.

- (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (52) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
 - (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath)
- (53) Documents required with the Road Opening Permit application include:
 - (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
 - (d) A Security Deposit for reinstatement of public way.
- (54) The Road Opening Permit will be subject to further conditions that shall be complied with.

BARRICADE PERMIT

- (55) 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.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (56) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (57) 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.

The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

USE OF MOBILE CRANES

(58) Permits required for use of mobile cranes:

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

CERTIFICATION OF MECHANICAL VENTILATION

(59) 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.

(60) 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 - MAJOR WORKS

- (61) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (62) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.

- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

- (63) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

LOADING AND UNLOADING DURING CONSTRUCTION

- (65) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site.
 - (d) 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.

STREET TREES

- (66) 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.

PROTECTION OF CLASSIFIED WATERS

- (67) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

PUBLIC WAY

- (68) 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.

SPOIL TRANSPORTATION

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

Note:

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

Schedule 1E

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

NUMBERING

- (70) 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.

OCCUPATION CERTIFICATE

- (71) 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.

MATERIALS

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

TRADE WASTE

- (73) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (74) 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.

VENTILATION

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

COOLING TOWER REGISTRATION

- (76) Prior to commencement of the use, the owner or occupier of the premises must apply to Council for the registration of water-cooling systems (cooling towers and evaporative condensers), evaporative cooling systems and warm-water systems which heat and deliver water at less than 60°C at each outlet installed on the premises.

NOISE - USE

- (77) 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.

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

- (78) 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) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) 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.

- (79) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.

HISTORIC MARKER

- (80) 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.

FIRE SAFETY

- (81) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (82) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

- (84) 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

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

Carried unanimously.

Note - Mr Owen Sperling, Mr Bill Gale and Mr Angelo Candalepas addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

ITEM 7. PROPOSED VARIATION TO THE SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2003

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

That further to resolution of Council on 28 October 2002, and arising from consideration of a report by the Manager Secretariat to Council on 2 June 2003, on Proposed Variation to the Schedule of Meetings and Briefings for 2003, it be resolved that Council adopt the schedule of meetings and briefings for the remainder of 2003, as shown at Attachment A to the subject report.

Carried.

Note - the revised 2003 Program of Meetings, as adopted by Council, is as follows.

REVISED 2003 PROGRAM OF MEETINGS

REVISED 2003 PROGRAM OF MEETINGS

MONDAY 2 JUNE	COUNCIL
MONDAY 9 JUNE	RECESS (Queen's Birthday Public Holiday)
MONDAY 16 JUNE	BRIEFINGS
MONDAY 23 JUNE	COMMITTEES
MONDAY 30 JUNE	COUNCIL
Monday 7 July to Friday 18 July - School Holidays	
MONDAY 7 JULY	RECESS
MONDAY 14 JULY	RECESS
MONDAY 21 JULY	COMMITTEES
MONDAY 28 JULY	COUNCIL
MONDAY 4 AUGUST	BRIEFINGS
MONDAY 11 AUGUST	COMMITTEES
MONDAY 18 AUGUST	COUNCIL
MONDAY 25 AUGUST	BRIEFINGS
MONDAY 1 SEPTEMBER	COMMITTEES
MONDAY 8 SEPTEMBER	COUNCIL
MONDAY 15 SEPTEMBER	BRIEFINGS
MONDAY 22 SEPTEMBER	EXTRAORDINARY COUNCIL (if required)
Monday 29 September to Friday 10 October 2003 - School Holidays	
MONDAY 29 SEPTEMBER	RECESS
MONDAY 6 OCTOBER	RECESS (Labour Day Public Holiday)
MONDAY 13 OCTOBER	BRIEFINGS
MONDAY 20 OCTOBER	COMMITTEES
MONDAY 27 OCTOBER	COUNCIL
MONDAY 3 NOVEMBER	BRIEFINGS
MONDAY 10 NOVEMBER	RECESS (Local Government Association Annual Conference 9-12 November 2003)
MONDAY 17 NOVEMBER	COMMITTEES
MONDAY 24 NOVEMBER	COUNCIL

REVISED 2003 PROGRAM OF MEETINGS

MONDAY 1 DECEMBER	BRIEFINGS
MONDAY 8 DECEMBER	COMMITTEES
MONDAY 15 DECEMBER	COUNCIL
Monday 22 December 2003 to Monday 26 January 2004 - School Holidays	
MONDAY 22 DECEMBER	RECESS

The recess continues until the first Committee meetings of 2004.

ITEM 8. QUESTIONS ON NOTICE

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

QUESTIONS WITHOUT NOTICE

PARKING METERS (S018729)

1. By Councillor Farr-Jones -

Question

Lord Mayor, it has come to my attention via information published on the North Sydney Council website that the successful tenderer for the City of Sydney parking meter supply contract ranked last out of 10 tenderers for the North Sydney contract.

