

COUNCIL

Meeting No 1469
Monday 12 May 2008
Notice No 4/1469
Notice Date 8 May 2008

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. CONFIRMATION OF MINUTES	355
2. DISCLOSURES OF INTEREST	355
3. MINUTES BY THE LORD MAYOR -	
3.1 2020 SUMMIT AND CCCLM MEETING WITH THE PRIME MINISTER.....	356
3.2 GLEBE AFFORDABLE HOUSING PROJECT	358
3.3 PRO-DEVELOPER LAWS	361
4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER -	
4.1 REVISED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2008	364
5. QUESTION TIME.....	368
6. MATTERS FOR TABLING	381
7. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 5 MAY 2008	382
7.1 DISCLOSURES OF INTEREST.....	383
7.2 2007/08 QUARTER 3 REVIEW – CORPORATE PLAN 2008-2011.....	383
7.3 INVESTMENTS HELD AS AT 31 MARCH 2008	384
7.4 DRAFT CORPORATE PLAN 2009-2012 AND DRAFT BUDGET 2008/09	384
7.5 CITY PARTICIPATION IN NSW GOVERNMENT'S MISSION TO CHINA - MAY 2008.....	388
7.6 CITY PARTICIPATION IN 38TH ANNUAL SAN FRANCISCO LGBT PRIDE CELEBRATION - JUNE 2008	388
7.7 OWNER'S CONSENT - ADBOOTH DEVELOPMENT APPLICATIONS.....	389
7.8 SYDNEY TOWN HALL - PHASE 1 ESSENTIAL SERVICES UPGRADE- APRIL 2008 REPORT	389
7.9 STANLEY STREET CONCEPT DESIGN	389
7.10 EXTENSION OF THE YWCA BROKERAGE CONTRACT	390
7.11 SPONSORSHIP – GLEBE YOUTH SERVICE	390

INDEX TO MINUTES

ITEM	PAGE NO
7.12 SPONSORSHIP - WORLD YOUTH DAY 2008	390
7.13 SPONSORSHIP - SYDNEY 2009 WORLD MASTERS GAMES.....	391
7.14 TENDER - SUPPLY AND PROCESSING OF SERIALS.....	391
7.15 TENDER - SUPPLY AND DELIVERY OF BULK LANDSCAPE MATERIALS	392
7.16 TENDER - PROPERTY SERVICES.....	392
7.17 PROPERTY MATTER (CONFIDENTIAL).....	393
8. REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE - 5 MAY 2008	394
8.1 DISCLOSURES OF INTEREST.....	394
8.2 LILLIAN FOWLER RESERVE PLAN OF MANAGEMENT	395
9. REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 5 MAY 2008	396
9.1 DISCLOSURES OF INTEREST.....	397
9.2 NAIDOC WEEK 2008	397
9.3 GREEN SQUARE TOWN CENTRE COMMUNITY FACILITIES - LIBRARY, CULTURAL AND COMMUNITY CENTRE	397
10. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 5 MAY 2008	398
10.1 DISCLOSURES OF INTEREST.....	399
10.2 POST EXHIBITION REPORT - ROSEBERY HERITAGE ASSESSMENT DRAFT STUDY	400
10.3 GREEN SQUARE AND SOUTHERN AREAS RETAIL STUDY 2008	401
10.4 PUBLIC EXHIBITION - GREEN SQUARE TOWN CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN AMENDMENTS	402
10.5 GREEN SQUARE-WEST KENSINGTON FLOOD STUDY AND FLOODPLAIN RISK MANAGEMENT PROCESS.....	403
10.6 CITY EAST LOCAL AREA TRAFFIC MANAGEMENT SCHEME REVIEW	403

