



17 NOVEMBER 1997

Meeting No 1253

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.56pm on 17 November 1997 pursuant to Notice 27/1253 dated 13 November 1997.

INDEX TO MINUTES

| <u>Subject</u> | <u>Page No.</u> |
|--|------------------------|
| 1. Confirmation of Minutes..... | 1111 |
| Minute by the Lord Mayor | |
| 1. Visa Agreement with SCVB and Tourism NSW and ATC..... | 1174 |
| Memoranda by the General Manager - | |
| 1. Quarterly Review | 1111 |

| <u>Subject</u> | <u>Page No.</u> |
|--|-----------------|
| 1. Council Name | 1112 |
| 1. Proposed Schedule of Council Meetings for 1998 | 1113 |
| 1. Matters for Tabling..... | 1116 |
| Reports of Committees - | |
| 1. Finance, Properties and Tenders Committee - 10 November 1997..... | 1117 |
| 1. Planning Committee - 10 November 1997..... | 1120 |
| Reports to Council - | |
| 1. Look of the City - Street Furniture Vending Policy..... | 1143 |
| 1. Master Plan for Former Archives Site in Wattle Street, Ultimo | 1144 |
| 1. Further Report to Council on 3-6 Storey Commercial Building and Embellish Park at Rear at 49-61 Miller Street, Pymont..... | 1145 |
| 1. September 1997 - Quarter 1 Budget Review | 1160 |
| 1. Questions - | |
| Questions on Notice..... | 1161 |
| Questions Without Notice..... | 1165 |
| 2. Motions..... | 1168 |
| 3. Ipoh Gardens and Assignment of 2880 Metres of Transferable Floor Space | 1171 |
| 4. Sale of Kens Site By Tender | 1171 |
| 5. Cook & Phillip Park - Advanced Plant Supply Contract Tender No. 9743 | 1172 |
| 6. Cook & Phillip Park - Early Works Contract Tender No. 9746 | 1173 |
| 7. Leasing Agreements for Tenancies in Customs House | 1170 |

PRESENT

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

Councillors - Christopher Cotman, Kathryn Greiner, Graham Jahn, John Emmet McDermott,
Henry Tsang and Julie Walton.

At the commencement of business at 5.56pm those present were:-

The Lord Mayor, Councillors Cotman, Greiner, Jahn, McDermott, Tsang and Walton.

The General Manager, Deputy General Manager, Director City Development, Director City
Projects and Director Legal and Secretariat were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor McDermott, seconded by Councillor Walton -

That the minutes of the Meeting of Council of 20 October 1997, as circulated to Councillors, be confirmed.

Carried

Moved by Councillor McDermott, seconded by Councillor Greiner -

That the minutes of the Extraordinary Meeting of Council of Monday 3 November 1997, as circulated to Councillors, be confirmed.

Carried

Note - It was noted that the minutes of the Extraordinary Meeting of Council of Monday 10 November 1997, and the minutes of the Extraordinary Meeting of Council of Friday 14 November 1997 will be submitted for confirmation at the next meeting of Council.

ITEM 2. VISA AGREEMENT WITH SYDNEY CONVENTION & VISITORS BUREAU AND TOURISM NSW AND AUSTRALIAN TOURISM COMMISSION

FILE NO: S001832

DATE: 17/11/97

MINUTE BY THE LORD MAYOR

Note - This Minute by the Lord Mayor was introduced by the Lord Mayor at a later stage of the meeting. (See page 1174)

ITEM 3. QUARTERLY REVIEW (A03-00792)

FILE NO: A03-00792

DATE: 12/11/97

MEMORANDUM BY THE GENERAL MANAGER

To Council:

At the briefing of Councillors on 3 November 1997, the General Manager provided a quarterly review of operations against the Corporate Plan. This complies with the requirement of the Local Government Act 1993, that this must be done for each quarter.

RECOMMENDATION:

It is recommended that the quarterly review of operations by the General Manager for the quarter ending 30 September 1997 be received and noted.

(SGD) GREG MADDOCK
General Manager

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

That arising from consideration of the Memorandum by the General Manager at the meeting of Council on 17 November 1997 on Quarterly Review of Operations by the General Manager for the Quarter Ending 30 September 1997, it be resolved that the Memorandum be received and noted.

Carried.

ITEM 4. COUNCIL NAME

FILE NO:

DATE: 13/11/97

MEMORANDUM BY THE GENERAL MANAGER

To Council:

On 22 February 1993, Council passed the following resolution:

That arising from consideration of a report by the General Manager dated 9 February 1993, it be resolved that:

1. in view of the need to improve communications with Council's public and stakeholders, the name "Sydney City Council" be used in place of the "The Council of the City of Sydney", except in those cases where for statutory or legal reasons it is necessary to use the longer name;
2. use of the Grant of Arms on letterhead, uniforms and in other places where the Council administration is identified, be discontinued;
3. the crest (that is the crown and anchor) be used as the only insignia to identify the Council organisation.

At the request of the Chairman (the Lord Mayor) and by consent the motion was amended by the addition of the words "in the future" at the beginning of both clauses (2) and (3).

Motion, as amended by consent, carried.

4. On 24 June 1996 Council resolved to adopt a new corporate logo and a revised coat of arms. The new corporate logo refers to Council as "City of Sydney". However, no resolution changing the formal name of Council was passed. In light of the new corporate logo it is considered appropriate that Council resolve to use the name "The Council of the City of Sydney" except in the cases where, for statutory or legal reasons is necessary to use the shorter name.

RECOMMENDATION:

That arising from consideration of a report by the General Manager to Council on 17 November 1997, on Use of Council Name, it be resolved that the name "The Council of the City of Sydney" be used in place of "Sydney City Council" except in those cases where, for statutory or legal reasons, it is necessary to use the shorter name.

(SGD) GREG MADDOCK
GENERAL MANAGER

Moved by Councillor Walton, seconded by Councillor Cotman -

That arising from consideration of a report by the General Manager to Council on 17 November 1997, on Use of Council Name, it be resolved that the name "City of Sydney" be used in place of "Sydney City Council" except in those cases where, for statutory or legal reasons, it is necessary to use the longer name "The Council of the City of Sydney".

Carried.

ITEM 5. PROPOSED SCHEDULE OF COUNCIL MEETINGS FOR 1998 (A04-01171)

FILE NO: A04-01171
DATE: 29/10/97

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Attached for the consideration of Council is a proposed schedule of meetings and briefings for 1998 (Attachment A).

The schedule has been prepared on the basis of the three weekly cycle as previously adopted by Council. Following usual practice, recesses have been scheduled to coincide with school holidays.

The 1998 Annual Conference of the NSW Local Government Association will be held during the week commencing Sunday 18 October 1998. In the proposed program for 1998, in accordance with usual practice, no meetings have been scheduled for that week.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 17 November 1997, on Proposed Schedule of Council Meetings for 1998, it be resolved that the attached schedule of meetings for 1998 be adopted.

(SGD) GREG MADDOCK
General Manager

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

That arising from consideration of a Memorandum by the General Manager to Council on 17 November 1997, on Proposed Schedule of Council Meetings for 1998, it be resolved that the schedule of meetings for 1998 as follows be adopted.

Carried.

1998 PROGRAM OF MEETINGS

| | | |
|--------------------|---------------------------------------|--------|
| MONDAY 16 FEBRUARY | • COMMITTEES | |
| MONDAY 23 FEBRUARY | • COUNCIL | |
| MONDAY 2 MARCH | • BRIEFINGS | |
| MONDAY 9 MARCH | • COMMITTEES | |
| MONDAY 16 MARCH | • COUNCIL | |
| MONDAY 23 MARCH | • BRIEFINGS | |
| MONDAY 30 MARCH | • COMMITTEES | |
| MONDAY 6 APRIL | • COUNCIL | |
| MONDAY 13 APRIL | • RECESS Monday (Public Holiday) | Easter |
| MONDAY 20 APRIL | • RECESS | |
| MONDAY 27 APRIL | • COMMITTEES | |
| MONDAY 4 MAY | • COUNCIL | |
| MONDAY 11 MAY | • BRIEFINGS | |
| MONDAY 18 MAY | • COMMITTEES | |
| MONDAY 25 MAY | • COUNCIL | |
| MONDAY 1 JUNE | • BRIEFINGS | |
| MONDAY 8 JUNE | • RECESS Birthday (Public Holiday) | Queens |
| MONDAY 15 JUNE | • COMMITTEES | |

| | | |
|---------------------|-----------------|---|
| MONDAY 22 JUNE | • COUNCIL | |
| MONDAY 29 JUNE | • BRIEFINGS | |
| MONDAY 6 JULY | • RECESS | |
| MONDAY 13 JULY | • RECESS | |
| MONDAY 20 JULY | • COMMITTEES | |
| MONDAY 27 JULY | • COUNCIL | |
| MONDAY 3 AUGUST | • BRIEFINGS | |
| MONDAY 10 AUGUST | • COMMITTEES | |
| MONDAY 17 AUGUST | • COUNCIL | |
| MONDAY 24 AUGUST | • BRIEFINGS | |
| MONDAY 31 AUGUST | • COMMITTEES | |
| MONDAY 7 SEPTEMBER | • COUNCIL | |
| MONDAY 14 SEPTEMBER | • COMMITTEES | |
| MONDAY 21 SEPTEMBER | • COUNCIL | |
| MONDAY 28 SEPTEMBER | • RECESS | |
| MONDAY 5 OCTOBER | • RECESS | (Labour Day Public Holiday) |
| MONDAY 12 OCTOBER | • EXTRAORDINARY | MEETING If Required |
| MONDAY 19 OCTOBER | • RECESS | Local Government Association Conference |
| MONDAY 26 OCTOBER | • COMMITTEES | |
| MONDAY 2 NOVEMBER | • COUNCIL | |
| MONDAY 9 NOVEMBER | • BRIEFINGS | |
| MONDAY 16 NOVEMBER | • COMMITTEES | |
| MONDAY 23 NOVEMBER | • COUNCIL | |
| MONDAY 30 NOVEMBER | • BRIEFINGS | |
| MONDAY 7 DECEMBER | • COMMITTEES | |
| MONDAY 14 DECEMBER | • COUNCIL | |
| MONDAY 21 DECEMBER | • RECESS | |

The recess continues until the first Committee meetings of 1999.

ITEM 6. MATTERS FOR TABLING

(A) Pecuniary interest returns lodged in accordance with Sections 449(1) and 449(3) of the Local Government Act 1993 were laid on the table.

