




---

**30 JUNE 2003**

**Meeting No 1387**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Reception Room at the Sydney Town Hall, commencing at 5.43pm on 30 June 2003 pursuant to Notice 12/1387 dated 26 June 2003.

**INDEX TO MINUTES**

<b><u>Subject</u></b>	<b><u>Page No.</u></b>
1. Confirmation of Minutes .....	503
2. Minutes by the Lord Mayor .....	503
3. Memorandum by the General Manager - Organisational Review .....	543
4. Matters for Tabling .....	504

<u>Subject</u>	<u>Page No.</u>
<b>Reports of Committees -</b>	
<b>5. Planning Development and Transport Committee - 23 June 2003 .....</b>	<b>505</b>
<b>Reports to Council -</b>	
<b>6. Draft Signage and Advertising Structures Development Control Plan.....</b>	<b>533</b>
<b>7. NSW Agreement for Microsoft Software (NAMS).....</b>	<b>533</b>
<b>8. Investments Held by Council as at 31 May 2003.....</b>	<b>533</b>
<b>9. Rating Sub-Categories 2003-2004 .....</b>	<b>534</b>
<b>10. 2003/2004 Budget and Corporate Plan.....</b>	<b>534</b>
<b>11. Questions -</b>	
<b>Questions on Notice .....</b>	<b>536</b>
<b>Questions Without Notice .....</b>	<b>536</b>
<b>12. Motions .....</b>	<b>540</b>
<b>13. Kings Cross Neighbourhood Services Centre – Budget Review .....</b>	<b>543</b>
<b>14. Cook and Phillip Park Maintenance and Operations Plan for 2003/04 .....</b>	<b>542</b>
<b>15. Short List of Building Contractors for Customs House .....</b>	<b>542</b>
<b>16. Ipoh Ltd and Assignment of 34 Square Metres of Transferable Floor Space .....</b>	<b>542</b>

### PRESENT

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

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

At the commencement of business at 5.43pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, 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.

**ITEM 1. CONFIRMATION OF MINUTES****Minutes of Council Meeting of Monday 2 June 2003**

Moved by Councillor Coulton, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 2 June 2003, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Monday 16 June 2003**

Moved by Councillor Marsden, seconded by Councillor Coulton -

That the minutes of the extraordinary meeting of Council of 16 June 2003, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Monday 23 June 2003**

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

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

Carried.

**ITEM 2. ADDITIONAL MATTER FOR COUNCIL**

FILE NO:

DATE: 27/6/03

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

Attached for consideration by Council at its meeting on 30 June 2003 is a confidential report on Ipoh Ltd and Assignment of 34 Square Metres of Transferable Floor Space.

I bring this item forward for the consideration of Council.

(SGD) COUNCILLOR LUCY TURNBULL  
LORD MAYOR

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

That consideration of the confidential report on Ipoh Ltd and Assignment of 34 Square Metres of Transferable Floor Space be deferred to the end of the meeting and dealt with in closed session.

Carried.

### **ITEM 3. ORGANISATIONAL REVIEW (S024958)**

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

That consideration of the confidential Memorandum by the General Manager on Organisational Review be deferred to the end of the meeting and dealt with in closed session.

Carried.

Note - the confidential Memorandum by the General Manager on Organisational Review was circulated to all Councillors.

### **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.

**ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 23 JUNE 2003**

PRESENT

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

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

At the commencement of business at 6.37 pm those present were -

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

The meeting of the Planning Development and Transport Committee concluded at 7.30 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 23 June 2003 be received, and the recommendation set out below for Item 5.2 be adopted, with Item 5.1 being noted.

Carried.