INDEX TO MINUTES

ITEM	PAGE NO
10.7 SYDNEY LINK – DRAFT SUBMISSION	404
10.8 REPORT OF THE OPERATIONS OF THE SMALL PERMITS APPEALS PANEL	405
10.9 REVIEW OF STANDARD DEVELOPMENT APPLICATION CONDITIONS.....	405
10.10 GENERAL BUSINESS	408
10.11 DEVELOPMENT APPLICATION: 4 HERCULES STREET SURRY HILLS	409
10.12 DEVELOPMENT APPLICATION: 1-9 REGENT STREET CHIPPENDALE.....	415
10.13 SECTION 96 APPLICATION: 2-14 EVE STREET ERSKINEVILLE - MOTTO BUILDING.....	427
10.14 SECTION 96 APPLICATIONS: 5010 GEORGE STREET DAWES POINT AND 5010 ARGYLE STREET MILLERS POINT - BUS SHELTERS	428
11. QUESTIONS ON NOTICE.....	429
12. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS.....	431
13. NOTICES OF MOTION.....	454

PRESENT

The Right Hon The Lord Mayor Councillor Clover Moore MP (Chair)

Councillors - The Hon Verity Firth MP, Chris Harris, Marcelle Hoff, Robyn Kemmis,
The Hon Michael Lee, Shayne Mallard, John McInerney and Tony
Pooley.

At the commencement of business at 5.04pm, those present were:-

The Lord Mayor, Councillors Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

Councillor Harris arrived at the meeting of Council at 5.06pm during discussion on Item
1.

Councillor Firth arrived at the meeting of Council at 5.48pm during discussion on Item
3.3.

Councillor Harris left the meeting of Council at 7.08pm during discussion on Item 7.5 and
returned at 7.18pm during discussion on Item 7.7.

Councillor Firth left the meeting of Council at 7.20pm prior to discussion on Item 8.1 and returned at 7.22pm during discussion on Item 10.2.

Councillor Kemmis left the meeting of Council at 7.20pm prior to discussion on Item 8.1 and returned at 7.22pm during discussion on Item 10.2.

The Chief Executive Officer, Director Corporate Services, Director City, Community and Cultural Services, Director City Engagement, Director City Planning and Regulatory Services, Director City Projects, Director City Strategy and Design, Director City Transport and Major Projects, Acting Director Legal Services and Director Property were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer and an acknowledgement of country.

Apologies

Councillor Phillip Black extended his apologies for his inability to attend the meeting of Council for family reasons.

Moved by the Chair (the Lord Mayor) seconded by Councillor Kemmis –

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

Carried.

Welcome

The Chair (the Lord Mayor) welcomed Mr John Payne, the new Director Property.

ITEM 1 CONFIRMATION OF MINUTES

Moved by Councillor McInerney, seconded by Councillor Pooley -

That the minutes of the meeting of Council of Monday 7 April 2008, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

Councillor Shayne Mallard declared a non-pecuniary interest in Item 7.16 on the agenda, in that one of the tendering firms is a donor to the Liberal Party.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of Council.

ITEM 3.1 2020 SUMMIT AND CCCLM MEETING WITH THE PRIME MINISTER**FILE NO:****MINUTE BY THE LORD MAYOR**To Council:

On 19 and 20 April 2008, I took part in the 2020 Summit, convened by the Prime Minister, Kevin Rudd, with the aim of harnessing the best ideas for building a modern Australia ready for the challenges of the 21st century. The following Tuesday, 22 April, I participated in the Australian Council of Capital Cities Lord Mayors meeting with the Prime Minister.

The Summit and CCLM meeting have ensured that sustainable cities are now on the national agenda. At both meetings there was a real sense of optimism, and exciting opportunities for new beginnings.

2020 Summit

At the Summit, I participated in the summit stream “the Future of Australia’s Economy” where participants set a goal for the urgent creation of national infrastructure planning and priority setting. During the discussions I continually reinforced that our capital cities are the engine rooms of the nation’s economy, and investment in city infrastructure – particularly public transport infrastructure which would improve the environmental performance of our cities - is in the national interest.