(B) The following reports were received and laid on the table:

| | | |
|---|-----------------------|--------|
| Australian Broadcasting Corporation | 1996-97 Annual Report | |
| Equitilink Annual Report | 1997 | |
| Local Government and Shires Associations of NSW | 1996/97 Annual Report | |
| Sydney Dance Company Report | 1996 | Annual |
| YHA NSW Inc Report | 1997 | Annual |

Moved by Councillor Walton, seconded by Councillor Greiner -

That the pecuniary interest returns and annual reports be received and noted.

Carried.

ITEM 7. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 10 NOVEMBER 1997

PRESENT

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

Councillors Christopher Cotman, Kathryn Greiner, Graham Jahn, John Emmet McDermott, Henry Tsang and Julie Walton.

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

The Lord Mayor, Councillors Cotman, Greiner, Jahn, McDermott, Tsang and Walton.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of Monday 10 November 1997 be received, and the recommendations set out below for Items 1-4 be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 31 OCTOBER 1997 (A02-00360)

1.

That the report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 10 November 1997, regarding Investments held by Council as at 31 October 1997, be received and noted.

Carried.

Note - Mr J Phillips addressed the meeting of the Finance, Properties and Tenders Committee on this matter.

LOOK OF THE CITY - STREET FURNITURE VENDING POLICY (D02-01769)

2.

That consideration of this matter be deferred until the meeting of Council on 17 November 1997.

Carried.

Note - This matter was dealt with by Council as Item 9 on the Business Paper.

Note - Mr Brian Harrison addressed the meeting of the Finance, Properties and Tenders Committee on this matter.

Closed Meeting

The Finance, Properties and Tenders Committee on 10 November 1997 resolved -

That the meeting of the Finance, Properties and Tenders Committee be closed to the public pursuant to Section 10(2)(d) of the Local Government Act 1993 for discussion on Items 3 and 4, as these matters comprise discussion of proposals for entering into contracts, prior knowledge of which could confer an unfair financial advantage on any person.

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

TENDER NO: 9738 - PROVISION OF TYRE SERVICES (S001576)

3.

That arising from consideration of a report by the Group Manager Physical Services to the Finance, Properties and Tenders Committee on 10 November 1997, concerning the tender process for the provision of tyre services, it be resolved that -

- (A) Council not accept any of the tenders submitted as none of the tenders provide the full range of services required by Council;
- (B) authority be delegated to the General Manager to negotiate an acceptable contract for the provision of tyre services with appropriate tyre companies.

Carried.

**KENT STREET, SYDNEY ADJOINING 167-187 KENT STREET, CALTEX HOUSE -
PROPOSED LEASE OF STRATUM UNDER (S000689)**

4.

That arising from consideration of a report by the Manager Property and Assets to the Finance, Properties and Tenders Committee on 10 November 1997, on Kent Street, Sydney Adjoining 167-187 Kent Street, Caltex House - Proposed Lease of Stratum Under, it be resolved that Council refuse to grant a lease pursuant to section 149 of the Roads Act 1993, to the owner of the adjoining premises 167-187 Kent Street, Sydney currently HSH Hotels (Australia) Limited.

Carried.

Note - The following persons addressed the meeting of the Finance, Properties and Tenders Committee on this matter and left meeting prior to the Committee discussing and determining this matter:

Mr Don Matthews

Mr Ian Armstrong

ITEM 8. REPORT OF THE PLANNING COMMITTEE - 10 NOVEMBER 1997

PRESENT

Councillor Graham Jahn
(Chairman)

Councillors Christopher Cotman, Kathryn Greiner, John Emmet McDermott, Henry Tsang and Julie Walton.

At the commencement of business at 6.22pm those present were:-

Councillors Greiner, Jahn, McDermott, Tsang and Walton.

Adjournment

The meeting of the Planning Committee adjourned at 6.23pm to enable an Extraordinary Meeting of Council to conclude.

At the resumption of the meeting of the Planning Committee at 6.51pm those present were -

Councillors Cotman, Greiner, Jahn, McDermott, Tsang and Walton.

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Greiner -

That the Report of the Planning Committee of its meeting of Monday 10 November 1997 be received, and the recommendations set out below for Items 1-5 and 11 be adopted; items 7-10 and 12-13 be noted; with Item 6 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

LEASE FOR CONSTRUCTION PURPOSES: MARKET ROW ADJACENT TO TOGA HOUSE: 117 YORK STREET, SYDNEY (S000483)

1.

That arising from consideration of a report by the Director City Development to the Planning Committee on 10 November 1997, in relation to the application made by Kell and Rigby Pty

Ltd for the lease of part of Market Row adjacent to premises at 117 York Street, Sydney for construction purposes and taking into consideration the site constraints, it be resolved that -

- (A) owners consent be granted by Council to the lodgement of the required development application for the temporary erection of a tower crane on Market Row only following documentary evidence (to the satisfaction of the Director Legal Services) of the consent of all owners, or relevant parties, over whose land the crane passes;
- (B) subject to development approval, consent be granted to enter into a lease pursuant to Section 153 of the Roads Act, 1993 for occupation of part of Market Row for construction purposes for a period of 12 months at a rental to be set by the General Manager;
- (C) all relevant documentation and plans be executed by Council's attorney.

Carried.

Pecuniary Interest

Prior to discussion on Item 1 at the meeting of the Planning Committee and the meeting of Council, Councillor Walton, in accordance with Section 451 of the Local Government Act, declared a possible pecuniary interest in this matter as she owns an apartment next door which may be affected by this proposal. Councillor Walton left the meeting of the Planning Committee during this item. Councillor Walton did not participate in discussion or voting on this item at the meeting of the Planning Committee or at the meeting of Council.

Note - Mr John Ubaldi and Ms Sylvija Smits addressed the meeting of the Planning Committee on this matter:

MASTER PLAN FOR FORMER ARCHIVES SITE IN WATTLE STREET, ULTIMO (D02-01690)

2.

That consideration of this matter be deferred until the meeting of Council on 17 November 1997.

Carried.

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

Note - The Planning Committee requested that an additional report be prepared for the meeting of Council addressing:

- (A) the views and progress made by the Subcommittee of the Central Sydney Planning Committee in regard to this matter and terms of advice to them;
- (B) the possibility of car parking being contained in a 22 metre wide zone adjacent to the site boundaries leaving the court yard free for substantial landscaping and planting of trees;
- (C) the particular concern about heights in both proposals in particular building one in Option A and heights adjacent to the school and in Jones Street;

- (D) the Planning Committee's preference for the Lanes Option subject to (A), (B) and (C) and any further information.

Note - The following persons addressed the meeting of the Planning Committee on this matter:

Ms Margaret Clarence

Mr Chris Barry

Mr Trevor Waters

REQUEST TO PREPARE DRAFT LEP FOR WHARF 8 DARLING HARBOUR (S00565)

3.

That arising from consideration of a report by the Manager Planning Policy to the Planning Committee on 10 November 1997 on the request for rezoning of wharf 8, it be resolved that:

- (A) A draft Local Environmental Plan (LEP) to rezone wharf 8 not be prepared as it is intended to incorporate this rezoning proposal into the annual report and review process of Central Sydney LEP 1996; and
- (B) Council advise the Sydney Ports Corporation that whilst it would not support the preparation of a draft LEP to amend Central Sydney LEP 1996 at this time, it would support such a rezoning as part of any amendments to be made to LEP 1996 arising from the report and review of the operation of the LEP

Carried.

REVISED AWNINGS POLICY (B04-03368)

4.

That arising from consideration of a report by the Urban Designer to the Planning Committee on 10 November 1997, on Revised Awning Policy, it be resolved that consideration of this matter be deferred to enable further consultation with the Central Sydney Planning Committee.

Carried.

SUBMISSION TO THE DIRECTOR-GENERAL AT THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING ON SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 16 - WALSH BAY DRAFT AMENDMENT NO 1 (D02 - 01613)

5.

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997, on the Draft Amendment No 1 to the Sydney Regional Environmental Plan No 16, it be resolved that the submission contained in Attachment A to the subject report, as amended at the meeting of the Planning Committee, be endorsed and forwarded to the Director-General of the Department of Urban Affairs and Planning.

Carried.

Note - Ms Millicent Chalmers addressed the meeting of the Planning Committee on this matter.

DEVELOPMENT APPLICATION: DEMOLISH NRMA WAREHOUSE AND ERECT 7-9 STOREY RESIDENTIAL BUILDING AT 32-34 BUNN STREET, PYRMONT (D97-00643)

6.

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997 for development application D97-00643 made by EMAG Developments P/L for premises at 32-34 Bunn Street, Pyrmont, to demolish the existing building and construct a 7-9 storey residential building containing 90 units and basement parking for 100 vehicles, it be resolved that:-

- (A) As the application does not adequately address the objectives and principles of SREP 26 and the UDP in this regard, consideration of the application be deferred and the applicant requested to amend the proposal, within 21 days, having regard to the sketches contained in Attachment D to the subject report and Attachment E as distributed at the meeting of the Planning Committee, and also having regard to the following issues, to the satisfaction of Council:
- (1) the Union Lane street wall and returns to Harwood Street and Harwood Lane are to be reduced to 3-4 storeys, so as to comply with the street wall provisions of the UDP and provide a facade which respects the width of the laneway and does not dominate the public domain;
 - (2) the facades to Harwood Lane and Harwood Street are to be further modelled, with elevational contrast, so as to break up the massing, scale and bulk of the building. This may be achieved by realigning the building to the east to allow more room for articulation on the Harwood Street facade. It is acknowledged that realigning the building may cause further protrusions of the street wall control plane and 12m privacy separation distance, however, the applicant must demonstrate that the amendments still achieve the objectives of SREP and the UDP prior to any acceptance of areas of non compliance;
 - (3) the return of the higher street wall in Bunn Street to Harwood Street and Harwood Lane shall be reduced to a length of 12m as permitted in the UDP. (The development currently returns for approximately 12.5m and is excessive);
 - (4) all habitable rooms of units are to have minimum floor to ceiling heights of 2.7 metres or at least 2.55m where units have cross ventilation, at Council's discretion;
 - (5) the subterranean units on Harwood Street and Harwood Lane are to be eliminated or redesigned to achieve larger courtyards, adequate levels of sunlight, cross ventilation and amenity. In this regard, particular attention must be paid to Units numbered 3, 25 and 72 to ensure that units do not have both frontages under street level or have only an easterly aspect;

- (6) the roof features and in particular, lift shafts, shall be designed as integral elements of the roof scape as demonstrated in the sketch contained in Attachment D to the subject report;
 - (7) the fire stair exits and ramp from the basement carpark to Harwood Lane are to be relocated so as not to alienate activity at street level or adversely affect the amenity of units on the ground floor;
 - (8) the main lobby entrance and address to the building should be relocated to Harwood Street as this is a wider street which will receive more sunlight than Harwood Lane. Secondary entrances can still be provided on Harwood Lane or Union Lane;
 - (9) residential units on the ground floor of Bunn Street shall be replaced with commercial/retail units so as to activate the street;
 - (10) internal car parking ramps and service areas are to be redesigned in consultation with Council's Transport and Access Unit and in accordance with the RTA's Guidelines for Traffic Generating Developments, so as to allow safe two way traffic and access to service areas; and
 - (11) brick colours should consist of predominantly creams and light, warm colours and the proposed blue/grey brick reduced to highlighting areas only.
- (B) it be noted that the recommendations contained in clause A do not direct departure from the Pymont/Ultimo Urban Development Plan as stated in the letter from Sarlos Yanchencko dated 10 November 1997;
- (C) should the application not be amended within 21 days, authority be delegated to the General Manager to determine the application in consultation with the Chairman of the Planning Committee, having regard to the short falls of the proposal so identified in the subject report.