The Committee recommended the following:-

**DETERMINED BY PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Item 5.1 was dealt with by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: 84 HARRIS STREET PYRMONT  
(D/03/00091)****5.1**

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 23 June 2003, in relation to Development Application D/03/00091 made by Galaxy Constructions Pty Ltd for the site at 84 Harris Street Pyrmont, for demolition of the existing building and construction of a new 5 level mixed use building, containing 8 residential units with commercial and retail space at ground level, it be resolved that "deferred commencement" consent be granted under Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:-

**Part A****Conditions to be satisfied prior to consent operating**

The consent is not to operate until the following conditions are satisfied, within 30 days of the date of this determination:

- (A) The applicant shall submit amended plans for the approval of the Director City Development and Projects, to include a revised scheme where internal floor to ceiling heights for the ground level upwards comply with the minimum 2.7m minimum internal ceiling requirement, while also complying with the 12m height development standard under SREP No. 26;
- (B) The applicant shall submit amended plans for the proposed roof garden and the courtyard and rear deck on the ground floor, for the approval of the Director City Development and Projects. The revised layout shall include landscaping details for the roof garden. The trafficable roof area and ground floor deck shall be setback by approximately 1.5m from the edges of the building. Planter boxes may be accepted in the setback area;
- (C) The applicant shall delete the balconies which are less than six metres from the rear boundary or shall redesign such balconies where retained to ensure no part of the balcony(s) are closer than 6 metres from the rear boundary; and
- (D) Further appropriate conditions as determined by the Director of City Development and Projects, taking into consideration the conditions shown at Part B of this Notice, and any conditions reasonably arising from consideration of Parts (A)-(C) above.

## Part B

### Conditions of Consent

#### 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.

- (1) Development must be in accordance with Development Application No.D/03/00091 dated 12 February 2003 and information and drawings numbered, dated and prepared by as follows:

<b>Drawing No:</b>	<b>Date:</b>	<b>Prepared by:</b>
DA-02 Rev. C	May 2003	CMT
DA-03 Rev. B	May 2003	CMT
DA-04 Rev. C	May 2003	CMT
DA-05 Rev A	Feb. 2003	CMT
DA-06 Rev. A	May 2003	CMT
DA-07 Rev B	June. 2003	CMT

and as amended by the following conditions:

#### SECTION 94 CONTRIBUTION

- (2) A contribution under section 94 of the Act shall be paid in accordance with the following:

**(a) Cash Contribution Required**

In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.

**(b) Amount of Contribution**

The amount of the contribution shall be \$53,733.83.

Note: The contribution will be indexed annually, see paragraph (f) below.

**(c) Purposes for which Contribution Required**

The contribution is required, and shall be held and applied in accordance with the Act and the "Ultimo Pymont Contributions Plan 1994", for the purposes, and in the proportions, set out as follows:-

- (i) Open Space - 64%
- (ii) Community Facilities - 9.5%
- (iii) Roads and Associated Infrastructure - 26.2%
- (iv) Administration - 0.3%

**(d) Certification of Contribution**

Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the "Ultimo -Pymont Contributions Plan 1994" (if applicable) shall be submitted for the approval of Council, prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to its issue.

**(e) Timing of Payment**

The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. (Personal or company cheques will not be accepted).

**(f) Indexing**

The contribution rate in "Ultimo Pymont Section 94 Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.

If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.



## **AFFORDABLE HOUSING CONTRIBUTION**

(3) The Affordable Housing Contribution is as follows :

- (a) In accordance with clause 58 of Sydney Regional Environmental Plan No. 26 - City West and the Affordable Housing Program, and before issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid at Department of Planning by Bank Cheque (Cashiers, Level 4, Henry Deane Building, 20 Lee Street, Sydney), or a bank guarantee in favour of Department of Planning to the value of the required contribution has been lodged. The contribution shall be \$17,913.45.
- (b) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program (adopted 31 May 2002), shall be submitted for the approval of Council, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

If the construction certificate is to be issued by a private accredited certifier, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.

- (c) Before the issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with paragraph 3.4 of the adopted Affordable Housing Program.

## **BUILDING HEIGHT**

(4)

- (a) The height of the building, as defined in Sydney Regional Environmental Plan No. 26 - City West, must not exceed 12 metres.
- (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).

## **FURTHER APPROVALS**

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

### **SIGNS**

- (6) 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.
- (7) A separate application shall be made to Council's Civil Engineering Services – Roads and Footways Unit for the construction of the vehicle footway and kerb crossing in Harris Street and the reinstatement of the footpath formation if any existing crossings are no longer required.

### **GLASS BLOCKS**

- (8) The glass blocks proposed on the northern boundary wall shall be frosted.

### **NORTH FACING BOUNDARY WINDOW**

- (9) The window in Level 3 Unit 7 is to be deleted.