The Summit also focused on the need for a long overdue review of the roles and responsibilities of the three levels of government, and there was a welcome level of agreement about some of the overarching priorities like climate change, which cut right across all streams and participants.

Prior to the Summit, I was asked to submit 100 words to promote discussion and my contribution emphasised the importance of developing sustainable cities and the transition to a new green economy:

"We are on the cusp of a green revolution – just as the industrial revolution transformed the 19th century, a new green economy is set to transform the 21st. Sustainable cities are the key to reducing greenhouse gas emissions and achieving post Kyoto targets. Our cities need to be green leaders – exemplars of cutting edge green technology relating to building design and performance, green power and transport systems.

This means major investment in city infrastructure, such as public transport, to help position Australia as a green leader and make sustainability our point of competitive advantage in the emerging green global economy."

The implementation of National Sustainable Cities Program was one of the top ideas of the summit stream which focused on population, sustainability, climate change, water and the future of our cities. Participants suggested the Federal Government could lead a nationally consistent approach to urban and regional planning to drive water efficiency and emission reductions, supporting policies that encourage and prioritise public transport use.

Many worthwhile ideas and issues were discussed with a genuine spirit of goodwill, openness and optimism, although the process meant that each group was required to nominate the top few issues. Some of the other streams at the 2020 Summit nominated a range of ideas including the following:

- **The Productivity Agenda** recommended life-long learning accounts and community service to repay HECS debt.
- **A long-term National Health Agenda** recommended closing the gap between Indigenous and mainstream health, and a focus on prevention.
- **Strengthening Communities, Supporting Families and Social Inclusion** recommended a human rights charter, micro financing for disadvantaged groups and a national disability insurance scheme.

I look forward to many of these ideas being used to develop progressive national policies by the Rudd Government, and I would encourage Councillors and staff to review the 2020 website and consider those issues which we may be able to address locally within Council's work program. The full Summit report is available at www.australia2020.gov.au/report.

Many of the issues raised have already been considered by the City through our Sustainable Sydney 2030 work over the past 12 months and the timing is fortuitous – I would like to see collaborative partnerships between local, state and federal governments to implement some of our 2030 projects. I was very encouraged by the 2020 Summit; I think there is now an openness and capacity to address issues and embrace change which was lacking in recent years and there is now exciting potential for implementation of the Sustainable Sydney 2030 Strategy.

CCCLM Meeting

On 22 April 2008, together with the Lord Mayors from the other capital cities, I met with the Prime Minister and the Minister for Infrastructure, Anthony Albanese, to begin work formalising and implementing a powerful new partnership between our Capital Cities and the Federal Government.

The meeting followed Mr Rudd's commitment last August while in Opposition to meet with the Council of Capital Cities Lord Mayors early in 2008 to discuss progressing a new partnership if he were elected Prime Minister.

At the meeting, the Prime Minister confirmed that cities were on the national policy agenda and his support for a formal partnership with the capital cities. He foreshadowed the announcement of the establishment of a major cities unit – as proposed by the CCCLM in the Capital Cities policy presented to the Federal Government and Opposition last year - to promote the development of policies relating to cities and discussed the likely location of the new unit.

He accepted our offer to invest resources jointly with the Australian Government to explore and set in motion programs geared to achieving broader and better outcomes, especially in social inclusion programs such as alcohol management, homelessness, and sustainability.

The Prime Minister also expressed commitment to broad infrastructure programs relating to revitalising cities and achieving national coordination to the development of important projects.

I suggested a range of practical projects, identified in our Sustainable Sydney 2030 strategy, and promoted the concept of tripartite arrangements between the Federal Government, the State Government and the City of Sydney to develop better services in areas like affordable housing and homelessness.

The priority for Sydney is urgent investment in new, integrated public transport, which will lead to major economic development gains as well as significant reduction in greenhouse gas emissions. I raised this with the Prime Minister as an issue of national significance, with a direct impact on Australia's economy and our ability to achieve post-Kyoto emission targets.