At the request of Councillor Jahn and by consent the motion was amended by the deletion of the second sentence of clause (A)(2).

Motion as amended by consent, carried.

Note - The following persons addressed the meeting of the Planning Committee on this matter

-

Mr Paul Talbot
Mr Trevor Waters

Mr Tony Perera
Mr Peter Sarlos

PART "B" - DETERMINED BY PLANNING COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Committee recommended that Council note that Items 7-10 and 12-13 had been determined by the Planning Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: NEW RESIDENTIAL BUILDING - 16-30 BUNN STREET, PYRMONT (D1997 00563)

7.

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997 for development application D1997 00563 made by Marchese Partners Pty Ltd for premises known as 16-30 Bunn Street, Pyrmont for demolition of a three storey building and construction of an eight storey residential building providing 43 units, 54m² ground level retail and 3 levels of basement parking for 63 vehicles, it be resolved that as the Planning Committee regards the proposal as an overdevelopment of the site, consideration of this matter be deferred to enable the applicant to address the following matters:

- (A) set back, street wall height and issues in relation to Edward Lane and Harwood Street, and the need for a dedicated footpath of sufficient width;
- (B) appropriate uses at ground level and amenity issues;
- (C) internal planning;
- (D) non-compliance of fire stairs and other elements;
- (E) basement and plant design;
- (F) external relationship of adjoining developments.

Carried.

Note - The following persons addressed the meeting of the Planning Committee on this matter

-

Mr Phil Simmons

Mr Trevor Waters

Mr Eugene Marchese

DEVELOPMENT APPLICATION: NEW RESIDENTIAL BUILDING - 2-14 BUNN STREET, PYRMONT (D1997 00569)

8.

Moved by Councillor Jahn, seconded by Councillor Cotman -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997 for development application D1997 00569 made by Paul Berkemeier Architects Pty Ltd for premises known as 2-14 Bunn Street, Pyrmont for demolition of single storey buildings and construction of an eight storey residential building providing 43 units, ground level retail/commercial and restaurant space and 2 levels of basement parking for 30 vehicles, it be resolved that as the Planning Committee regards the proposal as an overdevelopment of the site, that consideration of matter be deferred to enable the applicant to address the following matters -

- (A) set back of the tier in Pyrmont Street;
- (B) internal planning including apartment size (in particular the one bedroom apartments) and corridor width;
- (C) non-compliance issues;
- (D) set back issue in Edward Lane and need for a dedicated footpath of adequate width;
- (E) external relationship and contextual expressions in relation to adjoining developments;

Carried.

Note - The following persons addressed the meeting of the Planning Committee on this matter:

Mr Phil Simmons

Mr Trevor Waters

Mr Paul Berkemeier

DEVELOPMENT APPLICATION: PHILIPPINES HOUSE - 31-35 COMMONWEALTH STREET AND 27-33 WENTWORTH AVENUE, SYDNEY (D97-00672)

9.

Moved by Councillor Walton, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997, in relation to the Development Application D97-00672 by Concrete Constructions for Philippines House at - 31-35 Commonwealth Street and 27-33 Wentworth Avenue, Sydney, it be resolved that consideration of this matter be deferred to enable -

- (A) further discussion with the Chairman of the Planning Committee and the Director City Development with a view to improving the quality of the design including facade treatment and bulk, bearing in mind the prominence of the site;

- (B) further consideration to be given to the issue of coach movements, coach parking and the loading dock and the potential for disturbance to residents and occupants of nearby buildings.

Carried.

Note - Mr Nicholas Hilyard and Mr Graham Boys addressed the meeting of the Planning Committee on this matter -

DEVELOPMENT APPLICATION: PROPOSED RESIDENTIAL BUILDING AT 355-359 KENT STREET, SYDNEY (D97-00608)

10.

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997 in relation to development application DZ97-00608 made by Eastview (Australia) Pty Ltd for development of a 26 level residential building at 355-359 Kent Street, Sydney, it be resolved that consideration of this matter be deferred to enable the applicant to further address, to the satisfaction of the Chairman Planning Committee and Director City Development, issues raised at the Planning Committee meeting including -

- (A) the roof feature;
- (B) the entire facade design
- (C) quality of the design particular in view of location of the site in a heritage streetscape;
- (D) location of the car park and access.

Carried.

Note - Mr Kingsley Smith and Mr John Simmons addressed the meeting of the Planning Committee on this matter.

PART "A" - DETERMINED BY COUNCIL (CONT)

DEVELOPMENT APPLICATION: STAGED PROPOSAL FOR ENVELOPE AND HEIGHT OF A 3-6 STOREY COMMERCIAL BUILDING AT 49-61 MILLER STREET, PYRMONT AND TO EMBELLISH PARK AT REAR (D97-00452)

11.

That consideration of this matter be deferred until the meeting of Council on 17 November 1997.

Carried.

Note - This item was dealt with by Council as Item 11 on the Business Paper.

Note - The Planning Committee requested further information in relation to the potential usage of the Festival Records building.

Note - The following persons addressed the meeting of the Planning Committee on this matter:

Ms Fiona McFarland
Mr Trevor Waters
Ms Tony Pizzolato

Ms Margaret Wood
Ms Debra Berryman

PART "B" - DETERMINED BY PLANNING COMMITTEE UNDER DELEGATED AUTHORITY (CONT)

DEVELOPMENT APPLICATION: 315-321 PITT STREET SYDNEY (D97-00452)

12.

Moved by Councillor Walton, seconded by Councillor McDermott -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997, in relation to Development Application D97-00627 made by Chester Corporation Pty Ltd for premises at 315-321 Pitt Street Sydney for alterations and additions to the existing building including refurbishment and construction of an additional five levels, it be resolved that consent be granted subject to the following conditions -

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D97-00627 dated 17 September 1997 and Statement Of Environmental Effects prepared by Jim Rennard & Associates Pty Ltd dated 16 September 1997 and Wind Environment Statement prepared by Windtech Wind Engineers Pty Ltd dated 30 September 1997 and drawings numbered DA2-2.01A, DA2-2.02B, DA2-2.03B - DA2-2.12B, DA2-3.01B, DA2-4.01B - DA2-4.04B prepared by DBI design Corporation Pty Ltd dated September 1997 and as amended by the following conditions:

CONSISTENCY OF DRAWINGS

- (2) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

DESIGN DETAILS

- (3) All windows adjacent to the northern, western and 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 windows. A covenant 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 release of the building approval under section 68 of the Local Government Act 1993 for construction of the development.

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

- (4) The parapet wall and balustrade surrounding the topmost roof terrace shall be increased to 1.5 metres high to the satisfaction of Council in accordance with the Wind Environment Statement dated 30 September 1997 prepared by Windtech Wind Engineers Pty Ltd.
- (5) The proposal is to be redesigned to Council's satisfaction to provide a Garbage Room to accommodate the waste generated by the retail and commercial uses of the building. The Garbage Room is to be large enough to store the waste generated by the development, is to include sufficient area to enable the separation of putrescible from waste suitable for recycling and is to be in a suitable location to facilitate the waste collection service.
- (6) A "Stop" sign is to be installed and maintained at the vehicle egress point within the building to compel vehicles to stop before proceeding onto the public way.
- (7) The awning upgrading proposal is to include the provision of a 0.6m clearance from the face of the awning to the kerb in Pitt Street in compliance with Section 112 of the Local Government (approvals) Regulations 1993.
- (8) Final design details of the proposed building facade including schedules and samples of all external finishes and colours, including glazing and an A4 size colour photograph of the sample board must be submitted for the approval of Council prior to building approval under Section 68 of the Local Government Act 1993 for construction of the development.

AWNINGS

- (9) The awning/canopy must comply with the "Policy and Guidelines For Awnings 1994".
- (10) Any proposal to Strata subdivide the building will require a separate application to Council to obtain approval and endorsement of the Strata Plan pursuant to Section 37 of the Strata Titles (freehold Development)Act 1973.
- (11) A fire control centre shall be provided in the building in accordance with the requirements of Clause E1.8 of the Building Code of Australia.
- (12) Protection of openings in external walls shall comply with Clause C3.2 and C3.4 of the Building Code of Australia in particular Item C3.4.
- (13) The building is to be of Type A construction as required by Part C1 of the BCA.
- (14) Hydrants and hose reels shall be provided throughout the building as required by clauses E1.3 and E1.4 of the BCA.

- (15) Sprinklers shall be provided throughout the building as required by Clause E1.5 of the BCA.
- (16) Emergency lifts shall be provided as required by E3 of the BCA.
- (17) Emergency lighting and exit signs shall be provided throughout the building as required by Part E4 of the BCA.
- (18) An Emergency Warning and Intercommunication System shall be provided in the building as required by Clause E4.9 of the BCA.
- (19) A smoke hazard management system shall be provided in the building as required by Part E2 of the BCA.
- (20) As the tower and basement fire stairs discharge via a common corridor contrary to Clause D1.7 of the BCA. The tower and basement fire stairs shall be pressurised in accordance with the general provisions of Table E2.2(a) of the BCA.
- (21) Access and facilities for people with disabilities shall be provided as required by Parts D3 and F2.4 of the BCA and Sydney City Councils Access Policy 1992.
- (22) Sanitary facilities shall be provided in accordance with the requirements of Part F2 of the BCA. Calculations justifying the number of facilities shall be submitted with any Building Application submitted for approval.
- (23) Room sizes shall comply with the requirements of Part F3 of the BCA.
- (24) Ventilation shall comply with the requirements of Part F4 of the BCA.