### **STRATA PLAN APPROVAL**

- (10) A separate Application for Subdivision must be made to Council or an accredited certifier to approve the Strata Plan in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (11) The building shall be insulated to comply with AS 2627 "Thermal Insulation of Dwellings"
- (12) Water conservation devices and low water use appliances with a AAA rating are to be utilised within the development.

## **Schedule 1B**

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

- (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.

**OPENINGS ON BOUNDARY**

(14)

- (a) There are to be no required windows on the southern boundary wall.
- (b) There shall be fixed louvres provided for the full length of the balcony on the Level 3 southern elevation to a height of 1.8 metres above finished floor level in a similar treatment to the proposed louvres on the western end of the southern boundary wall.
- (c) All window and louvred openings adjacent to the southern boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such openings. These openings include the aluminium louvres at the front terraces and any glass blocks.

A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

- (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.

**SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(16)

- (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](http://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](http://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](http://www.sydneywater.com.au) or telephone 132 092.

#### **TRAFFIC AND PARKING**

- (17) The layout of the car park and service vehicle area shall comply with Australian Standard AS2890.1 1993 and AS2890.2 2002.
- (18) The width of the vehicular cross over in Harris Street shall have a minimum width of 3.0m.
- (19) Provision shall be made for the storage of bicycles in the basement parking area. Prior to the issue of a Construction Certificate details of the provision of storage for 4 cycles shall be submitted to Council for approval.
- (20) A “STOP” sign shall be installed at the exit point to require exiting vehicles to stop at the building line.

- (21) All costs of traffic management associated with the development shall be borne by the applicant.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (22) 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) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
  - (e) 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.

#### **RESTRICTION ON PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME**

- (23) Residents will be entitled to one resident parking permit per dwelling. The current fee for the permit is \$100, subject to annual review. If a car space is attached to the dwelling, the resident must provide proof that another member of the household is occupying it, prior to consideration of issuing a Permit. The owner of the dwelling must advise all tenants and occupants of the dwelling, at the time of entering into a lease/occupancy, of the restriction on Resident Parking Permits.

Note:

This restriction on the Resident Parking Scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

**RECEPTACLES FOR CIGARETTE BUTTS**

- (24) 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.
- (25) 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.
- (26) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
  - (b) Details of the assessment methods used to establish compliance with those performance requirements.
- (27) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".
- (28) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

**CAR PARK DOOR**

- (29) Car park roller doors shall be designed and constructed for quiet operation.

**STORMWATER AND DRAINAGE**

(30) The following stormwater details shall be submitted:-

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (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 Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City's drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

**ALIGNMENT LEVELS**

- (31) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (32) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

## WASTE MANAGEMENT

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

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

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

Note:

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

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

## UTILITY SERVICES

- (34) To ensure that utility authorities are advised of the development:-

- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.



## Schedule 1C

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

#### STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS

- (35) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
- (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
  - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate (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 (Specification A1.3).
  - (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 S1 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.

- (e) Appropriate current professional indemnity insurance.
  - (i) 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.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

### **DEMOLITION DETAILS**

- (36) 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**

- (37) 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.
- (38) 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:-
  - (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
  - (b) Induction training for on-site personnel;
  - (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
  - (d) 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.
  - (e) Disconnection of Gas and Electrical Supply;

## (f) 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.

## (g) Access and egress:-

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

## (h) Waterproofing of any exposed surfaces of adjoining buildings;

## (i) 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.

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

## (k) Confinement of demolished materials in transit;

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

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

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

### **OTHER DEMOLITION DETAILS**

(39) 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**

- (40) 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.

#### **WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION**

(41) 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 most of the City's street drainage is directly connected.

**PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION**

- (42) 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**

- (43) 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.

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.

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.

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.

#### **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.

#### **APPLICATION FOR A ROAD OPENING PERMIT**

- (45) 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).

Documents required with the Road Opening Permit application include:-

- (c) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (d) Evidence that public utility drawings have been inspected;
- (e) 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;
- (f) A Security Deposit for reinstatement of public way.

The Road Opening Permit will be subject to further conditions that shall be complied with.

- (46) 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.

#### **FOOTPATH DAMAGE BANK GUARANTEE**

- (47) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee of \$9,000 to Council as security for any damage rectification to the footway.