The figures published provide details of the net present value of the net benefit to Council from the respective technologies made up from operating costs and parking revenues. I would appreciate a better understanding of our tender process and whilst I understand that this may take some time to fully explain in writing (unless of course you or a member of staff can do so tonight), I would like an explanation as to how such a discrepancy could occur between Councils that I assume have not dissimilar objectives.

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

Lord Mayor, the outcome of the tender process is determined as a result of who submits tenders, firstly, and I can't say that the tenderers in the North Sydney process were the same as those that applied in the City process.

The City followed a Council approved mechanism whereby we selected three companies to conduct a trial period for upwards of six months and from that trial we then selected a preferred tenderer to manufacture and install 100 parking meters. Ultimately the intention is to replace the entire network and a separate process will be gone through.

We selected three manufacturers for our trial and from that trial we selected the preferred bidder and I can't say that the same people tendered for North Sydney as tendered for us.

The process we went through was very rigorous, designed to get the best outcome which was why we went for the trial.

Councillor Farr-Jones (Supplementary Question)

Thank you, Lord Mayor. I think I am aware of some similar tenderers.

Without labouring the point tonight, through you, Lord Mayor, to the General Manager I ask if it is possible to have a look at the actual issues of the net present value - and I have actually seen on the North Sydney website how it ranked and how it was rated - the net present value in relation to the net result for North Sydney Council in regard to both operating costs and revenues that flowed. In due course, could we please have a written response to that?

Answer by the Lord Mayor

Councillor Farr-Jones, I will ask the General Manager to provide a written response on this issue.

COUNCIL'S BUSINESS PAPER (S018725)

2. By Councillor Ho -

Question

Lord Mayor, I received Volume Four of Council's Business Paper 13 minutes ago and it does not give Councillors enough time to read the reports and do justice to them.

Could we please receive the volumes earlier?

Answer by the Lord Mayor

We will endeavour to provide Business Paper volumes earlier in future, Councillor Ho.

ITEM 9. NOTICES OF MOTION

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

Closed Meeting

At 5.50pm, 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)(d)(i) of the Local Government Act 1993 to discuss Items 10 to 13 inclusive on the Agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

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 matter and the circumstances of communications.

Items 10 to 13 inclusive were then dealt with by Council while the meeting was closed to the public.

ITEM 10. PROVISION OF SERVICES FOR STAGES 1 & 2 OF THE BLACKWATTLE BAY STORMWATER POLLUTION ABATEMENT PROGRAM TENDER (SO15182)

Moved by Councillor Farr-Jones, seconded by Councillor Coulton

That arising from consideration of a report by the Environment Project Officer to Council on 2 June 2003, on Provision of Services for Stages 1 and 2 of the Blackwattle Bay Stormwater Pollution Abatement Program Tender No 0304, it be resolved that:

- (A) Council accept the tender submitted by the Tenderer referred to in paragraph 36 of the subject report;
- (B) Council enter into a contract with the Tenderer referred to in paragraph 36 of the subject report for the provision of stages (1) and (2) of the Blackwattle Bay Stormwater Pollution Abatement Program; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 11. APPOINTMENT OF BUILDING CONTRACTOR – SYDNEY TOWN HALL UPGRADE - PHASE A - TENDER 0310 (15629)

Note - In view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the execution of the contract and the commencement of the works as referred to in the Resolution.

ITEM 12. CUSTOMS HOUSE RECONSTRUCTION – EARLY WORKS - APPROVAL TO ACCEPT TENDER (2253/10.01/T#0314)

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

That arising from consideration of a report by the Project manager, City Development and Projects to Council on 2 June 2003, on Customs House Reconstruction - Early Works - Approval to Accept Tender, it be resolved that:

- (A) Council reject all tenders;
- (B) Council not invite fresh tenders due to:
 - (i) tenders having been received from a number of parties considered capable of undertaking the works;
 - (ii) the proposal to negotiate with these parties for the reasons stated in the subject report;
 - (iii) the desirability of commencing the works as soon as possible;and accordingly a more satisfactory result would not be achieved by inviting tenders;
- (C) authority be delegated to the General Manager to negotiate the terms of a contract for the works with the parties identified in paragraph 16 of the subject report;
- (D) authority be delegated to the General Manager, after consultation with the Lord Mayor, to enter into a contract; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried.

**ITEM 13: APPOINTMENT OF QUANTITY SURVEYING CONSULTANT FOR
THE GATEWAYS PROJECTS: TENDER NO: 0313
(CONFIDENTIAL)**

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

That arising from consideration of a report by the Senior Project Manager, Project Management Unit, City Development and Projects, to Council on 2 June 2003, on Appointment of Quantity Surveying Consultant for the Gateways Projects: Tender No 0313, it be resolved that:

- (A) Council accept the fee tendered by the recommended consultant for the provision of Quantity Surveying services for the Gateways projects as referred to in paragraph 15 of the subject Report;
- (B) authority be delegated to the General Manager to enter into a contract for the services;
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

At 6.00pm the meeting concluded.

Chairperson of a meeting of the Council of the City
of Sydney held on 30 June 2003 at which
meeting the signature herein was subscribed.