CONSTRUCTION COMPLIANCE CERTIFICATION

- (25) The Director City Development shall require periodic certification that all or part of the construction work, including architectural details, is in accordance with the approved development application drawings and conditions of development consent and the approved building application drawings and conditions of consent.

GLAZING

- (26) All external glazing in the development must be clear and untinted.
- (27) 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.

ROLLER SHUTTERS

- (28) Any roller shutter proposed for the retail or public areas must be of an anodised or powder coated finish with polycarbonate infills allowing penetration of at least 50% of available light, to the satisfaction of Council.

CAR PARK ENTRY FINISH

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

PUBLIC DOMAIN PLAN

(30) 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 be lodged for the approval of Council prior to building approval under section 68 of the Local Government Act 1993 for construction of the development.

To facilitate the release of the BA it is suggested that draft plans should be submitted prior to BA submission for advice prior to formal inclusion into the BA. The detailed Public Domain Plan shall address any advice given on the schematic Public Domain Plan.

- (b) The Public Domain Plan shall indicate the following:-
 - (i) Re-paving of the public footways adjoining the site. The paving type shall be Special Design Paving (Consult Council) and the design and construction of the paving and the base shall be in accordance with the “Central Sydney Paving Design Policy 1996” and Council’s specifications.
 - (ii) Adjustments to grades required to comply with Council’s standard of maximum crossfall of 2.5%.
 - (iii) The relocation and reconstruction of kerb ramps and vehicle crossovers in accordance with the “Central Sydney Paving Design Policy 1996” and where required adjustments to the kerb radius, storm water pits, traffic signals and line markings to accommodate the relocated kerb ramps.
 - (iv) The repair, and when required the resetting, of all stone kerbing to 150mm above the gutter height and the replacement of any concrete kerbing with stone kerbing in accordance with the “Central Sydney Paving Design Policy 1996”. Where adjustments to the kerbing require substantial gutter demolition, the entire gutter and the carriageway are to be reconstructed to the centreline of the carriageway.
 - (v) The retention of existing street trees and the installation of new trees where required in accordance with the “Central Sydney Street Tree Policy 1994”.
 - (vi) The retention and repair of any pavement lights.
 - (vii) The retention and repair of any existing stone guttering.
 - (viii) The realignment and level adjustment of services pits to correspond to new kerb ramps and paving.

- (ix) New lids in flagstone paving that can be filled with stone to match the stone paving surrounds. Lids in asphalt paving to be filled with cement mortar coloured to match the asphalt.
- (c) The Public Domain Plan is to:-
- (i) Be drawn at minimum scale 1:100 and to show the footway area 10m on either side of the property boundary.
 - (ii) Show the entire layout of flagstone paving where full flagstone paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed elements. trees and structures on the footway including, paving, kerbing, kerb ramps, vehicle crossings street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and storm water pits.
 - (iv) Include longitudinal sections along the alignment, kerb and gutter on a common datum line. Longitudinal sections are to be drawing to a scale of 1:100 horizontal and 1:10 vertical showing existing levels (AHD) with a thin line (0.25mm) and proposed levels with a thicker line (0.7mm).
 - (v) Include cross sections at scale 1:50 at 10m intervals and through kerb and vehicular ramps and at entrances.
 - (vi) Include plans at scale 1:50 of all corners showing paving layout, kerb ramps, service and stormwater pits and their relationship to the building, line markings and pedestrians signals and kerb ramps on the other side of the street.
 - (vii) Include specifications for the proposed works.

EXTERNAL LIGHTING

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

MODEL

- (32) Prior to the release of the application for construction of the development under Section 68 of the Local Government Act 1993, a 1:500 scale model of the development must be submitted to Council. The model is to comply with all of the conditions of the development and building consent. Council's model maker should be consulted prior to construction of the model.
- (33) The storage and handling of garbage must comply with the requirements of the "Code for Waste Handling in Buildings, adopted 17 October 1994".

- (34) A Waste Management Plan must be submitted to and approved by Council, prior to building approval under Section 68 of the Local Government Act 1993 for construction of the development. In accordance with the provisions of the Waste Minimisation and Management Act 1995, the plan is to detail the process of waste minimisation within the development and shall include procedures by which waste is minimised and managed:
- (a) During demolition and construction including estimates of volumes, procedures for on and off site separation of materials for reuse, recycling and disposal and justification for disposal;
 - (b) During future use including
 - (i) The procedures by which waste is to be minimised and managed within each individual unit or office, on each floor of the building and within the garbage/recycling storage and collection area;
 - (ii) The proposed methods to be adopted to facilitate the use of the garbage and recycling storage areas by residents and tenants, but to prevent their use by non-residents/tenants;
 - (iii) The proposed access to the garbage and recycling storage areas by collection/compaction vehicles;
 - (iv) Provision for the separation of commercial waste from residential waste.

All requirements of the Waste Management Plan, as approved by Council, shall be implemented during the construction and operation of the development.

- (35) The building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage must be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.
- (36) The pavement lightwells in the footways adjoining the site must be upgraded and maintained according to the requirements of and to the satisfaction of Council.

ELECTRICITY SUBSTATION

- (37) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval prior to the lodgement of the Application for building approval under Section 68 of the Local Government Act 1993 for construction of the development.

NUMBERING

- (38) Street numbers and the building name, if any, 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.

- (39) Shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".
- (40) The following conditions apply to car parking:
- (a) The on-site car parking spaces, exclusive of service carspaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant or tenant of the building.
 - (b) Prior to release of the application for construction of the development under Section 68 of the Local Government Act 1993, a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - (c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

RECEPTACLES FOR CIGARETTE BUTTS

- (41) Provision must be made outside the entrance/s to the building for an adequate number of receptacles for the disposal of cigarette butts. The design of the receptacle/s must be approved by Council and details shall be provided with the Application for building approval under Section 68 of the Local Government Act 1993 for construction of the development.

Note - The emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

STORMWATER AND DRAINAGE

- (42) The following stormwater details shall be submitted:
- (a) Prior to the lodgement of the Application for building approval under Section 68 of the Local Government Act 1993 for construction of the development, details of the stormwater disposal and drainage of the development are to be submitted for approval by Council. All approved details for the disposal of stormwater and drainage shall be implemented in the development.
 - (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with 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 Council.

ALIGNMENT LEVELS

(43) The following shall be submitted :-

- (a) Prior to the lodgement of the Application for building approval under Section 68 of the Local Government Act 1993, for construction of the development, a separate application must be made and footpath alignment levels submitted for the design of the building.
- (b) Such application must 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.
- (c) These levels, as approved by council are then to be incorporated into the plans submitted with the Application for building approval under Section 68 of the Local Government Act 1993 for construction of the development.

PUBLIC UTILITY SERVICES

(44) To ensure that public 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 public utility authorities and excavation if necessary, to determine the position and level of services.
- (b) The applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, 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 applicant.
- (c) Documentary evidence is to be submitted to Council from the public authorities confirming that all of their requirements have been satisfied, prior to building approval under Section 68 of the Local Government Act, 1993 for construction of the development.

USE OF MOBILE CRANES

(45) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (46) A Pedestrian and Traffic Management Plan must be submitted prior to building approval under Section 68 of the Local Government Act, 1993 for construction of the development and must include details of :-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.

The Pedestrian and Traffic Management Plan as approved by Council shall be implemented during the construction period.

LOADING AND UNLOADING DURING CONSTRUCTION

- (47) The following requirements apply:-
- (a) All loading and unloading associated with construction shall be accommodated on site.
 - (b) 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.
 - (c) 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.
 - (d) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (48) The following environmental protection measures are required during construction:

- (a) A Water and Sediment Control Statement must be submitted and approved by Council prior to building approval under section 68 of the Local Government Act 1993 for construction of the development.
 - (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 Water and Sediment Control Statement as approved by Council, shall be implemented during the construction period.
 - (d) Any seepage or rain water collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, 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.
- (49) Details of the manner in which it is intended to remove spoil and rubbish from the site in the course of demolition, excavation and construction operations as well as measures to be adopted for the eradication of any vermin from the site must be submitted for the approval of Council prior to the commencement of work.

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

- (50) In accordance with the provisions of the Waste Minimisation and Management Act 1995, details of refuse removal from the demolition site are to be submitted to Council and must include:
- (a) Types and quantities of materials that are to be reused or recycled on and off site and quantities scheduled for disposal;
 - (b) Name of company/contractor undertaking on and off site reuse and recycling and address of recycling outlet;
 - (c) Name of refuse transport contractor and address of disposal site.

This information must be provided prior to commencement of any work on the site and Council is to be notified of any proposed alteration of the above information during the course of demolition.

- (51) 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 satisfaction of Council.
- (52) 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.

HOARDINGS

- (53) A separate application is to be made to Council and a Hoarding Permit obtained for the erection of a hoarding prior to the commencement of any demolition or building work on the site. The hoarding is to be erected to Council's satisfaction and traffic lights, kerb ramps and access to public utility service covers shall not be obstructed. Structural certification by an appropriately qualified practising Structural Engineer that the hoarding complies with the relevant building codes and industry standards shall be provided to the satisfaction of Council.
- (54) The following applies to hoardings:-
 - (a) The design of the hoarding surrounding the site shall be submitted for the approval of the Director City Development prior to the issue of the hoarding permit. The design should:-
 - (i) Be such that during the excavation phase and construction to ground level phase, the construction site is to be visible from the footpath for appropriate lengths on each street frontage, when the Director considers it appropriate;
 - (ii) The hoarding shall be painted and a graphic representation of the development shall be provided on the hoarding on each street elevation. The graphic shall represent the elevation of the development as viewed from the street on which the graphic is to be placed.
 - (b) Council reserves the right to place (free of charge) community information, graphics and/or advertising on the hoarding at its discretion.
 - (c) Hoardings must be continuously maintained to a high standard.

HOURS OF WORK AND NOISE

- (55) The hours of construction and work on the development shall be as follows:
 - (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 am and 7.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 5.00 pm on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allow extended working hours subject to the making of an application in accordance with the Code and under Section 102 of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

- (56) A separate application must be submitted at the appropriate time for the specific use of the new commercial area.
- (57) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

SIGNS

- (58) 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.