- (48) The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-
- (a) Plastic sheeting to cover the stone paving;
  - (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
  - (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

#### **USE OF MOBILE CRANES**

- (49) 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.

#### **ARCHAEOLOGICAL MONITORING DURING EXCAVATION**

- (50) Excavation of the site requires the works to be monitored by an archaeologist and any remains are to be suitably recorded. To this affect, the applicant must make application to the Heritage Office for an archaeological monitoring permit under Section 140 of the Heritage Act 1977.

## **Schedule 1D**

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

#### **DEMOLITION WORKS**

- (51) 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.

Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

- (52) 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.
- (53) 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.
- (54) 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.
- (55) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

## **HOURS OF WORK AND NOISE**

- (56) 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
  - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

## **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**

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

- (57) 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.

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:

- (c) 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.
  - (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.
- (58) 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.
- (59) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

#### **TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**

- (60) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.

For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-

- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
  - (i) Dilapidation Report of adjoining buildings/structures.
  - (ii) Evidence that public utility services have been investigated.

(iii) If adjoining a Public Way:-

- a. 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. The original document shall be submitted to Council.
- b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.

(b) Prior to commencement of work:-

- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
- (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-

- a. Structural drawings and certification as prescribed elsewhere in this Schedule.
- b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.

(c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-

- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
- (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
- (iii) All timber shall be removed.
- (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).

(d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).

(e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

## **NUMBERING**

- (61) 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.
- (62) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

## **Schedule 1F**

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

#### **REMOVAL OF GRAFFITI**

- (63) 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**

- (64) 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.
- (65) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.
- (66) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

#### **USE OF ROOF GARDEN**

- (67) Access and use of the roof garden shall be limited to 7.00am to 9.00pm on weekdays and 9.00am to 9.00pm on Saturdays, Sundays and Public Holidays.

## **Schedule 2**

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

Carried.

Note - Mr Steve Czeref addressed the meeting of the Planning Development and Transport Committee on Item 5.1.

**DETERMINED BY COUNCIL**

**DEVELOPMENT APPLICATION: 76-88 CROWN STREET,  
WOOLLOOMOOLOO (DA S02-01190)**

**5.2**

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

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 23 June 2003, in relation to Development Application S02-01190 made by Stanasic Associates Architects for the site at 76-88 Crown Street, Woolloomooloo, for demolition of buildings, excavation and the erection of a part 5/part 6 storey mixed uses building, containing two retail tenancies at ground floor level and 32 dwelling units above, with provision for two levels of car parking, it be resolved that -

- (A) the applicant be invited to submit further modifications within 28 days taking into consideration the following matters:-
- (1) that the FSR of the proposal be no greater than 2:1, in accordance with Section 2.2, Part E of South Sydney DCP 1997 – Urban Design. The Council may consider a bonus of 0.25:1 if the applicant can demonstrate compliance with the public domain requirements of the DCP;
  - (2) that the height of the proposal be no greater than 12 metres, in accordance with the requirements of Section 2.3, Part E of South Sydney DCP 1997 – Urban Design, without inappropriate use of “attic” provisions in that Plan;
  - (3) that, in complying with the 12 metre height limit, the building step down the slope having regard to the topography of Crown Street;
  - (4) the car parking area shall be provided with access off Faucett Lane only and revised plans shall be submitted to Council showing the revised internal changes and continuation of the retail frontage to Crown Street to the northern boundary of the site;
  - (5) the relationship of the proposal to the level of Faucett Lane and the fenestration of the blank wall to that lane be reconsidered;
  - (6) the roller shutter door shall be set back 6 metres (one car length) from the building line to provide a queuing space in accordance with DCP 11;
  - (7) the proposed awning protruding over the Crown Street footpath shall be reduced in width to allow a 600mm clearance from back of the kerb or designed so as not to impact upon the proposed street planting;
  - (8) details of materials, colours and finishes including sample board, photomontages and coloured elevations particularly in respect of external finishes to walls, roof features and balcony, window and door treatment as visible from the street;

- (9) that consideration be given to the adaptability of the bicycle storage space to be converted to providing household storage capabilities; and
- (B) should the required modifications not be submitted to the satisfaction of the Director City Development and Projects within the required timeframe, authority be delegated to the General Manager to determine the application.

