



8 SEPTEMBER 2003

Meeting No 1393

MINUTES of a Meeting of the Council of the City of Sydney held in the Reception Room at the Sydney Town Hall, commencing at 6.25pm on 8 September 2003 pursuant to Notice 18/1393 dated 4 September 2003.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	687
2. Minutes by the Lord Mayor	688
3. Memoranda by the General Manager	688
4. Matters for Tabling	688

<u>Subject</u>	<u>Page No.</u>
Reports of Committees -	
5. Planning Development and Transport Committee - 1 September 2003	689
6. Report of the Special Meeting of the Planning Development and Transport Committee - 8 September 2003	723
Reports to Council -	
7. Updated Development Assessment Report: 12-18 Meagher Street, Chippendale	726
8. Ultimo Aquatic Centre (UAC) - Approval to Lodge the Development Application at Sydney Harbour Foreshore Authority for the Revised UAC Scheme	727
9. Investments Held by Council as at 31 August 2003	727
10. Questions -	
Questions on Notice	728
Questions without Notice	729
11. Motions	729
12. Rugby World Cup City Festivities Program	730
13. Andrew (Boy) Charlton Pool Maintenance and Operation Plan for 2003/2004	730
14. Andrew Boy Charlton Pool Pontoon and Associated Works - Approval to Accept Tenderer	731
15. Town Hall House Reading Room and Café (“Library Link”). Request for Further Funding	731
16. Purchase of Smartpoles	732

PRESENT

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

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

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

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apology

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

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

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

Carried.

Vote of Thanks

At a later stage of the meeting, Council placed on record its thanks to the Finance Manager, Chandralal Colombage (who has left Council to take up a position with the World Bank in South Africa) for his valued assistance with Council's financial matters.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of Monday 18 August 2003**

Moved by Councillor Greiner, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 18 August 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of Monday 25 August 2003

Moved by Councillor Greiner, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 25 August 2003, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of Monday 1 September 2003

Moved by Councillor Greiner, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 1 September 2003, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

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

Carried.

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 Coulton -

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

Carried.

PETITIONS

1. FOUNTAIN CAFÉ, 18-20 DARLINGHURST ROAD (S024946)

Councillor Coulton tabled a petition from the residents of Kings Cross in relation to the Fountain Café at 18-20 Darlinghurst Road.

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

That the subject petition be received and noted.

Carried.

2. ST JOHN'S CHURCH SITE, DARLINGHURST ROAD (U03/00137)

Councillor Marsden tabled a petition from the residents of Kings Cross in relation to the St John's Church Site in Darlinghurst Road.

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

That the subject petition be received and noted.

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 1 SEPTEMBER 2003

PRESENT

Councillor Lucy Turnbull
(Chair)

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

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

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

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:

1. Summary of the Land and Environment Court's Decision to Refuse Redevelopment of the Potts Point Post Office
2. Development Application: St Johns Church, 118A Darlinghurst Road Darlinghurst
4. Draft Local Environmental Plan 2002 - Consideration of Two Deferred Matters: Post World War II Heritage Items
8. Development Application: 12-18 Meagher Street Chippendale
9. Development Application: 19B Boundary Street Darlinghurst
7. Section 82A Review: 141-147 King Street Sydney
3. Draft City of Sydney Controls for Exempt and Complying Development - Preparation of a Local Environmental Plan and Development Control Plan
5. Development Application: University of Sydney Camperdown Campus - Bosch Building 1B, Blackburn Circuit
6. 203 Thomas Street Haymarket - Deferred Commencement Conditions

The meeting of the Planning Development and Transport Committee concluded at 8.05 pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of Monday 1 September 2003 be received, and the recommendations set out below for Items 5.1 to 5.6 and Item 5.8 be adopted, with Items 5.7 and 5.9 being noted.

Carried unanimously.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

SUMMARY OF THE LAND AND ENVIRONMENT COURT'S DECISION TO REFUSE REDEVELOPMENT OF THE POTTS POINT POST OFFICE (D02-01168)

5.1

That arising from consideration of a report by the Director City Development and Projects, to the Planning Development and Transport Committee on 1 September 2003, on Summary of the Land and Environment Court's Decision to Refuse Development of the Potts Point Post Office, it be resolved that -

- (A) the subject report and the judgment of the Land and Environment Court refusing the proposed development at the Potts Point Post Office, 46A-46C Macleay Street, shown at Attachment A to the subject report, be noted;
- (B) Council acknowledge the assistance and co-operation of all those involved in the conduct of the appeal, particularly those residents who made a significant contribution to the case with the provision of evidence in Court; and
- (C) Council acknowledge the assistance and co-operation of the staff and consultants involved in the appeal, particularly the Director City Development and Projects, Brad Harris, the Manager Development, Jason Perica, Specialist Planner, Tim Moore, Solicitor, Legal Services, Katy Williams, Professor James Weirick (Heritage), Professor Peter Droege (Urban Design), and the residents affected by the proposal.