Carried.

DEVELOPMENT APPLICATION: PANGAS HOUSE - 15-17 HUNTER STREET, SYDNEY (D97-00520)

13.

Moved by Councillor Jahn, seconded by Councillor Cotman -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997, in relation to Development Application D97-00520 made by De La Vega Architects for premises at 15-17 Hunter Street for demolition of the existing building and construction of a new 25 level residential building, it be resolved that it be noted that -

- (A) the application has been withdrawn and that a letter dated 10 November 1997 from Mr Peter Song indicating withdrawal be noted;

(B) it be further noted that Mr Alex de la Vega appeared at the Planning Committee meeting and also agreed to withdraw the application.

Carried.

Note - Mr Alex de la Vega addressed the meeting of the Planning Committee on this matter.

ITEM 9. LOOK OF THE CITY - STREET FURNITURE VENDING POLICY (D02-01769)

Moved by Councillor Walton, seconded by Councillor Greiner -

That arising from consideration of a report by the Deputy General Manager to the Council meeting on 17 November 1997 on the subject matter, it be resolved that -

- (A) Council adopt the Street Furniture Vending Policy for the management of the Street Vending Structures included in the Look of the City - Street Furniture project and as shown in Attachment A to the subject report;
- (B) a special study and report be commissioned for the consideration of Council on what uses, if any, should be allowed anywhere in the City beyond the fruit, flowers and newspaper vending currently allowed;
- (C) that Mr Brian Harrison's lease be continued on a monthly basis until the State Government's Waterfront Strategy is finalised and/or the report referred to in clause (B) is finalised;
- (D) the confidential part of Attachment A to the subject report be kept confidential because it relates to a matter specified in Section 10(2)(c) of the Local Government Act 1993 namely, commercial information the disclosure of which would be likely to prejudice the commercial position of the person who supplied it.

Carried.

ITEM 10. MASTER PLAN FOR FORMER ARCHIVES SITE IN WATTLE STREET, ULTIMO (D02-01690)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 10 November 1997, on the Master Plan for the former archives redevelopment site in Wattle Street, Ultimo, it be resolved that -

- (A) Council notes that having regard to the extent of design amendments requested by the Central Sydney Planning Committee (CSPC) in relation to the Meriton development application for the subject site, the final cost of the development may be significantly less than the \$63.6M estimated in Meriton's Development Application (DA).
- (B) In the event that the cost is less than \$50M, the consent authority will be Council not the CSPC. In such an event, and as a consequence of the extent of involvement in the assessment of this DA by the CSPC, Council delegate authority to determine the subject development application to a Joint Committee of representatives of Council and the CSPC comprising two members of each body.
- (C) Council members on the Joint Committee comprise the Chairman of the Planning Committee, Councillor Jahn and Councillor Greiner;
- (D) A site inspection of the subject site be arranged for the members of the Joint Committee;
- (E) Authority be delegated to the General Manager, following consultation with the Joint Committee, to place the Urban Development Plan amendments for the subject site, for the option agreed to by the Joint Committee, on public exhibition, in the event that negotiations with Meriton on the design development of their proposal is unsuccessful.
- (F) The Joint Committee be advised of Council's views as follows -
 - (1) Council prefers the lanes option as outlined in the subject report;
 - (2) the Joint Committee should address:
 - (a) the possibility of car parking being contained in a 22 metre wide zone adjacent to the site boundaries leaving the court yard free for substantial landscaping and planting of trees;
 - (b) the particular concern about heights in both proposals outlined in the subject report, in particular building one in Option A and heights adjacent to the school and in Jones Street.

Carried.

ITEM 11. FURTHER REPORT TO COUNCIL ON 3-6 STOREY COMMERCIAL BUILDING AND EMBELLISH PARK AT REAR AT 49-61 MILLER STREET, PYRMONT (D97-00452)

Moved by Councillor Jahn, seconded by Councillor Cotman -

That arising from consideration of reports by the Specialist Planner the Planning Committee on 10 November 1997 and to Council on 17 November 1997 for Stage 1 development application D97-00452 made by City West Development Corporation, for premises shown as lots 1011 & 1012 in unregistered plan of subdivision of lots 101-102 DP839004 (drawn by JP Mitleheuser of Hard & Forester) known as 49-61 Miller Street, Pyrmont, for the footprint, envelope and height of a 3-6 storey commercial building, with 2 basement parking levels and redevelopment and expansion of open space, it be resolved that:-

- (A) The Stage 1 development application be granted consent, subject to the conditions outlined in Schedule 1, to which the applicant has agreed;
- (B) Pursuant to Section 91AB of the Act, the items identified in Schedule 2 must be the subject of another development consent.

SCHEDULE 1

FIRST STAGE CONSENT

- (1) This consent grants approval to the first stage of the application by approving only the following:-
 - (a) the footprint, envelope, bulk, floor space area, commercial use and heights of the building;
 - (b) the location of the vehicular access point from Miller Lane and two levels of basement parking;
 - (c) the footpath widening of Miller Lane;
 - (d) the embellishment and landscaping of the park and open space link to Miller Street; and
 - (e) the construction of the light rail access lift and stair;

as indicated in Development Application D97-00452 dated 15 July 1997 (as amended on 5 September 1997) and Statement of Environmental Effects and drawings numbered DA01-DA12 prepared by City West Development Corporation dated September 1997 and landscape plans numbered DA13-D15, prepared by DM Taylor Landscape Architects Pty Ltd dated May 1997 and as amended by the following conditions:-

STAGED CONSENT

- (2) In accordance with Section 91AB of the Environmental Planning and Assessment Act, 1979, the consent granted herein is only for Stage 1 of the development as identified in Condition 1. Excavation and construction of the building is not to commence until Stage 2 (detailed building design) of the consent is approved by Council.

BUILDING DESIGN

- (3) The approved envelope of the building shall be modified in the following manner and the changes incorporated into the Stage 2 development application:-
 - (a) the corner features on the northern and eastern facades shall be redesigned so as to be integrated into the architecture of the building;
 - (b) the lift over runs and fire stairs shall be relocated off the southern boundary of the building and all the roof structures integrated into the final design of the roof; and
 - (c) the driveway opening to Miller Lane shall be reduced to a maximum length of 10m (to allow adequate sight lines) and the street wall replaced on the Miller Lane frontage.

REMEDICATION

- (4) A Remediation Action Plan prepared by a suitably qualified consultant, demonstrating the full extent of remediation necessary to the area identified as open space, in accordance with EPA requirements, must be submitted for Council's approval. The applicant must also submit an independent audit certifying the adequacy of the RAP. All costs of remediation and associated works are to be borne by the applicant.
- (5) Upon completion of the remediation works and prior to any dedication to Council, an independent audit must be submitted certifying that all works have been performed successfully in accordance with the Remediation Action Plan, to Council's satisfaction.
- (6) Council is not bound to accept a transfer unless such transfer is on conditions satisfactory to Council, including without limitation, Council being satisfied with respect to environmental and contamination conditions.

LANDSCAPING DESIGN

- (7) The detailed design of the existing and new open space area, pedestrian link, light rail access and Miller Street plaza are to be redesigned. Final plans are to be submitted for Council approval addressing, to Council's satisfaction, the following issues:
 - (a) Incorporation of the recommendations of the Remediation Action Plan, in particular, the retention of existing vegetation and adequate provision for drainage, irrigation, footings and new planting;

- (b) Improvement of the security of the park and open space areas through lighting, additional openings to Bulwara Road and Miller Lane and choice of vegetation and planting which allows suitable view corridors and sight lines into and through the park and light rail access;
 - (c) adequate weed removal and suppression techniques, in particular, in the area adjacent to the light rail embankments and further clarification on land ownership and maintenance of the embankment areas;
 - (d) Provision of treatments in accordance with the Public Domain Technical Manual, including pavements, seating, and fences in particular, the existing chain wire fence is to be suitably treated or replaced with an appropriate fence to match adjacent development;
 - (e) Incorporation of the plaza into the Miller Street public domain, through street trees and pavements;
 - (f) Extension of the footpath widening of Miller Lane and treatment for the full length of Miller Lane and Bulwara Road adjacent to the park;
 - (g) Further incorporation of the light rail access into the plaza fronting Miller Street so as to be a public entrance to the light rail. The access currently appears isolated as it is flanked by vegetation and obscured from views from Jones Street and the park; and
 - (h) The means for continued maintenance and operation of the open space link, paved area fronting Miller Street and light rail access.
- (8) The final landscaping and construction plan for all proposed works within the open space areas and the public footway adjacent to the site, must be drawn by a landscape architect or approved landscape consultant and lodged for Council approval, prior to the commencement of any associated work on the site. All proposed work is to be in accordance with the Ultimo\Pyrmont Public Domain Technical Manual and the plans are to include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems; and
 - (f) Specifications, materials and installation of all paving works.

SOUND WALL REMOVAL

- (9) The applicant shall remove only the brown Pebblecrete panels of the sound barrier in the park and shall retain and repair where necessary, the grey concrete panel barrier. In any case, the sound impact on the Bulwarra Street terraces shall be no greater than the present levels as measured by the acoustic report prepared by Wilkinson Murray Pty Limited dated September 1997, titled "Removal of Bulwara Park Barrier, Pymont, Noise Assessment".
- (10) The owner of the site is to dedicate to the public for road purposes, free of cost to Council:-
 - (a) A 2.9m widening of the footpath of Miller Lane for the full frontage of the site to the building site; and
 - (b) A 3m x 3m splay corner at the intersection of the alignments of Miller Street and Miller Lane as widened.
- (11) Detailed road and drainage works engineering design and construction plans for all roadworks required as a consequence if the development are to be submitted to Council and approval gained prior to the commencement of the development of any associated work within the public way. Such plans are to include:-
 - (a) Kerb and gutter alignment, geometric design and specifications;
 - (b) Footway and carriageway design and specifications;
 - (c) Public utility services locations and details of any relocations or deviations required; and
 - (d) Location and specifications of vehicle and pram crossings.
- (12) Details of rights of public access, must be submitted, for Council approval and the relevant rights of way shall be created over the open space link and the light rail access, to the satisfaction of Council, at no cost to Council, in favour of Council and the public.
- (13) All work associated with the remediation, construction and landscaping of the open space and public footway areas adjacent to the site shall be borne by the applicant.
- (14) Upon completion of all work associated with the construction and landscaping of the open space areas and areas adjacent to the public footway and acceptance by Council of the fabric, design and construction standards of the works, the subject areas are to be dedicated to the public as Public Reserve.