We also discussed the national expansion of the 3CBD's energy efficiency program for commercial office buildings and encouraged the Federal Government to play a role in supporting this innovative and successful program.

I look forward to the City of Sydney developing a positive working relationship with the Federal Government through the CCCLM and implementation of the City of Sydney's 2030 strategy.

RECOMMENDATION

It is resolved that Council receive and note the Minute on positive developments as a result of the 2020 Summit and the CCCLM meeting with the Prime Minister.

COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

That the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

ITEM 3.2 GLEBE AFFORDABLE HOUSING PROJECT

FILE NO: S051794

MINUTE BY THE LORD MAYOR

To Council:

On 29 April 2008 I signed a Memorandum of Understanding (MOU) with the Premier of NSW which confirms the intention of the City and the NSW Government to work together to assess the potential of developing new affordable housing units on the City's depot site in Glebe and the adjacent Housing NSW (HNSW) property.

There is an urgent need for more affordable housing closer to the city, to ensure people employed in essential services can afford to live close to where they live. Housing affordability is an increasing problem in inner Sydney as rents continue to rise and the vacancy rate for rental properties is at a record low.

The City of Sydney's Strategic Plan 2006-2009 commits us to supporting affordable housing as a vital component of achieving strong social cohesion, a high quality of life and a vital City's economy. Our subsequent Corporate Plans have affirmed this commitment to facilitate affordable housing.

Increasing the supply of affordable housing close to the City has also been identified as a core objective of Sustainable Sydney 2030, now on public exhibition. This project provides the opportunity for us to demonstrate that the City can deliver on key objectives in Sustainable Sydney 2030 through collaborative projects.

HNSW and the City own land in close proximity in Glebe which provides an opportunity to work together on a project to increase the supply of affordable housing. Initial planning undertaken by Hill Thalys indicates that a mix of 700 new affordable, social and private housing can be provided across the City and HNSW sites.

The MOU with the NSW Government affirms our intention to work together to determine the feasibility of the project. The MOU is not a legally binding contract, although I hope that the work we do will lead to a future recommendation to Council for a formal contract that can deliver increased affordable housing in the City.

The MOU articulates the common aim to increase the supply of high quality affordable housing that is close to employment, transport and services. The project aims to deliver a mix of private, public and affordable housing that promotes social integration and is expertly managed. The project will seek to take advantage of any available Federal Government funding opportunities.

The first stage of the project is for the City and HNSW to jointly undertake master planning of both sites and complete feasibility studies. This will include:

- Review of existing planning controls to facilitate the provision of affordable housing
- Identify necessary public domain works
- Assess the range of possible redevelopment options, including likely costs and risks
- Determine funding models and funding implications
- Explore options for attracting project funding from the Federal Government
- Undertake due diligence on each site with regard to heritage preservation, flood mitigation, site contamination and remediation
- Explore the potential role for City West Housing Pty Ltd.

The MOU incorporates the following requirements of the City:

- construction of a replacement, modern depot facility on a portion of the site (south east corner)
- use of the rest of the site for a financially viable affordable housing development
- construction, funding and ongoing management of the affordable housing will not be undertaken by the City
- Ecologically sustainable development and urban design principles set out in Sustainable Sydney 2030 will be incorporated
- Sale of private housing on the City land will fund the depot reconstruction.

The first stage work is expected to take about six months. Costs incurred for stage 1 of the project will be shared between the parties. A report on stage 1 findings and recommendations on proceeding with the project to the next stage is to be provided to Council and HNSW for consideration and approval.

RECOMMENDATION

It is resolved that Council endorse the Memorandum of Understanding with Housing NSW, as shown at Attachment A to the subject Minute by the Lord Mayor.

COUNCILLOR CLOVER MOORE MP
Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis –

That the Minute by the Lord Mayor be endorsed and adopted.