Carried.

DEVELOPMENT APPLICATION: ST JOHNS CHURCH, 118A DARLINGHURST ROAD DARLINGHURST (U03-00137)

5.2

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 1 September 2003, in relation to Development Application U03/110137 made by the Anglican Church Property Diocese of Sydney for the St Johns Church site at 118A Darlinghurst Road Darlinghurst, for Stage 1 (Master plan) approval for indicative development guidelines for the site including building envelopes for two new buildings, floor space, uses, landscaping, access and car parking, it be resolved that:

(A) consent be refused for the following reasons:-

- (1) The proposed development detailed in the Stage 1 (Master plan) development application consisting of two new six storey buildings, one to the north of the church and one to the south of the church, and containing 9927m² of floor space, represents an overdevelopment of the site resulting in adverse heritage and streetscape impacts. In this regard the proposed development fails to satisfy the provisions of the South Sydney Local Environmental Plan 1998, the South Sydney Development Control Plan 1997 and State Environmental Planning Policy 65.
- (2) The proposed building envelopes fail to satisfy the considerations contained in Clause 28 Built environment and design principles contained in the South Sydney Local Environmental Plan 1998.
- (3) The proposed building envelopes fail to satisfy the aims and considerations contained in Clause 22 Heritage aims and Clause 24 Development in the vicinity of heritage items contained in the South Sydney Local Environmental Plan 1998.
- (4) The proposed building envelopes fail to satisfy the height and scale performance criteria contained in the South Sydney Development Control Plan 1997.
- (5) The proposed building envelopes fail to satisfy the floor space ratio and scale performance criteria and controls contained in the South Sydney Development Control Plan 1997. In this regard the northern building has a proposed floor space ratio of approximately 3.64:1 which is significantly in excess of the maximum permissible floor space ratio of 2.75:1.
- (6) The proposed building envelopes by virtue of their height, scale, bulk, mass and location will adversely impact on the significance of the adjoining heritage listed Church and Rectory buildings and their context, specifically in respect of their overshadowing impacts (particularly the north facing stained glass windows of the church), view impacts and general overbearing impacts. In this regard the Church, its tower and spire and stained glass windows, and the Rectory are identified as being of exceptional significance.

- (7) The proposed building envelopes by virtue of their height, scale, bulk, mass and location present inappropriate built forms within the adjoining Darlinghurst Road and Victoria Street streetscapes.
 - (8) The proposed Master Plan fails to adequately satisfy the requirements of the controls contained in Part E Section 1.2 of the South Sydney Development Control Plan 1997.
 - (9) The proposed development fails to adequately satisfy the requirements of the South Sydney Development Control Plan 1997 in respect of the provision of through-site links.
 - (10) The proposed development, which results in adverse heritage and streetscape impacts and is contrary to provisions within both local and state planning instruments, is contrary to the objects of the Environmental Planning and Assessment Act 1979 and would not be in the public interest.
- (B) in the light of the unusual opportunity to provide a proper curtilage to St. John's Church, that the applicant be advised that any revised development application should achieve compliance with the objectives, performance criteria and controls of the relevant planning instruments that would provide an appropriate fit within the adjoining streetscapes, respect the significance and context of the heritage listed Church and Rectory buildings and provide for a high quality through-site link/open space - as described in the body of the subject report; and
- (C) Council officers be asked to encourage a meeting between representatives of the Church and representatives of the Save St John's Committee to explore any avenues for negotiation of an outcome satisfactory to all parties.

Carried.

Note - the Chair (the Lord Mayor) thanked Council staff for the work undertaken in preparing the subject report.

Note - the Planning Development and Transport Committee acknowledged that approximately 30 people attended the meeting in relation to Item 5.2, including the State Member for Bligh, Ms Clover Moore MP, and South Sydney Councillors Amanda Lennon and Shane Mallard.