LIGHT RAIL

- (15) Full details of the location and design of the light rail access shall be submitted for Council approval. The applicant shall demonstrate, to Council's satisfaction, that the design of the access has been conducted in association with the bodies responsible for the construction and operation of the Ultimo Pymont Light Rail Transit System and shall utilise the Ultimo Pymont Light Rail Coordination Committee chaired by the Department of Transport.

PUBLIC DOMAIN PLAN

- (16) A detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall indicate the following to Council's satisfaction:-
- (a) Re-paving of the public footways adjoining the site. The paving type shall be asphalt and the design and construction of the paving and the base shall be in accordance with the "Public Domain Development Strategy for Ultimo/Pyrmont" and the "Ultimo/Pyrmont Public Domain Technical Manual" and Council's specifications;
 - (b) Adjustments to grades required to comply with Council's standard of maximum crossfall of 2.5%;
 - (c) The relocation and reconstruction of kerb ramps and vehicle crossovers in accordance with the "Public Domain Development Strategy for Ultimo/Pyrmont" and the "Ultimo/Pyrmont Public Domain Technical Manual" and where required adjustments to the kerb radius, storm water pits, traffic signals and line markings to accommodate the relocated kerb ramps;
 - (d) The repair, and when required the resetting, of all stone kerbing to 150mm above the gutter height and the replacement of any concrete kerbing with stone kerbing in accordance with the "Public Domain Development Strategy for Ultimo/Pyrmont" and the "Ultimo/Pyrmont Public Domain Technical Manual". Where adjustments to the kerbing require substantial gutter demolition, the entire gutter and the carriageway are to be reconstructed to the centreline of the carriageway;
 - (e) The retention of existing street trees and the installation of new trees where required in accordance with the "Public Domain Development Strategy for Ultimo/Pyrmont" and the "Ultimo/Pyrmont Public Domain Technical Manual";
 - (f) The retention and repair of any pavement lights;
 - (g) The retention and repair of any existing stone guttering;
 - (h) The realignment and level adjustment of services pits to correspond to new kerb ramps and paving; and
 - (i) New lids in flagstone paving that can be filled with stone to match the stone paving surrounds. Lids in asphalt paving to be filled with cement mortar coloured to match the asphalt.
- (17) The Public Domain Plan is to:-
- (a) Be drawn at minimum scale 1:100 and to show the footway area 10m on either side of the property boundary;
 - (b) Show the entire layout of flagstone paving where full flagstone paving is required;

- (c) Nominate the location, type and material of all existing and proposed elements. trees and structures on the footway including, paving, kerbing, kerb ramps, vehicle crossings street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and storm water pits;
 - (d) Include longitudinal sections along the alignment, kerb and gutter on a common datum line. Longitudinal sections are to be drawing to a scale of 1:100 horizontal and 1:10 vertical showing existing levels (AHD) with a thin line (0.25mm) and proposed levels with a thicker line (0.7mm);
 - (e) Include cross sections at scale 1:50 at 10m intervals and through kerb and vehicular ramps and at entrances;
 - (f) Include plans at scale 1:50 of all corners showing paving layout, kerb ramps, service and stormwater pits and their relationship to the building, line markings and pedestrians signals and kerb ramps on the other side of the street; and
 - (g) Include specifications for the proposed works.
- (18) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

ELECTRICITY SUBSTATION

- (19) The owner must dedicate to Energy Australia, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the substation is to be submitted for Council approval as part of the Stage 2 development application.

CONTROL OF VERMIN

- (20) Details of all measures for the eradication of vermin from the site shall be submitted to Council (to the Area Co-ordinator, City Care) prior to the commencement of any work. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

DEMOLITION/SITE RECTIFICATION

- (21) Works to the development site must not commence until:-
- (a) the owner of the site (unless the owner\developer is City West Development Corporation) has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
 - (b) Without limiting the generality of paragraph (a), the Deed must provide for:-

- (i) a bank guarantee to be provided in the sum of \$300,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$300,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered or filled to allow it to be landscaped and made attractive from any public vantage point; or
- h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (c) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and

- (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

BUILDING HEIGHT

- (22) The height of the building, as defined in Sydney Regional Environmental Plan No. 26 - City West, must not exceed 21.6metres. The height of the top of the roof including any structures erected or placed thereon (exclusive of flagpoles) must not exceed RL 36.1 (AHD).

FLOOR SPACE RATIO

- (23) The floor space ratio for the building must not exceed 2.25:1 calculated in accordance with Sydney Regional Environmental Plan 26 - City West.

SECTION 94 CONTRIBUTION

- (24) A contribution under section 94(1)(b) 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 \$1,091,228.20.

Note: See also paragraph 24(e).

- (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) **Timing of Payment**

The contribution shall be paid prior to the commencement of the development.

- (e) **Indexing**

If the contribution is paid after 31 December of the year in which this consent is granted, then the quantum shall be determined by Director City Development having regard to the Section 94 Contribution Plan and the side agreement with City West Development Corporation.

AFFORDABLE HOUSING CONTRIBUTION

- (25) The Affordable Housing Contribution is as follows:
- (a) In accordance with clause 59 of Sydney Regional Environmental Plan No. 26 - City West and the adopted Affordable Housing Program, and prior to commencement of works, the applicant must provide Council with evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning (City West Office, Level 2, 137 Pyrmont Street, Pyrmont), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$229,438.80
 - (b) Before any occupation of the development, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of the 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 City West Affordable Housing Program.

LOT CONSOLIDATION

- (26) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Building Certificate, Certificate of Occupation, or Certificate of Compliance, as applicable.

SUBDIVISION

- (27) A separate application must be made to Council to approve any Plan of Subdivision in accordance with Part 12 of the Local Government Act 1919.
- (28) An application must be made to Sydney Water for Certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act 1994 (Subdivider/Developer Certificate). Evidence that a Subdivider/Developer Certificate has been obtained is to be produced prior to endorsement of Council's Certificate on the plan of subdivision under Part 12 of the Local Government Act 1919.

Note: You should make immediate application to Sydney Water for this Certificate to avoid problems in servicing your development. Contact Sydney Water, Central Region, Rockdale (Urban Development Section).

OFF SITE WORK REQUIRED

- (29) The applicant shall pay the cost of relocating the electric light pole(s) in the public way adjacent to the development, to a site satisfactory to Council.

- (30) The applicant shall provide vehicular footway crossings if required and reinstate the footpath where any existing crossings adjacent to the site are no longer required, to the requirements of Council.
- (31) All costs of traffic management measures and variation to existing kerbside restrictions associated with the development shall be borne by the developer.

PUBLIC UTILITY SERVICES

- (32) To ensure that public 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 public utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) The applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, State Rail 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 applicant.
- (33) Documentary evidence is to be submitted to Council from the public authorities confirming that all of their requirements have been satisfied, prior to commencement of work.

HOURS OF WORK AND NOISE

- (34) 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 the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites."
- (35) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E, or F of Schedule 1 of the "City of Sydney

Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

USE OF MOBILE CRANES

(36) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

(37) A Pedestrian and Traffic Management Plan must be submitted prior to the commencement of work and must include details of:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.

The Pedestrian and Traffic Management Plan as approved by Council shall be implemented during the construction period.

(38) All construction traffic shall use the Ultimo-Pyrmont Construction Traffic Route.

LOADING AND UNLOADING DURING CONSTRUCTION

(39) The following requirements apply:-

- (a) All loading and unloading associated with construction and works shall be accommodated on site.
- (b) 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.

- (c) 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.
- (d) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

- (40) The following environmental protection measures are required during the works:
 - (a) A Water and Sediment Control Statement must be submitted and approved by Council prior to commencement of work.
 - (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 Water and Sediment Control Statement as approved by Council, shall be implemented during the works period.
 - (d) Any seepage or rain water collected on site during works must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, 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.
- (41) Details of the destination of spoil removed from the site during the course of excavation must be submitted for the approval of Council. This must include:-
 - (a) type and quantities of excavated material;
 - (b) name/address of company/organisation accepting excavated material;

- (c) address of proposed site of disposal;
- (d) name and address of transport company.

Council must be furnished with the above information prior to commencement of work. Council must be notified of any proposed change in any of the above details throughout the course of construction.

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

- (42) 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.

HOARDINGS

- (43) A separate application is to be made to Council and a Hoarding Permit obtained for the erection of a hoarding prior to the commencement of any demolition or work on the site. The hoarding is to be erected to Council's satisfaction and traffic lights, kerb ramps and access to public utility service covers shall not be obstructed. Structural certification by an appropriately qualified practising Structural Engineer that the hoarding complies with the relevant building codes and industry standards shall be provided to the satisfaction of Council.

- (44) The following applies to hoardings:-

- (a) The design of the hoarding surrounding the site shall be submitted for the approval of the Director City Development prior to the issue of the hoarding permit. The design should:-
 - (i) Be such that during the excavation phase and construction to ground level phase, the construction site is to be visible from the footpath for appropriate lengths on each street frontage, when the Director considers it appropriate;
 - (ii) The hoarding shall be painted and a graphic representation of the development shall be provided on the hoarding on each street elevation. The graphic shall represent the elevation of the development as viewed from the street on which the graphic is to be placed.
- (b) Council reserves the right to place (free of charge) community information, graphics and/or advertising on the hoarding at its discretion.
- (c) Hoardings must be continuously maintained to a high standard.

SHORING

- (45) Where shoring abuts the public way a Road Opening Permit is to be obtained from Council and a separate application made for the approval of detailed shoring plans, and associated documentation to Council's satisfaction, prior to commencement of any excavation of the site. Structural certification by an appropriately qualified

practising Structural Engineer and a geotechnical report to ensure a stable excavated site and public way including certification of the foundation material, is to be provided.