Carried.

Note - Mr David Emerson, Mr Robert Day, Mr Denver Mottau, Mr Alasdair Robertson, Mr Paul Jumikis and Mr Frank Stanisic addressed the meeting of the Planning Development and Transport Committee on Item 5.2.



**ITEM 6. DRAFT SIGNAGE AND ADVERTISING STRUCTURES DEVELOPMENT CONTROL PLAN (S00272)**

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

That arising from consideration of a report by the Specialist Planner to Council on 30 June 2003, on the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003 it be resolved that Council:-

- (A) endorse the public exhibition of Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003 shown at Attachment A to the subject report, as amended at the meeting of Council in Clause 1.22 (i), and as prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 for the purposes of public exhibition;
- (B) authorise the Lord Mayor to make any drafting changes arising from consideration of Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003 by the Council and the Central Sydney Planning Committee; and
- (C) endorse the operation of the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2003 as an Interim Policy, effective from the date that public exhibition of the Draft DCP commences.

Carried.

**ITEM 7. NSW AGREEMENT FOR MICROSOFT SOFTWARE (NAMS) (S024438)**

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

That arising from consideration of a report by the Manager, Information Management to Council on 30 June 2003, on NSW Agreement for Microsoft Software (NAMS), it be resolved that Council commit to entry to the NSW Agreement for Microsoft Software (NAMS) for July 2003, based on the terms negotiated by the Department of Commerce and executed with the State Contracts Control Board.

Carried.

**ITEM 8. INVESTMENTS HELD BY COUNCIL AS AT 31 MAY 2003 (S02-0960)**

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

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to Council on 30 June 2003, on Investments Held by Council as at 31 May 2003, it be resolved that the report be received and noted.

Carried.

**ITEM 9. RATING SUB-CATEGORIES 2003-2004 (S024234)**

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

That arising from consideration of a report by the Revenue Accountant to Council on 30 June 2003, on Rating Sub-Categories 2003-2004, it be resolved that -

- (A) the following sub-categories, as proposed in the Draft Corporate Plan 2003-2006, be adopted for the 2003-2004 rating year:
- (i) Residential Sydney East
  - (ii) Residential Camperdown / Chippendale
  - (iii) Residential Glebe / Forrest Lodge
  - (iv) Business CBD
  - (v) Business Rocks
  - (vi) Business Pymont / Ultimo
  - (vii) Business Sydney East
  - (viii) Business Camperdown / Chippendale
  - (ix) Business Glebe / Forrest Lodge
- (B) the justification as detailed in the subject report for the establishment of the above sub-categories be noted.

Carried.

**ITEM 10. 2003/2004 BUDGET AND CORPORATE PLAN (S024234)**

Moved by Councillor Coulton, seconded by Councillor Ho -

That arising from consideration of a report by the Finance Manager to Council on 30 June 2003 on 2003/2004 Budget and Corporate Plan, and following the placement of the draft 2003-2006 Corporate Plan, including the 2003-2004 Budget, Schedule of Fees and Charges on public exhibition for a 28 day period from Tuesday, 27 May 2003 to Monday, 23 June 2003, it be resolved that:

- (A) Council adopt the Corporate Plan for 2003-2006, as shown at Attachment B to the subject report and forward to the City's Public Relations Unit for publication, including any editorial (non- substantive) changes necessary;

- (B) Council adopt the 2003/2004 Operating Budget and Capital Expenditure Budget as shown as Appendix A of the Corporate Plan which includes amendments to the advertised Budget as discussed in the body of this report. The Budget provides for the following:
- (i) A net surplus of \$39.2M.
  - (ii) A Plant and Assets program of \$7.6M
  - (iii) A Capital Works Program of \$118.8M.
- (C) Council adopt the Schedule of Fees and Charges as shown at Appendix A of the Corporate Plan, which includes amendments to the advertised Schedule as discussed within the body of this report;
- (D) Council reaffirm that no expenditure from the General Contingency, the Boundary Adjustment Contingency, the Property Maintenance Contingency, the Reserve for Special Organisational Needs nor the Special Contingency in the Capital Works Budget, is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds and that a report will be presented to Council on a quarterly basis providing details on the expenditure of any funds drawn from contingency;
- (E) expenditure on Plant and Assets will continue to require the specific approval of the General Manager for each individual item;
- (F) Council adopt the rates for the 2003/2004 rating year in respect of all land within the City of Sydney rateable as at 1 July 2003, or which becomes rateable during the rating year, in accordance with the table below:

CATEGORY	MINIMUM RATE	AD VALOREM (Cents in Dollar)	ESTIMATED YIELD (\$mill)
Residential Ordinary	\$360.00	0.3591	\$7.6
Residential Sydney East	\$350.00	0.1709	\$6.2
Residential Glebe/Forest Lodge	\$415.00	0.2489	\$3.5
Residential Camperdown/Chippendale	\$350.00	0.1709	\$1.0
<b>TOTAL RESIDENTIAL</b>			<b>\$18.3</b>
Business Ordinary	\$455.00	1.1685	\$3.3
Business CBD	\$455.00	1.5071	\$89.2
Business Rocks	\$455.00	0.9616	\$1.3
Business Pyrmont/Ultimo	\$455.00	0.6501	\$3.0
Business Sydney East	\$476.00	0.9330	\$8.2
Business Glebe/Forest Lodge	\$455.00	0.9946	\$1.7
Business Camperdown/Chippendale	\$476.00	0.9347	\$2.3
<b>TOTAL BUSINESS</b>			<b>\$109.0</b>

Council make and levy domestic waste management charges indicated in the adopted 2003-2006 Corporate Plan for each parcel of rateable land in the residential category.

Carried.

## **ITEM 11. QUESTIONS ON NOTICE**

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

## **QUESTIONS WITHOUT NOTICE**

### **ON STREET PARKING (S018724)**

1. By Councillor Greiner -

#### **Question**

Lord Mayor, there are many issues which our new constituents to the City of Sydney Council are raising with you, myself, and our colleagues. One of the most frequent requests is for an improvement of on street parking.

Will you agree to undertake a review of on street parking in the next 6 months with special emphasis on creative ways of balancing the needs of residents with scarce space, eg, "resident only" carparking in some areas on weekends; ensuring construction sites do not take up parking spaces; clearly outlining the parking spaces with painted lines on the roadway so that people actually park within the lines. There may be some creative ways of managing a very scarce resource.

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

Thank you, Councillor Greiner. As you know, it is an extremely scarce resource and I am advised that in the City East area there are two and a half times as many residential parking permits as there are parking spaces so don't let it be a surprise to anyone that they find it hard to park.

There is a mixed regime of car parking arrangements and parking meters, etc, in the new boundary areas and over time they will be assessed for their efficacy and operational efficiency and fairness.

I am not able to say whether it would be feasible to do that within six months, it may possibly need a longer timeframe because in the Glebe area, for example, there is a whole very complicated matrix. I have actually asked Councillor Marsden, as Chair of the Traffic Committee, to look into the situation there, together with the Manager, Traffic and Access, and other staff.

I am happy for there to be a consideration of the parking issues in the new boundary areas but I think probably by the end of February would be a more appropriate timeframe.

**JUANITA NIELSEN CENTRE (S018729)**

2. By Councillor Farr-Jones -

**Question**

Lord Mayor, I understand that the Juanita Nielsen Centre was closed just prior to its transfer to the City of Sydney. Are there any plans to reopen it and are you aware as to the reasons for its closure?

**Answer by the Lord Mayor**

Thank you, Councillor Farr-Jones. I am aware of plans to reopen it. I invite the General Manager to respond.

**General Manager**

Lord Mayor, when we negotiated the transfer of assets with South Sydney Council we were advised that the refurbishment program would be due to finish about 8 May 2003, when we took over the areas. Unfortunately, when we did take over the areas, it seems that South Sydney may well have wound down that program well before 8 May and we now find that we have to spend upwards of \$200,000 ourselves to bring the Centre up to the standard which we believe the community would expect, when that facility reopens.

My expectation is we will sign off on the scope of those works within the next few days, and the works can be done within two weeks, I am told, so hopefully we can open it as soon as possible. We don't want to open the facility when there has been this expectation of refurbishment and have people find things haven't been done.

**Councillor Farr-Jones (Supplementary Question)**

Lord Mayor, can I ask the General Manager one more question on this matter? Is that then an item that we need to consider in relation to our capital budget to come back to Council, given we have just approved the Corporate Plan?