Note - Ms Clover Moore, MP, Councillor Amanda Lennon, Mr Andrew Woodhouse, Mr Victa Evatt, Ms Susan MacKinnon, Mr Philip Boulten, Ms Robyn Hall, Mr Norman Thompson, Mr Alex McGregor, Mr Chris Harris, Mr Walter Di Qual, Ms Jo Holder, Mr John McCormack, Ms Kath Shelper, Ms Narelle McKenna, Ms Wanda Jaworski, Mr Damien Toogood, Ms Virginia Wilson and Mr Kevin Taylor addressed the meeting of the Planning Development and Transport Committee on Item 5.2.

DRAFT CITY OF SYDNEY CONTROLS FOR EXEMPT AND COMPLYING DEVELOPMENT – PREPARATION OF A LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN (S026214)

5.3

That arising from consideration of a report by the Strategic Planner to the Planning Development and Transport Committee on 1 September 2003, in relation to the preparation of a draft Local Environmental Plan and a draft Development Control Plan for exempt and complying development, it be resolved that:-

- (A) pursuant to Clause 54(1) of the Environmental Planning and Assessment Act 1979, a Draft Local Environmental Plan be prepared for Exempt and Complying Development in the City of Sydney;
- (B) pursuant to Clause 72 of the Environmental Planning and Assessment Act 1979, a Draft Development Control Plan be prepared for Exempt and Complying Development in the City of Sydney;
- (C) the City of Sydney undertake consultation with public authorities pursuant to Section 62 of the Environmental Planning and Assessment Act 1979;
- (D) the City of Sydney undertake discussions with the Department of Infrastructure, Planning and Natural Resources to exempt Pymont Ultimo from the provisions of State Environmental Planning Policy No. 60 - Exempt and Complying Development and instead place Pymont Ultimo under the provision of the Draft Local Environmental Plan and Development Control Plan for exempt and complying development in the City of Sydney; and
- (E) the Lord Mayor be authorised to make any minor drafting changes arising from consideration of the subject report by the Central Sydney Planning Committee.

Carried.

DRAFT LOCAL ENVIRONMENTAL PLAN 2002 - CONSIDERATION OF TWO DEFERRED MATTERS: POST WORLD WAR II HERITAGE ITEMS (S014574)

5.4

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 1 September 2003, in relation to consideration of post WWII heritage buildings in the City of Sydney and exclusions from draft City of Sydney Local Environmental Plan 2002, it be resolved that Council:-

- (A) endorse the deletion of former Burns Philp Building from Schedule 2 of Draft City of Sydney Local Environmental Plan 2002;
- (B) endorse further investigation into the buildings listed within the draft Heritage Review of Post WWII Buildings for the City of Sydney with potential to be listed as post WWII Heritage items;

- (C) authorise the Lord Mayor to make any minor changes arising from consideration of the subject report by Council and the Central Sydney Planning Committee; and
- (D) request the General Manager to undertake a survey of post World War II buildings to assess their heritage significance.

Carried.

Note - Mr Alan Croker and Ms Tara Cheevers addressed the meeting of the Planning Development and Transport Committee on Item 5.4.

DEVELOPMENT APPLICATION: UNIVERSITY OF SYDNEY CAMPERDOWN CAMPUS – BOSCH BUILDING 1B, BLACKBURN CIRCUIT (D/03/00680)

5.5

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 1 September 2003, in relation to Development Application D/03/00680 made by The University of Sydney Facilities Management for the site at The University of Sydney, Camperdown Campus, Bosch building 1A, Blackburn Circuit, for the refurbishment of the Central Rodent Facility and construction of a four (4) storey building for medical research and educational purposes, it be resolved that -

- (A) it be noted that Council favours granting consent to this development application;
- (B) it be noted that the applicant (the Crown) has been asked to agree to the proposed conditions of consent set out in Attachment A to the subject report;
- (C) authority be delegated to the General Manager, in consultation with the Lord Mayor, to determine the subject application; and
- (D) should it be proposed that consent be granted, and subject to clause (B), then regard is to be had to the proposed conditions set out in Attachment A to the subject report, and also to the following standard condition:

ARCHAEOLOGICAL INVESTIGATION

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Carried.

