



19 JANUARY 2004

Meeting No 1403

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.12pm on 19 January 2004 pursuant to Notice 1/1403 dated 15 January 2004.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Development Application: Oxford Street, Darlinghurst – Gateway Project	3
2. Public Presentation of the 2002/2003 Annual Financial Report and Auditor's Reports.....	17
3. Investments held by Council as at 31 December 2003.....	13

<u>Subject</u>	<u>Page No.</u>
4. Goulburn Street Parking Station - Building Upgrade Strategy	18
5. Domestic Waste Service - Acceptance of Tender No. 0344	19

PRESENT

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

Councillors - Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 5.12pm those present were:-

The Lord Mayor, Councillors Greiner, Ho and Marsden.

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

Apologies

Councillor Dixie Coulton extended her apologies for her inability to attend the Extraordinary Meeting of Council as she was away from Sydney.

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Extraordinary Meeting of Council as he was away on leave.

Moved by Councillor Greiner, seconded by Councillor Marsden -

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

Carried.

**ITEM 1. DEVELOPMENT APPLICATION: OXFORD STREET
DARLINGHURST –GATEWAY PROJECT (D/03/00489)**

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

That arising from consideration of a report by the Systems and Projects Co-ordinator to the Special Meeting of the Planning Development and Transport Committee on 3 November 2003, and a report by the Acting Director City Development to the Extraordinary Meeting of Council on 19 January 2004, on Development Application Oxford Street, Darlinghurst - Gateway Project, it be resolved that -

(A) Consent be granted subject to the following conditions:

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

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

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No D/03/00489 dated 18 June 2003, prepared by Johnson Pilton Walker drawing numbered DA01-DA16, Statement of Environmental Effects prepared by Johnson Pilton Walker dated May 2003, Traffic Review prepared by URAP-TTW Pty Ltd dated March 2003, Heritage Impact Statement prepared by Orwell & Peter Phillips Architects dated 15 May 2003, and the Archaeological Assessment prepared by Banksia Heritage & Archaeology dated March 2003.
- (2) For any future works related but not forming part of this development application, a development application is only required subject to the provisions of South Sydney Local Environmental Plan 1998 or Central Sydney Local Environmental Plan 1996 (as applicable) and relevant statutory provisions applying at the time. Similarly, any proposed modification to aspects of the current proposal will only need a Section 96 modification if that aspect of the proposal required development consent in the first instance.

BICYCLE WAYS

- (3) That bicycle ways are to be provided within the streetscape upgrade. The bicycle ways are to be endorsed by the Roads and Traffic Authority and details be provided prior to the release of the Construction Certificate.

TREE REMOVAL

- (4) The removal of trees shall only occur upon the recommendation of a suitably qualified arborist, and following the recommendation(s) of such an arborist.

HERITAGE CONSERVATION

- (5) That an experienced heritage practitioner is to be engaged to oversee all aspects of the work related to heritage items and contributory buildings affected by the proposal, from the detailed awning design to refurbishment and construction. This is to include advice on sympathetic design solutions and the supervision of restoration works to ensure minimum disturbance to significant fabric and appropriate construction methods particularly in relation to demolition, paint removal and new work.
- (6) That prior to commencement of works or release of construction certificate, whichever is the earliest, an archival photographic record is to be carried out of the facades, awnings and significant streetscape elements, such as the historic markers and the cast iron letter box, that will be impacted by the proposal. This will facilitate any reconstruction, refurbishment or relocation. A copy of this record is to be lodged with Council Archives.
- (7) That to minimise the impact of the proposal on the significance of the streetscape and on individual buildings, changes to awnings are subject to the following:
 - (a) That the design of new awnings is to respect the form, proportions, character and any particular façade details likely to be impacted upon by the introduction of new awnings.
 - (b) That replacement awnings are to respect the relationship between the original awnings and streetscape topography. Where heights of awnings change and step up and down the along the streetscape this pattern is to replicated.
 - (c) That all new external finishes and works of making good of significant awnings shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
 - (d) That any cutting back of awnings is to be kept to a minimum so that changes to the structure and decoration of brackets and suspension rods are limited. Where possible cutting back should be limited to the extent of removal to those parts that have previously been altered.