**General Manager**

No, it should be capable of being met in the existing budgetary funding.

### **FOOTPATHS (S018724)**

3. By Councillor Greiner -

#### **Question**

Lord Mayor, again on the new areas, my colleague and I have had numerous representations made to us concerning the condition of the footpaths. There is a real concern, particularly in the Glebe Point Road area, that older members of the community could have a fall and seriously injure themselves.

Will you agree to undertake, as a matter of urgency, an audit of the quality of the footpaths on the streets of major thoroughfares in the newer areas of the City Council and report back to the Councillors with an action plan?

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

Thank you Councillor Greiner. My understanding is that there has already been a considerable amount of work done assessing high priority needs and medium priority needs in the Glebe area because of the appalling state of the footpaths and the roads there. Perhaps I could, through you General Manager, invite the Director Asset Management and Compliance to respond.

#### **Director Asset Management and Compliance**

Lord Mayor, an audit was undertaken prior to 8 May of the footpaths in the area. After 8 May we finalised that audit, which included sending inspectors out identifying trip hazards and other hazards. We then finalised the current capital works program for this area based on priority needs. If there are any areas of particular concern we can address them quickly with safety barriers and the like.

### **COUNCIL'S BUSINESS PAPER (S018729)**

4. By Councillor Farr-Jones -

#### **Question**

Lord Mayor, could you advise of the rationale for Item 13 on tonight's Business Paper being a confidential item?

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

Councillor Farr-Jones, it is because it is a budgetary item. I invite the General Counsel and/or the Director City Development and Projects to respond also.

#### **Director City Development and Projects**

There will need to be renegotiations with the contractors on the site, and the consultants. We don't want them to be aware of what our budgets are.

**General Counsel**

The matter is “commercial-in-confidence”.

**ROADWORKS (S018724)**

5. By Councillor Greiner -

**Question**

Lord Mayor, if I may, through you, ask the General Manager a question and I’m happy for the General Manager to report back to me on this.

General Manager, you are aware that I wrote to you this morning concerning a complaint that was lodged in several places over the weekend about roadworks that were being undertaken in Bourke Street at the corner of both Liverpool and Burton Streets. The roadworks, unfortunately, were done between 1.00 am and 4.00 am on Saturday morning.

Now, once upon a time, Bourke Street was a street where you couldn’t actually cut off the road access during the day. When I wrote to you this morning I knew that other members of staff had been contacted over the weekend. In fact, Wayne MacKenzie was awoken in the middle of the night to try and resolve that issue because the Rangers were so concerned.

I ask the question whether we were responsible for that or whether it was a Roads and Traffic Authority (RTA) problem. If we were responsible I suggest that we drop a note of apology to the residents in the area but, more importantly, that henceforth our tender documentation take into account residential amenity when we are actually pitching the cost of the project out to the community so that if, for whatever reason, the contractor has chosen to do this, that it doesn’t happen again.

My gut feeling is that this was done to maximise the margins from the contractor. It is clearly inappropriate from our point of view.

**Answer by the Lord Mayor**

I invite the General Manager to respond.

**General Manager**

Councillor Greiner, I investigated this matter today and I have received further information. This matter relates to the RTA’s proposed reclassification of several roads where they gave us a grant of \$293,000 to bring those roads up to speed before they handed them over to us.

I understand that a private contractor was engaged by the City to undertake some work but it was the RTA, due to their own reasons and high traffic volumes, that restricted the hours of operation from 7.00 pm to 5.00 am.

The contractor advised residents and motorists of that before work started and of the date of the work, but said the date was “weather permitting”. Inclement weather intervened and the contractor failed to notify the residents of the change in date. That is obviously something we are going to be taking up with the contractor. But the actual hours of operation were an RTA restriction.

We will be requiring the contractor to write to residents apologising for their failure to do things properly.

## **ITEM 12. NOTICES OF MOTION**

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



**Business of which due notice had not been given**

At this stage of the meeting, pursuant to the provisions of Clause 14(3) of the Local Government (Meetings) Regulation 1999, the following motion was moved -

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

That Item 13 on the agenda, a confidential report on Kings Cross Neighbourhood Services Centre - Budget Review, be divided into two parts: (1) that the matter of the Kings Cross Neighbourhood Service Centre and its suitability for the uses suggested for it be discussed in open session and (2) that the budget items specifically related to the work be dealt with in closed session.