203 THOMAS STREET, HAYMARKET – DEFERRED COMMENCEMENT CONDITIONS (D/02/00476)

5.6

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 1 September 2003, in relation to Deferred Commencement Development Consent No. D/02/00476 - 203 Thomas Street Haymarket, and the satisfaction of clause (A) Deferred Commencement Conditions, it be resolved that:

- (A) Council acknowledge that it is satisfied, subject to clause (B) below, that the requirements listed in clause (A) “deferred commencement” consent of Resolution of Council of 24 February 2003 have been met; and
- (B) the conditions of consent listed in clause (B) of Resolution of Council of 24 February 2003 be varied by -
- (i) the amendment of Condition (1) to read as follows -

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/02/00476 dated 17 July 2002 and drawings numbered, dated and prepared by as follows:

Drawing No./Rev:	Dated:	Prepared by:
<i>DA01/ C D</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA02/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA03/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA04/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA05/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA06/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA07/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA08/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA09/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA10/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA11/ C</i>	<i>Dec. 2002</i>	PTI Group
<i>DA12/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA13/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA14/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group
<i>DA15/ C E</i>	<i>Dec. 2002 June 2003</i>	PTI Group

and as amended by the following conditions of consent listed in Resolution of Council of 24 February 2003, as further amended as follows -

- (ii) the addition of the following new conditions (6), (7), (8) and (9) and the renumbering of subsequent conditions -

ROLLER DOORS

- (6) With the exception of the vehicular entry to the basement, no roller doors are permitted along the Thomas Street façade. (Inserted 1 September 2003)

TRAFFIC MANAGEMENT AND PARKING

(7)

- (a) Basement levels 1 and 2 shall have designated waiting areas to allow incoming vehicles to descend the ramp before exiting vehicles leave the level. Light signals shall be installed at each waiting area to inform motorists of incoming vehicles and whether the egress route is clear for access.

Details of the traffic management system, including location of sensors, light signals and waiting areas, shall be submitted for the approval of the Director City Development and Projects prior to the issue of a Construction Certificate.

- (b) The gradient of the waiting bay for vehicles exiting the development at Thomas Street shall have a maximum gradient of 1:10.
- (c) A sign shall be erected, in an appropriate location, to inform motorists at the ground level waiting area to Give Way to vehicles entering the building.
- (d) The following car parking requirements apply:
- (i) The approved vehicle spaces shall be allocated on the development site as follows:
- a. 15 residential spaces;
 - b. 1 space dedicated for the loading and unloading of goods;
 - c. 1 space for people with mobility impairment, in accordance with AS2890.1;
 - d. A dedicated space for motor cycle parking.
- (e) All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the car park layout must respect the above allocation. (Inserted 1 September 2003).

WATER STORAGE TANK AND GRADE 1 WATER SUPPLY

- (8) The location of the water storage tank at basement level is not approved. (Inserted 1 September 2003).
- (9) A water storage tank to enable a Grade 1 Water Supply, in accordance with AS 2118, shall be provided at roof. The water storage tank shall be located and designed to minimise the visual impact of the structure from the surrounding vistas.

Details of the final roof-top design, including the location of the mechanical plant room, the hydraulic plant room and the water tank, shall be submitted to Council for the approval of the Director City Development and Projects, prior to the issue of Construction Certificate. (Inserted 1 September 2003).

Carried.

SECTION 82A REVIEW: 141-147 KING STREET, SYDNEY (D/02/00288)**5.7**

Note - At the request of the applicant, by letter dated 1 September 2003 from ECL Group Constructions Pty Ltd, which was circulated to all Councillors, this Section 82A Review application was withdrawn.

DEVELOPMENT APPLICATION: 12-18 MEAGHER STREET, CHIPPENDALE (U/02-00959)**5.8**

That consideration of this matter be deferred to the meeting of Council on 8 September 2003, to enable a site inspection of the subject site to be undertaken by Councillors.

Carried.

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

Note - Mr Ian Moore and Mr Michael Langenheim addressed the meeting of the Planning Development and Transport Committee on Item 5.8.

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 5.9 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 19B BOUNDARY STREET,
DARLINGHURST (S/SP/02/0183)****5.9**

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

That arising from consideration of a report by the Planner to the Planning Development and Transport Committee on 1 September 2003, in relation to Development Application No. D02/01383 made by Boundary International Pty Ltd for the site at 19B Boundary Street Darlinghurst, for the demolition of the existing building and erection of a four storey commercial building, it be resolved that consent be granted subject to the following conditions -

Schedule 1A**Approved Development and Contributions**

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.