- (e) That on the southern side of the site original edge detail with eaves and gutter is where possible to be retained and conserved such as at Nos 93-95 99-101, 103-105 and 149 Oxford Street.
- (f) That where new awnings are proposed, shops within the same building are to have matching awnings.
- (g) That fixing of new awnings is to be undertaken as carefully so as to minimise impact on significant fabric.
- (h) That awnings featuring a pressed metal soffit which are to be cut back are to be done so that the predominant pattern of the awning is retained.
- (i) That existing suspension rods and under awning brackets are to be retained and reused where possible. If they need to be altered any ornamental elements are to be retained.
- (j) The width and detailing of awning fascias of heritage buildings proposed to be altered is to be based where possible on documentary/physical evidence.
- (k) That any new awnings for the inter-war buildings at 23 Oxford St and 183 Oxford be replaced with an awning in keeping with the architectural style and period of the building and based where possible on physical and documentary evidence.

Note – A Federation type awning is inappropriate for contributory inter-war buildings.

- (l) That contributory buildings with significant box awnings proposed to be altered where soffits have been relined or replaced such as the Courthouse hotel at 189 Oxford St, the Brighton Hotel at 75-77 Oxford Street and the former Edward Arnold Department store at 113-135 Oxford St should be replaced with soffits in keeping with the architectural style and period of the building and based where possible on physical and documentary evidence.
- (8) That detailed drawings indicating changes to awnings to be altered, new awnings, under-awning lighting, colour scheme for the fascias and soffits and the signage strategy be submitted to the satisfaction of Councils Heritage Specialist prior to the commencement of works or release of construction certificate, whichever is the earliest. The drawings are to be prepared with the input of a heritage practitioner.
 - (9) That the existing trachyte kerbing which covers most of the section of Oxford Street covered by this application is a significant feature of the streetscape and where practicable is to be reused for kerbing in the streetscape and particularly in front of heritage buildings.
 - (10) That all existing glass block pavement lights are to be retained and where necessary refurbished.

- (11) That an interpretation strategy including details and location of proposed interpretative works/measures to illustrate the history, development and significance of the street is to be prepared with assistance of a suitably qualified historian. This interpretation strategy is to be submitted to the satisfaction of the General Manager, in consultation with the Lord Mayor, within 2 months of the commencement of works or issue of a construction certificate whichever is the earliest.
- (12) The proposed works to the awnings are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing buildings.
- (13) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (14) The signs are to be erected/supported in a secure manner for safety purposes and its installation is not to involve measures that would cause irreversible damage to the building.

ARCHAEOLOGICAL INVESTIGATION

- (15) 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.
- (16) 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.

FOOTPATH ILLUMINATION

- (17) Illumination of the footpath by light fittings installed internally or to the awning must provide the following maintained illuminance levels in both the horizontal and vertical plane, when measured 1.5 metres above the footpath:-
 - (a) minimum average maintained illuminance level of 10 lux in the horizontal and 3 lux in the vertical plane;
 - (b) maximum illuminance level of 200 lux; and
 - (c) an illuminance ratio (E_{avg}/E_{min}) not exceeding 4:1 to ensure the safe movement of pedestrians.

PUBLIC DOMAIN PLAN

(18) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to construction commencing.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture (including parking signs, street nameplates, bins, benches), utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.

- (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture (including utility poles) and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Where the finished level of paving of the property boundary is to vary from existing levels, details of the variance shall be detailed on the public domain plans. Such details shall include the location and level of any steps, landings etc adjacent to the paving and any adjustments proposed thereto.

Note:

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

- (19) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with the relevant Australian Standard.

AWNINGS

- (20) All awnings are to comply with the City of Sydney Awnings Policy 2000.

- (21) Any proposed awnings or reconstruction/upgrade of existing awnings over the public footway are to comply with Council's standard requirements and not extend within 800 mm of the adjacent kerb.

SMART POLES_{TM}

- (22) Smart poles shall be provided in the public way in accordance with Council's Standard and specification.

ACCESS

- (23) The design of the streetscape upgrade shall ensure access for people with a disability.
- (23a) That the species of the proposed new street trees be selected in consultation with the Lord Mayor, the City's Landscape Architect and an independent arborist, with such selection to consider practical issues relating to growth, survival, landscape design and possible allergenic impacts.

Schedule B - Conditions to be compiled with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority.

- (24) 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.