A vote on the motion that this matter be dealt with as a matter of urgency at this meeting resulted in the following show of hands -

Ayes (3) Councillors Farr-Jones, Greiner and Ho

Noes (3) The Chair (the Lord Mayor), Councillors Coulton and Marsden

The motion was not carried.

The Chair (the Lord Mayor) declined to declare the matter to be of great urgency.

**Closed Meeting**

At 6.23pm 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)(a) of the Local Government Act 1993 to discuss Item 3 on the agenda as this matter comprised discussion of personnel matters concerning particular individuals;

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 13 to 16 inclusive 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 proposes to conduct) business; 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 3 and 13 to 16 inclusive were then dealt with by Council while the meeting was closed to the public.

### **Order of Business**

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, Council resolved that the order of business be altered such that the confidential agenda items be dealt with in the following order:

- 14: Cook and Phillip Park Maintenance and Operations Plan for 2003/04
- 15: Short List of Building Contractors for Customs House
- 16: Ipoh Ltd and Assignment of 34 Square Metres of Transferable Floor Space
- 3: Organisational Review
- 13: Kings Cross Neighbourhood Services Centre - Budget Review

#### **ITEM 14. COOK AND PHILLIP PARK MAINTENANCE AND OPERATIONS PLAN FOR 2003/04 (S016719)**

Note - in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential for a period as described in the Resolution.

#### **ITEM 15. SHORT LIST OF BUILDING CONTRACTORS FOR CUSTOMS HOUSE (2253/13.01/MW)**

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

That arising from consideration of a report by the Manager - Project Management to Council on 30 June 2003, on Shortlist of Building Contractors for Customs House, it be resolved that:

- (A) Council endorse the shortlist of building contractors as outlined in paragraph 6 of the subject report; and
- (B) the short listed building contractors be invited to tender.

Carried unanimously.

#### **ITEM 16. IPOH LTD AND ASSIGNMENT OF 34 SQUARE METRES OF TRANSFERABLE FLOOR SPACE (S022034)**

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Senior Property Manager to Council on 30 June 2003, on Ipoh Ltd and Assignment of 34 metres of Transferable Floor Space, it be resolved that:

- (A) in accordance with clause 23.3 of the Agreement to Lease of the Capitol Theatre dated 3 March 1992, Council consent to the sale to 70 Pitt Street Pty Limited of 34 metres of transferable floor space as set out in the subject report;

- (B) the Deed of transfer and any relevant documentation be executed by Council's Attorney;
- (C) the funds received by Council be placed in the Property Reserve.

Carried.

### **ITEM 3. ORGANISATIONAL REVIEW (S024958)**

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

That arising from consideration of a Memorandum by the General Manager to Council on 30 June 2003, on Organisational Review, it be resolved that:

- (A) the General Manager reduce permanent, temporary and casual staff numbers in accordance with the City's policies, procedures and budget provisions;
- (B) the General Manager ensure that the voluntary redundancy program is funded as far as is practicable from 2003/04 financial year labour budget expenditure savings;
- (C) Council vary the approved budget to include \$1.5 million funding in the 2003/04 financial year to support the voluntary redundancy program should savings from the proposed labour budget be diminished due to the timing and acceptance of voluntary redundancy.

Carried unanimously.

### **ITEM 13. KINGS CROSS NEIGHBOURHOOD SERVICES CENTRE – BUDGET REVIEW (S018317)**

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

That arising from consideration of a report by the Director, City Development and Projects to Council on 30 June 2003, on Kings Cross Neighbourhood Centre - Budget Review, it be resolved that:

- (A) Council endorse the proposal as set out in paragraph 11 of the subject report for the revised capital works budget set out in paragraph 22 of the subject report, subject to reference to the early childhood centre in the plans and the budget being deleted and consideration being given to a more appropriate location for the early childhood centre;
- (B) authority be delegated to the General Manager to approve variations to existing contracts to implement these changes within the revised capital works budget; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Monday 30 June 2003

544

At 7.38pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 28 July 2003 at which  
meeting the signature herein was subscribed.