SCHEDULE 2

STAGE 2 DEVELOPMENT CONSENT

- (46) In accordance with Section 91AB of the EPA Act, 1979, another Development Application shall be submitted to Council setting out those details of the development not included in Schedule 1. The subject of the Stage 2 development application shall be in accordance with the principles and objectives of SREP 26 and the UDP - 1995 Update and shall include the following:-
- (a) design refinement of all corner features so as to be integrated into the architecture of the building;
 - (b) proposed materials and colours;
 - (c) relocation and integration of roof structures such as lift over runs, fire stairs and mechanical equipment;
 - (d) facade articulation, detailing and modulation with particular regard to the building interface with the public domain and Festival Records;
 - (e) reduction of the driveway length in Miller Lane and continuation of the street wall so as to provide an active and friendly street frontage;
 - (f) future uses, in particular, the provision of active uses on the ground floor appropriate as an interface with the public domain;
 - (g) provision of public art on the building facades fronting the public domain, in accordance with the UDP and Council's Public Art Policy;
 - (h) proposed signage;
 - (i) archaeological potential of the site;
 - (j) design of the car park layout to comply with AS 2890.1-1993 and the UDP provisions, including, number of car and service vehicle spaces, design of internal ramps to allow two way traffic flow and service vehicle access;
 - (k) bicycle storage and facilities and motor bike parking in accordance with the UDP;
 - (l) disabled access to all areas of the building;
 - (m) measures to address ESD principles such as energy efficiency, water conservation and recycling and waste management;

- (n) incorporation of the recommendations of the consultant's wind, reflectivity and acoustic report, as submitted with the Stage 1 development application, into the design of the building; and
- (o) provision for on site garbage collection requirements in accordance with Council's Waste and Garbage Policy.

(C) The issue of current intervention and dumping in the park to form part of a separate report with appropriate action to be taken.

The motion was carried on the following show of hands:-

Ayes (6) - The Chairman (the Lord Mayor), Councillors Cotman, Greiner, Jahn, McDermott and Walton

Noes (1) - Councillor Tsang

Carried.

Declaration of Interest

Prior to discussion on this matter at the meeting of Council the Chairman (the Lord Mayor) declared an interest in this matter as he is a member of the Board of the City West Development Corporation.

ITEM 12. SEPTEMBER 1997 - QUARTER 1 BUDGET REVIEW (B03-00277)

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

That arising from consideration of a report by the Senior Management Accountant to Council on 17 November 1997, it be resolved that Council:-

- (A) Note the year end forecast showing a result of \$26.6M;
- (B) Note the year end forecast for plant and assets of \$7.7M;
- (C) Note the year end forecast for capital works of \$60.8M;
- (D) Note that these forecasts remain the same as the adopted budget, therefore there are no variations that Council is required to approve.

Carried.

ITEM 13. QUESTIONS ON NOTICE

SECURITY CAMERAS (A04-01284)

1. By Councillor Greiner -

Question

Lord Mayor, further to the Questions on Notice from Councillor Tsang on the 21st of April and Councillor Walton on the 23rd of June this year, could you please clarify the position of Council in regards to cameras in the Town Hall and Town Hall House on the following questions:

- (i) Could you please inform Council of the exact number and positions of any cameras currently installed in the Town Hall and Town Hall House for security or any other reasons?
- (ii) Could you please inform Council of the exact number and positions of any cameras that are planned to be installed in the future?
- (iii) Can you confirm that the cameras installed in the Town Hall and Town Hall House conform with privacy regulations?
- (iv) Bearing in mind issues of privacy, could you please ensure that it is clear to all those who are being filmed by these cameras, that they are being filmed, by having the appropriate signage placed either on or near the cameras.
- (v) I also draw your attention to the answer of the Deputy General Manager to a question by Councillor Tsang in Council on 21 April 1997. In response to Councillor Tsang's question, "what security function do these cameras serve?" the Deputy General Manager replied "the cameras will assist in combating vandalism"

Will you ensure that security cameras will only be installed in the Town Hall or Town Hall House where there is a strong possibility of vandalism?

- (vi) Finally, due to the sensitivity of this matter, will you ensure that no security cameras are installed inside the Town Hall or Town Hall House without the express approval of Council?

Answer by the Lord Mayor

I have asked the General Manager to let Councillors have a confidential report in response to the matters you have raised.

MONORAIL ON PYRMONT BRIDGE (A04-01284)

2. By Councillor Greiner -

Question

Lord Mayor, as I was walking along the ramp that leads from Market Street to the Pyrmont Bridge I became aware of the closeness of the Monorail to the pedestrians on the ramp and the lack of warning signs in regards to the possible dangers of electrification.

I also became aware of the ease with which someone could gain access to the electrified rail.

I would like to ensure that the public know of the danger that the rail poses. I think that Council officers should either erect a warning sign on the appropriate pylons of the monorail and/or report back to Council on other measures necessary to ensure the public's safety and to protect Council from any possible litigation.

Will you ensure that the appropriate action is taken by Council on this issue?

Answer by the Lord Mayor

I have asked the General Manager to address this issue and to report in the Councillors' Information Service.

CAMPBELL STREET AREA - DISORDERLY BEHAVIOUR (A04-01290)

3. By Councillor McDermott -

Question

Lord Mayor, I and other Councillors have received complaints about disorderly behaviour in the Campbell Street area. Apparently it is becoming worse and it is now being said that there environs have become a "rough area".

We are all aware that all that is required for a breakdown in amenities is for authorities like ours to stand by and watch it happen. The reverse is also true, particularly in the early stages.

Can we Councillors please have an assurance that Council's ordinance officers will increase their surveillance, particularly in the early mornings and evenings which are the worst times. Could Council not also discuss the matter with the local police? Apparently there are occasions on which the police do not attend calls. Can Council not have its own ordinance officers available to be contacted by telephone at such times?

Answer by the Lord Mayor

Council has never, as matter of policy, sought to replace, or carry out the functions of, Police for reasons of the limited powers of our staff, as well as resources. We do not have, nor should we have, our own Police force.

Nevertheless, I have asked the General Manager to see how we can influence the outcomes in this area, as we successfully did several years ago, and to report back via the Councillors' Information Service.

VERMIN IN THE CITY (A04-01290)

4. By Councillor McDermott -

Question

Lord Mayor is it true, as was suggested by the Sun Herald on 9 November 1997, that rats outnumber residents in the City of Sydney by at least three to one?

Will Council provide a permanent solution before the Olympics?

Answer by the Lord Mayor

The Director Service Delivery provided a detailed response to a Question On Notice on a related matter at Council on 2 June, 1997. I will ask for an update on progress to be circulated via the Councillors' Information Service or at Council.

PROBITY AUDIT (A04-01290)

5. By Councillor McDermott -

Question

Lord Mayor, the Councillors' Information Service No 25 (Item 1) includes an esoteric reference to

“Probity Audit - United Way Sydney.

An assessment was made of the bona fides of this charitable organisation, who had proposed a partnership with Council. Corporate Policy have since made a decision on future relationship with the UWS, having made reference to the audit report.”

Whilst this document is prepared for Councillors, we are in fact given no hint as to what this matter is all about.

This sort of notation is therefore an exercise in futility.

What is the position?

Answer by the Lord Mayor

I have asked the General Manager to provide to Councillors further information (possibly on a confidential basis) on this matter.

CORRUPTION PREVENTION AND INVESTIGATION (A04-01290)

6. By Councillor McDermott -

Question

Lord Mayor, CIS No 25 (Item 1) reports that there were “ten confidential matters addressed during the quarter”. As the heading to this notation is “Corruption Prevention and Investigation”, obviously there were concerns about corruption about each of the ten matters in issue.

I have frequently asked questions about such reports and have never received any details.

What is the point in these oblique references unless we are advised as to whether concerns about corruption have either been confirmed or can be dismissed, as to the relevant details:

Could we please have a briefing on this topic?

Answer by the Lord Mayor

I will ask the General Manager to advise on the most appropriate way of providing further information to Councillors, bearing in mind the need for total confidentiality in the case of ongoing investigations.

QUESTIONS WITHOUT NOTICE

AWARDS FOR EXCELLENCE (A04-01289)

1. By Councillor Tsang -

Question

Lord Mayor, are you aware that Sydney Town Hall has recently been awarded two prizes by the Meetings Industry Association of Australia? An Award for Excellence was awarded to a member of Council's staff, Tracey Hargans, for "Outstanding Sales and Marketing" of the Town Hall, and the Town Hall received a Certificate of Merit in the Specialty Venue Category.

Lord Mayor, would you accept these two certificates as a standard of Council's performance?

Answer by the Lord Mayor

Thank you, Deputy Lord Mayor. I am aware of these awards and I have already sent a message of congratulations, through the General Manager, to the staff. I have put on record Council's appreciation and congratulations for their level of performance which led to these awards.

CHANGES TO APPROVED DESIGN OF BUILDINGS (A04-01286)

2. By Councillor Greiner -

Question

Lord Mayor, recent publicity alerted us all to your concerns of changes to the construction of buildings, these changes being made without Council's consent.

Can you tell us if there are any buildings currently under construction which have no Council consent whatsoever?

Answer by the Lord Mayor

Councillor Greiner, do you mean buildings or parts of buildings? I am not aware of any buildings which are currently under construction without Council consent. If you are, then I think that you have an obligation to advise the Director City Development and the General Manager.

If you mean any buildings where there have been amendments without Council approval, then there have been some in relation to a number of Meriton developments and there have been two or three others, I think, where there has been some degree of non-compliance.

PREVIOUS QUESTIONS ON NOTICE (A04-01289)

3. By Councillor Tsang -

Question

Lord Mayor, my question is through you to the General Manager.

On 26 August 1996 I asked a question on notice regarding illegal hot-dog vendors operating in the city. One year and three months on, I am still awaiting a response.

Another example is a question I asked about heritage signs in Millers Point. I asked one question on 15 July 1996 and another one on 23 September 1996. I am still waiting for the response.

General Manager, what action are you taking to address these questions I have asked?

Answer by the Lord Mayor

I will refer this to the General Manager.

General Manager, would you please ask your staff to ensure that those questions that have been asked are properly followed up.

BRIEFING ON BROTHELS (A04-01286)

4. By Councillor Greiner -

Question

Lord Mayor, a few weeks ago I was invited to present a paper to the Environmental Planning Lawyers' Association on morality and planning issues, with particular reference to brothels.

I sought a briefing through the Planning Department to ensure that I was up to date. This request was inappropriately refused by the General Manager on the grounds that all Councillors were to receive a briefing on brothels.

Could you please inform us when this briefing is likely to occur?

Answer by the Lord Mayor

Councillor Greiner, I can't exactly, but the General Manager and I will make sure that we discuss it. The General Manager and I meet weekly and he puts up proposals for briefings and there are matters, of course, that I refer to him as well. We try and use the Councillors' time on Monday afternoons in the most efficient way possible.

It is standard policy that Councillors do not request individual briefings because it unfairly uses staff time. However, we will have a collective briefing on brothels.

BRIEFING ON BROTHELS (A04-01277)

5. By Councillor McDermott -

Question

Lord Mayor, part of an application for a brothel came across my desk today. It was a Council notice and it looked to me as though it was a matter that might be dealt with by way of delegated authority.