SIGNAGE STRATEGY

- (25) A signage strategy shall be prepared that identifies the number, type, size and locations of signs required to ensure appropriate way finding and naming of buildings and tenancies within the project area in accordance with City of Sydney Draft Signage and Advertising Structures Development Control Plan 2003. To this end a comprehensive signage strategy is required to be submitted detailing the location of all new signage (not covered in the subject application) and its design character prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development.

Schedule C - Conditions to be compiled with prior to commencement of demolition or work or construction to the satisfaction of the Principal Certifying Authority.

UTILITY SERVICES

(26) 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) A survey is to be carried out 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.

PUBLIC ART

(27) High quality art work shall be provided within the development in publicly accessible locations. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ROAD & DRAINAGE WORKS

(28) Detailed road and drainage works engineering design and construction plans for the construction of the proposed civil works associated with the Darlinghurst Road upgrade are to be submitted to Council and approval gained prior to the commencement of any associated work. Such plans are to include:

- (a) The location of all existing and proposed services in the vicinity of the proposed works and any alterations or deviations required.
- (b) Geometric design, construction materials, formation seal and specifications of the proposed kerb and gutter realignment, parking bay formation, footway formation and carriageway formation.
- (c) Details of the existing road formation, materials and any structures to be removed or relocated and any earth works to be undertaken.
- (d) Hydraulic and geometric design of any proposed storm water drainage works within the site including deviations, alterations, augmentation of the existing public drainage system and private connections into Council's public storm water drainage system.

- (e) Details and specifications of any vehicle footpath crossings required to be reconstructed or removed as a consequence of the upgrade proposal.
- (f) Details of all street poles, lighting, furniture, bollards, street signage, line marking, street name plates and landscaping proposed, including existing trees to be removed and those to be retained.
- (g) Details of sediment runoff control measures to be adopted during the construction period.
- (h) All proposed civil works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC#1 specifications.
- (i) The submission to Council is to include:
 - (i) The detailed engineering plans in duplicate and a certification form prepared and signed by an appropriately qualified practicing civil engineer.
 - (ii) The certification repeated for each revision issued to Council.
 - (iii) The nomination of an appropriately qualified practicing engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.

WASTE MANAGEMENT PLAN DURING DEMOLITION AND EXCAVATION

- (29) A Waste Management Plan for the demolition and/or excavation works must be submitted to the satisfaction of Council before commencement of work on the site.
- (a) 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 Council. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (b) 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:-
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.

- (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal;
 - h. If details of items (b) to (g) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

Council must be notified of any proposed change in any of the above details throughout the course of work.

PEDESTRIAN & TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (30) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition/excavation or construction on the site and must include details of:-
 - (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) Storage of constructed vehicles whilst not in use and visual treatment of any such area.

The Pedestrian and Traffic Management Plan shall be forwarded to the Sydney Traffic Committee for further comment. The Plan is to be implemented during the construction period.

BARRICADE PERMIT

- (31) 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.

Schedule D - Conditions to be compiled with during work on site to the satisfaction of the Principal Certifying Authority.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (32) 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;

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.

- (33) 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 Council.
- (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.

HOURS OF CONSTRUCTION WORK AND NOISE

- (34) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 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

- (35) 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.

DEMOLITION WORKS

- (36) 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 Work Cover 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.

PUBLIC WAY

- (37) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances without appropriate alternative pedestrian management measures in place during construction. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

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:
 - (i) to 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) to 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.

Schedule 3 - Terms of Approval (Heritage Office)

1. All work shall be in accordance with the works as described in the Development Application prepared by Johnson Pilton Walker with City of Sydney, May 2003, and including the Heritage Impact Statement prepared by Orwell & Peter Phillips Architects, 15 May 2003, and the Archaeological Assessment prepared by Banksia Heritage & Archaeology, March 2003 at Appendix 3, except as altered by the following conditions.
2. This approval shall not include works affecting Busby's Bore and the GA Zinc and Sons Building, 56 Oxford Street, which are listed on the State Heritage Register. An application under Section 60 of the NSW heritage Act must be submitted for these and approved by the NSW Heritage Council prior to work commencing.
3. The application for Busby's Bore shall include a research design and methodology and shall specifically address the impacts of construction vibration upon the archaeological resource and the mitigation measures detailed in the Archaeological Assessment prepared by Banksia Heritage & Archaeology, March 2003.
4. The application for the Zinc and Sons Building shall include a statement of heritage impact addressing the impact of the proposed works.