- (1) Development must be in accordance with Development Application No. D/02/01383 dated 12 December 2002 and information and drawings numbered RB2-DA-00 issue B, RB2-DA-02 issue B, RB2-DA-03 issue B, RB2-DA-04 issue B, RB2-DA-09 issue B, RB2-DA-10 issue C, RB2-DA-11 issue B dated 10 December 2002 prepared by Grounds Marsh Pty Ltd and as amended by the following conditions:
- (2) Full architectural details, including proposed materials and finishes of the proposed commercial building are required to be submitted and approved by Council prior to the release of the Construction Certificate. These details are to include the requirement for a continued masonry element on the Boundary Street façade to ensure a contextual relationship with that of the existing buildings at 19A Boundary Street and 138-142 Barcom Avenue and a reflectivity report for the proposed glazing materials.

- (3) That an archival photographic record of the existing building be prepared and submitted to Council prior to demolition or commencement of works, whichever is the earliest. The photographic record is to be prepared in accordance with the NSW Heritage Office Guidelines and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets. A copy of the Heritage Impact Statements prepared by Gary Shiels and Associates, dated February 2003, is to be attached to the record.
- (4) The applicant is advised that if any archaeological relics are uncovered during demolition or building works, such works are to immediately cease in the area and the NSW Heritage Office contacted. Depending on the findings an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can be considered in that area.

EXTERNAL LIGHTING

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

SEPARATE APPLICATION FOR SPECIFIC USE

- (6) A separate development application must be submitted at the appropriate time for the specific use of the commercial suites located within the commercial building.

SIGNS

- (7) 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.

SECTION 94 CONTRIBUTIONS PLAN - 1997

- (8) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$703
Open Space/Townscape/Public Domain	\$2,658
Accessibility And Transport	\$20
Management	\$85
Total	\$3,466

- (9) The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the June Quarter 2003.

- (10) The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the Construction Certificate.

Schedule 1B

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

CONSTRUCTION CERTIFICATE

- (11) 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.

PUBLIC DOMAIN PLAN

- (12) Prior to the issue of a Construction Certificate, there is a requirement to submit three copies of a Public Domain Plan detailing the proposed Public Domain works including the replacement of the existing public footway to the street frontage of the subject site and street tree plantings. The Plan shall include the location, type and material of all existing and proposed public pavement elements including paving, kerbs and gutters, vehicle crossings and utility poles. The Plan shall be submitted and approved by Council's Public Domain Officer at City Projects prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979.

COMPLIANCE WITH BCA

- (13) 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.

SYDNEY WATER CERTIFICATE

(14)

- (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.

ACCESS FOR PEOPLE WITH DISABILITIES

- (15) 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.

STORMWATER AND DRAINAGE

(16)

- (a) 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.

- (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

SANITARY FACILITIES

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

RECEPTACLES FOR CIGARETTE BUTTS

- (18) 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.

TELECOMMUNICATIONS PROVISIONS

- (19) The following requirements apply to telecommunication facilities in the building:-
 - (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

- (20) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

GEOTECHNICAL REPORT AND CERTIFICATION

- (21) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-

- (a) A Geotechnical Report which shall include the following information as appropriate:-
- (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-

- (i) Appropriate tertiary qualifications in civil or geotechnical 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.
- (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (22) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

Schedule 1C

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

SITE CONTAMINATION REPORTS

- (23) Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (24) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to commencement of site excavation works:-
- (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
 - (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

- (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
- (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
- (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

DEMOLITION DETAILS

- (25) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).

DEMOLITION WORK METHOD STATEMENT

- (26) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
 - (a) The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
 - (i) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
 - (ii) Induction training for on-site personnel;
 - (iii) Inspection and removal of asbestos, and contamination and other hazardous materials;

(iv) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

(v) Disconnection of Gas and Electrical Supply;

(vi) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

(vii) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

(viii) Waterproofing of any exposed surfaces of adjoining buildings;

(ix) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.

(x) Working hours, in accordance with this Development Consent;

(xi) Confinement of demolished materials in transit;

(xii) Proposed truck routes, in accordance with this Development Consent;

(xiii) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.

(b) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

(27) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
- (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

- (28) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;

- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- i. A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- ii. The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- iii. On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (29) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

- (30) The following environmental protection measures are required:-

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.

- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

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

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (32) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
- (33) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.

- (34) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (35) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

- (36) Prior to the commencement of excavation, the applicant should contact the “Dial Before You Dig” service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

APPLICATION FOR A ROAD OPENING PERMIT

- (37) 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).
- (38) 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.
- (39) The Road Opening Permit will be subject to further conditions that shall be complied with.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (40) The following environmental protection measures are required:-
- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
 - (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".

- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater – Soils and Construction (August 1998).
- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

STRUCTURAL CERTIFICATION FOR DESIGN

- (41) 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):
- (42) 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));
 - (a) 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.

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

Notes:

- (c) 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.
- (d) 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.

USE OF MOBILE CRANES

- (43) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (44) 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.

CERTIFICATION OF MECHANICAL VENTILATION

- (45) 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.
- (46) 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.

Schedule 1D

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

- (47) 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.
- (48) 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.

DEMOLITION WORKS

- (49) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
 - (a) The approved Demolition Work Method Statement;
 - (b) Australian Standard AS2601-1991- Demolition of Structures;
 - (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
 - (d) The Construction Safety Act 1912 and Demolitions Regulations;
 - (e) The Occupational Health and Safety Act 1983; and
 - (f) All other relevant Acts and Regulations.
- (50) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (51) 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

- (52) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days 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 Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (53) 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 and construction certificate (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. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

Schedule 1E

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

OCCUPATION CERTIFICATE

- (54) 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.

NUMBERING

- (55) 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.

VENTILATION

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

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

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

CERTIFICATION FOR STRUCTURAL INSPECTIONS

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

Notes:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;

- (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) 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.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (60) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council, (if it was not the PCA).

Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
- (i) Appropriate tertiary qualifications in civil or geotechnical 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.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

CARE OF BUILDING SURROUNDS

- (62) 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.

Schedule 2

Prescribed Conditions

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:

1.
 - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply to:
 - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - (ii) the erection of a temporary building.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried.

Note - Mr Harvey Sanders and Ms Margaret Bergomi addressed the meeting of the Planning Development and Transport Committee on Item 5.9.

ITEM 6. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 8 SEPTEMBER 2003

PRESENT

Councillor Lucy Turnbull
(Chair)

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

At the commencement of business at 3.22pm those present were -

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

Apology

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Special Meeting of the Planning Development and Transport Committee as he was overseas on business.

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

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

Carried.

The Special Meeting of the Planning Development and Transport Committee concluded at 3.38pm.

Report of the Committee

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

That the Report of the Special Meeting of the Planning Development and Transport Committee of its meeting of Monday 8 September 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:-

**DRAFT CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996
(AMENDMENT NO. 15): REZONING APPLICATION FOR KING STREET
WHARVES 9 AND 10 (SO20670)**

6.1

That arising from consideration of a report by the Assistant Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 8 September 2003, in relation to Draft Central Sydney Local Environmental Plan (Amendment No. 15) - King Street Wharves 9 & 10, it be resolved that:

- (A) the Draft Central Sydney Local Environmental Plan (Amendment No. 15) - King Street Wharves 9 & 10 at Attachment A to the subject report, be endorsed and submitted to the Department of Infrastructure, Planning and Natural Resources seeking gazettal;
- (B) the City prepare the required accompanying report under Section 68(4) (Report on Submissions) of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Lord Mayor to finalise matters relating to the Draft Central Sydney Local Environmental Plan (Amendment No. 15) as a result of consideration of the matter by the Central Sydney Planning Committee;
- (D) those who made submissions regarding Draft Central Sydney Local Environmental Plan (Amendment No. 15) - King Street Wharves 9 & 10 be advised of the recommendation in relation to this matter; and
- (E) Council endorse the submission received from the Department of Infrastructure, Planning and Natural Resources dated 21 August 2003 requiring that approval of the Draft Central Sydney Local Environmental Plan (Amendment No. 15) - King Street Wharves 9 & 10 (provisions for the car park) be conditional on the provision of a coach layover facility; and that the Department be advised accordingly.

Carried.

**CITY OF SYDNEY SIGNAGE AND ADVERTISING STRUCTURES
DEVELOPMENT CONTROL PLAN 2003 (S0000272)**

6.2

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 8 September 2003, in relation to the City of Signage and Advertising Structures Development Control Plan 2003 it be resolved that Council:-

- (A) note the submissions received in respect to the public exhibition of City of Sydney Draft Signage and Advertising Structures Development Control Plan 2003;

- (B) approve the Development Control Plan, shown at Attachment A to the subject report, pursuant to Section 21 of the Environmental Planning and Assessment Regulations 2000 as City of Sydney Signage and Advertising Structures Development Control Plan 2003 and its operation to commence from the date of publication of its Notice of approval; and,
- (C) endorse the repeal of the following existing signage provisions:-
- (i) Part A9.0 Advertising and Signage in Leichhardt Development Control Plan 2000 (prepared by Leichhardt Council) (December 2000) to the extent that it applies to the City of Sydney.
 - (ii) Development Control Plan No.7 (prepared by South Sydney City Council) – Guidelines for Outdoor Advertising (March 1994) to the extent that it applies to the City of Sydney.
 - (iii) Part 8 Signage of Central Sydney Development Control Plan 1996 (prepared by the City of Sydney) (1996).
 - (iv) Advertising Signage Code: Ultimo/Pymont (Prepared by the City of Sydney).
 - (v) authorise the Lord Mayor to make any necessary minor drafting changes.