Could you please assure Councillors that brothel applications do come to Council, at least until we get a briefing?

Answer by the Lord Mayor

Councillor McDermott, all I can do is assure you that there will be a briefing and we can discuss those matters then.

MEETINGS WITH SENIOR STAFF (A04-01289)

6. By Councillor Tsang -

Question

Lord Mayor, my question is through you to the General Manager.

Last week one of his Directors organised a meeting in my office before going on to a site meeting. After waiting ten minutes in my office, and he did not show up, I went ahead to the site without him. An hour later, he still did not show up or send an apology.

Lord Mayor, could you ask the General Manager in the future if he could ensure that his senior staff keep their appointments with Councillors?

Answer by the Lord Mayor

Thank you, Deputy Lord Mayor. I will refer that to the General Manager.

PARKING AT CAPITOL THEATRE (A04-01286)

7. By Councillor Greiner -

Question

Lord Mayor, we are still receiving complaints concerning parking around the Capitol Theatre.

I understand that on 6 August, at the Chinatown Liaison Committee meeting, you requested a report from Council staff on that issue with a time line of one month.

Could you tell us if that report is in hand and, if so, will it be circulated to Councillors?

Answer by the Lord Mayor

I do not recall the request for a report, but I will refer the matter to the Director City Development to follow up and respond as soon as possible.

ITEM 14. NOTICE OF MOTION

CITY WEST DEVELOPMENT CORPORATION (A04-01288)

1. Moved by Councillor McDermott, seconded by Councillor Greiner -

That Council resolve to enter into negotiations with City West Development Corporation to purchase sites D1 and D2 at Pymont Point for the price which has been indicated to Council on the basis that:-

- (i) City West be asked to deal only with Council and not to proceed to auction or tender;
- (ii) The manner of meeting the purchase price be determined at a future date from one of the following sources:-
 - (a) not proceeding with, or at least delaying, the swimming pool and the parking complex in Phillip and Cook Parks;
 - (b) borrowings from external sources to be repaid over a period and to be financed not from competing capital works but one or more of:-
 - additional rates received from newly constructed residential home units;
 - additional income received from parking meters and fines (since the introduction of the casino);
 - savings over and above those already achieved from competitive tendering;
 - (c) borrowing internally from unrestricted funds which are available;
 - (d) proceeds of land sales;
- (iii) If Council is unable to negotiate a purchase prior to auction, it attend at the auction and bid;
- (iv) Authority be delegated to the General Manager to enter into negotiations with City West Development Corporation;
- (v) This matter be placed on Council's agenda for 8 December 1997

and that Council so proceed in recognition of the maxim that Government purpose is to accumulate services and facilities rather than funds.

Amendment moved by Councillor Walton, seconded by Councillor Tsang -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That Council note the Notice of Motion by Councillor McDermott concerning sites D1 and D2 at Pymont and it be resolved that -

- (A) a comprehensive report, covering the passive and active open space needs of Pymont and Ultimo, be submitted to the next meeting of Council;
- (B) Council endorse the Lord Mayor's position on this matter, confirmed in letters to residents dated 22 October 1997 and 3 November 1997.

The amendment was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) Councillors Cotman, Greiner and McDermott

The substantive motion was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) Councillors Cotman, Greiner and McDermott

The substantive motion was carried.

Note - During discussion on this matter, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was moved by Councillor McDermott, seconded by Councillor Walton -

That the Chairman (the Lord Mayor) be granted an extension of time of two minutes to speak on this matter.

Carried.

Declaration of Interest

Prior to discussion on this matter at the meeting of Council, the Chairman (the Lord Mayor) declared an interest in this matter as he is a member of the Board of the City West Development Corporation.

Closed Meeting

At 7.34pm the Council resolved -

That the meeting of Council be closed to the public pursuant to Section 10(2)(d) of the Local Government Act 1993 for discussion on Items 15-19 inclusive as these matters comprise discussion on proposals for entering into contracts, prior knowledge of which could confer an unfair financial advantage on any person.

The following items were then dealt with by Council while the meeting was closed to the public.

At this stage of the meeting, Council resolved, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, to alter the order of business by bringing forward Item 19.

**ITEM 19. LEASING AGREEMENTS FOR TENANCIES IN CUSTOMS HOUSE
(L02-00910/1)**

Moved by Councillor Walton, seconded by Councillor Tsang -

That arising from consideration of a report by the Senior Property Manager to Council on 17 November 1997 on Leasing Agreements for Tenancies in Customs House, it be resolved that -

- (A) the terms and conditions for the leases to Red Ochre Pty Ltd, The Tea Centre Pty Ltd, NSW Ministry for the Arts for the Centre for Contemporary Crafts, and The Australian Museum Trust as detailed in clauses 7 and 8 of the subject report be approved;
- (B) the General Manager be authorised to arrange and execute the relevant lease documentation for these leases and negotiate any final change necessary to conclude the agreements;
- (C) Council delegate to the General Manager the authority to conclude the terms of the remaining tenancies and execute the relevant lease documentation for those tenancies within the total budget for the project.

Amendment moved by Councillor Cotman, seconded by Councillor McDermott -

That the motion be amended by -

- (i) the deletion of clause (C) and the substitution of a new clause as follows -
 - (C) the General Manager report back to Council on conclusion of the remaining tenancies prior to execution of the relevant lease documentation;
- (ii) That a clause (D) be added as follows -
 - (D) that clause (A) above be subject to consideration of financial sureties.

The amendment was lost on the following show of hands -

Ayes (3) Councillors Cotman, Greiner and McDermott

Noes (4) The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

The motion was carried on the following show of hands -

Ayes (6) The Chairman (the Lord Mayor), Councillors Cotman, Jahn, McDermott, Tsang and Walton

Noes (1) Councillor Greiner

Carried.

ITEM 15. IPOH GARDENS AND ASSIGNMENT OF 2880 METRES OF TRANSFERABLE FLOOR SPACE (S001661)

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

That arising from consideration of a report by the Manager, Property Strategy and Assets to Council on 17 November 1997, on Ipoh Gardens and Assignment of 2880 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 the Trust Company of Australia Limited of 2,880 metres of floor space for a total sale price of \$2,000,000.00;
- (B) the Deed of transfer be finalised by Council solicitors and executed by Council;
- (C) the funds received by Council be placed in the property reserve.

Carried.

ITEM 16. SALE OF KENS SITE BY TENDER (PO6.02124)

Moved by Councillor Walton, seconded by Councillor Jahn -

That arising from consideration of a report by the Manager Property Strategy to Council on 17 November 1997, it be resolved that -

- (A) the conforming Multistar Tender A be accepted;
- (B) approval be given to proceed with completion of the necessary documentation including, if required, a sub-lease for the proposed new carpark;
- (C) the General Manager or Council's attorney be authorised to sign and complete all documentation required to complete the sale, including, if required, the sub-lease for the new carpark.

Amendment moved by Councillor Greiner, seconded by Councillor McDermott -

That the motion be amended by the deletion of clause (A) and the substitution of the following new clause -

- (A) Tender B, non-conforming 2 be accepted;

Following discussion and at the request of the Chairman (the Lord Mayor), and with the consent of the mover and seconder of the motion, the motion was amended by the deletion of clauses (B) and (C) and the substitution of the following new clauses (B), (C) and (D) -

- (B) Council agree to the apportionment of the cash price with the New South Wales State Government based on the offer contained in the letter from the New South Wales Department of Public Works and Services dated 14 November 1997, provided this is extended to Tender A;

- (C) Council provide an indemnity to its co-vendors in respect of any legal claim that may be made against them because of Council's decision to remove the Kent Street pedestrian bridge or a subsequent change of policy to grant a lease for a pedestrian bridge over Kent Street;
- (D) the General Manager or Council's attorney be authorised to sign and complete all documentation required to complete the sale.

The amendment was lost on the following show of hands -

Ayes (3) Councillors Cotman, Greiner and McDermott

Noes (4) The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

The motion, as amended by consent, was carried unanimously.

**ITEM 17. COOK & PHILLIP PARK - ADVANCED PLANT SUPPLY CONTRACT
TENDER NO. 9743 (S000640)**

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

That arising from consideration of a report by the Project Manager - City Projects, to Council on 17 November 1997, regarding the Cook and Phillip Park Advanced Plant Supply Contract (Tender No. 9743), it be resolved that:

- (A) Council accept the tender submitted by Andreasons Green;
- (B) Council enter into a contract for the sum of \$176,700;
- (C) all relevant documentation and contracts be executed by the General Manager or his delegate.

Carried.

**ITEM 18. COOK & PHILLIP PARK - EARLY WORKS CONTRACT TENDER NO.
9746 (S000624)**

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

That arising from consideration of a report by the Project Manager - City Projects, to Council on 17 November 1997, regarding the Cook and Phillip Park Early Works Contract (Tender No. 9746), it be resolved that -

- (A) Council award the tender to Walker Civil Engineering;
- (B) Council enter into a contract for the sum of \$4,595,000;
- (C) all relevant documentation and contracts be executed by the General Manager.

The motion was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (3) Councillors Cotman, Greiner and McDermott

Carried.

**ITEM 19. LEASING AGREEMENTS FOR TENANCIES IN CUSTOMS HOUSE
(L02-00910/1)**

Note - This matter was dealt with at an earlier stage of the meeting (see page 1170).

At this stage of the meeting, the Chairman (the Lord Mayor), circulated a confidential Minute by the Lord Mayor.

Council resolved that the meeting of Council remain closed to the public pursuant to Section 10(2)(e) of the Local Government Act 1993 for discussion on Item 2 as this matter comprised information that is subject to legal obligations of confidence.

ITEM 2: VISA AGREEMENT WITH SYDNEY CONVENTION AND VISITORS BUREAU, TOURISM NSW AND AUSTRALIAN TOURISM COMMISSION (S001832)

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

That arising from consideration of a Minute by the Lord Mayor to Council on 17 November 1997, regarding an agreement between Visa and Tourism New South Wales, Sydney Convention and Visitors Bureau and possibly the Australian Tourism Commission in relation to various marketing campaigns, it be resolved that Council -

- (A) pursue the protection of its position in this matter, including the taking of legal action as appropriate;
- (B) advise the Sydney Convention and Visitors Bureau that Council is reconsidering its position in respect of its funding for the Sydney Convention and Visitors Bureau.

Carried.

At 8.28pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 8 December 1997 at which
meeting the signature herein was subscribed.