The Heritage Council also recommends to City of Sydney Council that the application be approved with conditions that ensure that awning alterations shall be designed to minimize removal of historic fabric and that an archival recording shall be prepared, before, during and after the works in accordance with NSW Heritage Office guidelines. A copy of the record shall be submitted to City of Sydney and the local library.

- (B) Council staff from the Retail Unit identify means by which business support for the precinct might be provided and that a report back through the General Manager be prepared.
- (C) City staff continue negotiations with the Roads and Traffic Authority of New South Wales, and seek approval for the roadworks involved in widening the footpath on the southern side of Oxford Street between Flinders Street and an area opposite Darlinghurst Road (the existing slip lane).

Carried unanimously.

ITEM 2. PUBLIC PRESENTATION OF THE 2002/2003 ANNUAL FINANCIAL REPORT AND AUDITOR'S REPORTS (S030604)

Moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Finance Manager to the Extraordinary Meeting of Council on 19 January 2004, on Public Presentation of the 2002/2003 Annual Financial Report and Auditor's Reports, it be resolved that Council -

- (A) present the 2002/2003 Annual Financial Report and auditor's reports to the public; and
- (B) adopt the 2002/2003 Annual Financial Report, as shown at Attachment A to the subject report, subject to the receipt of any submissions over the ensuing 7 day period

Carried unanimously.

ITEM 3. INVESTMENTS HELD BY COUNCIL AS AT 31 DECEMBER 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 the Extraordinary Meeting of Council on 19 January 2004, on Investments held by Council as at 31 December 2003, it be resolved that the report be received and noted.

Carried unanimously.

Closed Meeting

At 5.20pm the Extraordinary Meeting of Council resolved -

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

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 4 on the agenda as this matter 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 Item 5 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;

and it was further resolved that the meeting be closed for 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 4 and 5 were then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public.

ITEM 4. GOULBURN STREET PARKING STATION - BUILDING UPGRADE STRATEGY (L0200588)

Moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Facilities Manager to the Extraordinary Meeting of Council on 19 January 2004, on the Goulburn Street Parking Station - Building Upgrade Strategy, it be resolved that -

- (A) the parking station be upgraded to enhance its long term viability, as outlined in the subject report;
- (B) funding be provided, as outlined in paragraphs 19 and 21 of the subject report; and
- (C) authority be delegated to the General Manager to take all steps necessary to give effect to the terms of this resolution including inviting tenders for design and construction.

Carried unanimously.

ITEM 5. DOMESTIC WASTE SERVICE - ACCEPTANCE OF TENDER NO. 0344 (S027839)

Moved by Councillor Greiner, seconded by Councillor Marsden -

That arising from consideration of a report by the Manager, Contracts and Asset Management to the Extraordinary Meeting of Council on 19 January 2004, on Domestic Waste Service - Acceptance of Tender No 0344, it be resolved that -

- (A) the tender submitted by Collex Pty Ltd for Domestic Waste Services be accepted for the provision of a domestic waste service for a 5 year period;
- (B) Council accept the tendered rate submitted by Collex Pty Ltd for disposal of recycled containers at a rate of \$30 per tonne;
- (C) in accordance with Section 55(3) of the Local Government Act 1993, Council not invite tenders for the disposal of putrescible waste as there is only one service provider in the Sydney Metropolitan area and that a satisfactory result would not be achieved by the invitation of tenders;
- (D) authority be delegated to the General Manager, with the concurrence of the Lord Mayor, to enter into an agreement with Waste Services NSW for the disposal of putrescible waste on the basis described in the subject report;
- (E) Council reject the tendered prices submitted for the disposal of recycled paper, and not invite fresh tenders due to the nature of the industry to provide pricing on a 'per tonne' basis, and the availability of such pricing from all relevant parties in that industry, so that a more advantageous result would not be achieved by inviting tenders;
- (F) authority be delegated to the General Manager to negotiate to obtain the most advantageous price for the City, and to enter into a contract, for the disposal of recycled paper;
- (G) all tenders received in the Regional Recycling Disposal Tender be rejected;
- (H) Council's 2003/04 budget for Domestic Waste Services be reduced in accordance with the annualised savings identified in the subject report; and
- (I) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Monday 19 January 2004

20

At 5.23pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 16 February 2004 at which
meeting the signature herein was subscribed.