Carried.

**DEVELOPMENT APPLICATION: 2 DOWLING STREET,
WOOLLOOMOOLOO**

6.3

Note - no report was circulated and this matter was not discussed at the Special Meeting of the Planning Development and Transport Committee.

ITEM 7. UPDATED DEVELOPMENT ASSESSMENT REPORT: 12-18 MEAGHER STREET, CHIPPENDALE

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

That arising from consideration of reports by the Specialist Planner to the Planning Development and Transport Committee on 1 September 2003 and to Council on 8 September 2003, in relation to Development Application U/02-009599 made by Kanobay Pty Ltd for the site at 12-18 Meagher Street Chippendale, for the erection of a four-six storey residential flat building, it be resolved that the application be refused for the following reasons:

- (1) The proposed development is not consistent with the design quality principles provided at Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;
- (2) The development application does not fulfil the requirements of State Environmental Planning Policy No. 55 – Remediation of Land;
- (3) The proposed development is inconsistent with the Built Environment Design Principles set out at Clause 28 of South Sydney Local Environmental Plan 1998;
- (4) The proposed development will have an adverse impact on the visual and aesthetic qualities of ‘Strickland House’ and does not comply with Clause 23 of South Sydney Local Environmental Plan 1998;
- (5) The proposed development fails to comply with Part E of South Sydney Development Control Plan 1997 – Height, Floor Space Ratio, Setbacks and the Form and Appearance Controls;
- (6) The proposed development fails to comply with South Sydney DCP No. 11 – Transport Guidelines for Development 1996;
- (7) The proposed development fails to comply with the minimum floor to ceiling height as required under Section 6 of Central Sydney Development Control Plan 1996 – Residential Amenity; and
- (8) The proposal is not in the public interest.

Carried unanimously.

ITEM 8. ULTIMO AQUATIC CENTRE (UAC) - APPROVAL TO LODGE THE DEVELOPMENT APPLICATION AT SYDNEY HARBOUR FORESHORE AUTHORITY FOR THE REVISED UAC SCHEME (S020942)

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

That arising from consideration of a report by the Senior Project Manager to Council on 8 September 2003, on the Ultimo Aquatic Centre (UAC) - Approval to Lodge the Development Application at Sydney Harbour Foreshore Authority for the Revised UAC Scheme, it be resolved:

- (A) Council approve the lodgement of the Development Application at Sydney Harbour Foreshore Authority for the revised Ultimo Aquatic Centre (UAC) scheme;
- (B) Council's attorney be authorised to execute all necessary documentation; and
- (C) the General Manager be requested to provide to Councillors a report reviewing the demographics of the expanded City of Sydney Local Government Area (LGA), with particular reference to the concentration of particular age groups in different parts of the City of Sydney LGA.

Carried.

ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 31 AUGUST 2003 (S02-0960)

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to Council on 8 September 2003, on Investments Held by Council as at 31 August 2003, it be resolved that the report be received and noted.

Carried unanimously.

ITEM 10. QUESTIONS ON NOTICE

FILE NO:

DATE: 01/09/03

TRAFFIC CONGESTION

1. By Councillor Greiner

Question

Lord Mayor, traffic congestion at the corner of Bent and Phillip Streets is exacerbated by both buses and vehicles blocking parts of the intersection. Would you please request of the Traffic Committee that this be an item of examination and as well correspond with the RTA to request “don’t block the box” markings which has been successfully implemented at the corner of Elizabeth and Park Streets.

Answer by the Lord Mayor

The Director City Development and Projects advises that:

“Under Rule 128 of the Australian Road Rules it is an offence for a driver to enter an intersection where the intersection or road beyond the intersection is blocked by congested traffic, a disabled vehicle, a collision, or by a fallen load.

Due to concerns that drivers were not adhering to this requirement, the RTA trialed the use of yellow diagonal “box” linemarking at a limited number of critical CBD intersections so as to improve driver awareness.

The Police have jurisdiction to enforce Rule 128, however, due to limited resources they are unable to sustain enforcement of the limited locations included in the RTA’s trial.

The RTA has advised that it doesn’t have plans to extend the trial to other intersections as the “box” linemarking caused confusion to pedestrians as well as obscuring turning lines that guide traffic through an intersection.”

QUESTIONS WITHOUT NOTICE

FILE NO:

DATE: 01/09/03

There were no Questions without Notice for this meeting of Council.

ITEM 11. NOTICES OF MOTION

FILE NO:

DATE: 01/09/03

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

Closed Meeting

At 6.40pm Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 12, 15 and 16 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 13 and 14 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 person who supplied it;

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 12 to 16 inclusive were then dealt with by Council while the meeting was closed to the public.

ITEM 12. RUGBY WORLD CUP CITY FESTIVITIES PROGRAM (CONFIDENTIAL) (S019698)

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

That further to the Resolution of Council of 10 March 2003 and arising from consideration of a report by the Public Affairs and Marketing Manager to Council on 8 September 2003 regarding Rugby World Cup City Festivities Program, it be resolved that the revised commitment be increased to the amount as described in paragraph 10 of the subject report.

Carried.

ITEM 13. ANDREW (BOY) CHARLTON POOL MAINTENANCE AND OPERATION PLAN FOR 2003/2004 (S020325)

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

That arising from consideration of a report by the Senior Project Manager Contracts and Asset Management, on Andrew (Boy) Charlton Pool Maintenance and Operation Plan for 2003/2004, it be resolved that the Maintenance and Operation Plan for 2003/2004, as shown at Attachment A to the subject report, be accepted, subject to the provision of a subsidy for City residents in receipt of a pension or other Commonwealth benefits, commencing at the start of the swimming season.

Carried.

ITEM 14. ANDREW BOY CHARLTON POOL PONTOON AND ASSOCIATED WORKS - APPROVAL TO ACCEPT TENDERER (S006461)

Moved by Councillor Coulton, seconded by Councillor Marsden -

That arising from consideration of a report by the Project Manager, City Development and Projects to Council on 8 September 2003, for Tender No 0319, Andrew Boy Charlton Pool Pontoon & Associated Works - Approval to Accept Tenderer, it be resolved that:

- (A) Council accept the tender and award the contract as submitted by the Tenderer named in paragraph 24 of the subject report for Tender No 0319 ABC Pool Pontoon & Associated Works, as recommended under paragraph 12(a);
- (B) authority be delegated to the General Manager to enter into a contract with the Tenderer named in Paragraph 24 of the subject report; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried.

ITEM 15. TOWN HALL HOUSE READING ROOM AND CAFÉ ("LIBRARY LINK"). REQUEST FOR FURTHER FUNDING (CONFIDENTIAL) (S023266)

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

That arising from consideration of a report by the Architect, City Development and Projects to Council on 8 September 2003, on the Town Hall House Reading Room and Café ('Library Link'), it be resolved that:

- (A) Council approve the proposed scope of works as described in paragraphs 3 and 4 of the subject report;
- (B) authority be delegated to the General Manager, with the concurrence of the Lord Mayor, to:
 - (i) approve any necessary alteration to the scope and design of the "Library Link";
 - (ii) approve detailed design and documentation of the works described in the subject report for the purposes of a tender, such works being detailed in paragraphs 3 and 4 of the subject report;
 - (iii) invite tenders following that approval;
- (C) Council authorise the General Manager to call for Expressions of Interest for the licence and operation of the Café on Level 1;
- (D) all necessary development applications in relation to this project be lodged;

- (E) further funding of the amount listed in paragraph 19 of the subject report be made available from the Capital Works Contingency, or, if available, from savings from the Council Chamber project;
- (F) final finishes be determined by concurrence between the Lord Mayor and the General Manager;
- (G) Council's Attorney be authorised to execute all relevant documentation; and
- (H) this report remain confidential until the completion of the project.

Carried.

ITEM 16. PURCHASE OF SMARTPOLES™

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the General Counsel and Senior Project Manager to Council on 8 September 2003, on Purchase of Smartpoles™, it be resolved that consideration of this matter be deferred to an Extraordinary Meeting of Council to be held on 15 September 2003 to enable further information to be provided to Councillors.

At 7.10pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 27 October 2003 at which
meeting the signature herein was subscribed.