Amendment. Moved by Councillor Harris, seconded by Councillor Pooley -

That the motion be amended by the addition of the following clauses, such that it read:

It is resolved that:

- (A) Council endorse the Memorandum of Understanding with Housing NSW, as shown at Attachment A to the subject Minute by the Lord Mayor;
- (B) Councillors express disappointment that the Lord Mayor and the CEO withheld details of the affordable housing project at both a briefing of Councillors and at the 7 April 2008 Council meeting and chose instead to inform Councillors of details via a press release; and
- (C) Councillors express disappointment that the Lord Mayor and CEO misled the public with a press release and public statements indicating that Council had actually committed Council owned land to the project.

A show of hands on the amendment moved by Councillor Harris resulted in an equality of voting as follows -

Ayes (4) Councillors Harris, Lee, Mallard and Pooley.

Noes (4) The Lord Mayor, Councillors Hoff, Kemmis and McInerney.

The Chair (the Lord Mayor) exercised her casting vote against the amendment.

The amendment was declared lost.

The motion was carried on the following show of hands -

Ayes (7) The Lord Mayor, Councillors Harris, Hoff, Kemmis, Lee, McInerney and Pooley.

Noes (1) Councillor Mallard.

Motion carried.

ITEM 3.3 PRO-DEVELOPER LAWS**FILE NO:****MINUTE BY THE LORD MAYOR**To Council:

In November 2007, the Minister for Planning released a discussion paper on planning reform and followed this up in March 2008 with the release of two draft exposure bills: the *Environmental Planning and Assessment Amendment Bill 2008* and the *Building Professionals Amendment Bill 2008*.

In recent months, the Minister has articulated a number of reasons for further amending planning legislation. These include cutting red tape, making planning and development assessment simpler for 'mums and dads', and reducing the risk of corruption. However, these problems will not be solved by the introduction of this proposed legislation.

In his press release announcing the planning changes, the Minister stated that the reforms would result in a reduction in red tape, cost and confusion. However, he has introduced a series of additional levels of bureaucracy in the form of planning arbitrators, Joint Regional Planning Panels and the Planning Assessment Commission.

These panels and arbitrators will not only make decisions on behalf of democratically elected local government representatives, but have the power to review decisions and will also act as appeal bodies.

Decision making will be further centralised through an extension of the Minister's planning and development powers. With the Minister also appointing the members to most of these bodies, the Act will be effectively stripped of its requirements for community consultation and input, as well as reducing the capacity for review and appeal of planning decisions, both of which were central features of the legislation when it was first introduced in 1979.

The legislation will diminish the role of the independent Land and Environment Court, reduce communities' say in local development and reduce the role of elected representatives in planning decisions.

The Act's current notification and consultation requirements will be reduced and design impacts, compliance and construction approvals privatised.

The Government has argued that the proposed legislative changes will reduce the risk of corruption in planning decisions through the appointment of planning arbitrators, panels and commissions. But with these individuals appointed by the Minister, independence will be limited and transparency in planning decisions will be lost, as final decisions remain with the Minister who may override advice provided. This will mean that the checks and balances designed to protect the public interest and ensure the integrity of decision making processes are being systematically dismantled. In terms of reducing the risk of corruption and restoring public confidence in the planning system, the best approach would be to repeal Part 3A of the Environmental Planning and Assessment Act and reverse many of the recent amendments

Concerned that local communities could be stripped of as much as \$4 million each year for essential services such as childcare centres, playgrounds and local roads by the State Government's proposed amendments, the Local Government and Shires Association (LGSA) united with Councils across NSW to launch "Keep it local", a grass roots community campaign to keep local control in the hands of local communities.

Since Council resolved in December 2007 to support the LGSA's opposition to detrimental changes to the planning system there has been an active campaign. In February the LGSA put forward an alternative set of planning reforms that suggested increasing not decreasing public participation in planning. In April the LGSA launched its 'Keep it Local' website to inform the community about the impacts of the proposed legislation, and in the past few weeks the LGSA has called on the Opposition, minor parties and Independents to support a public inquiry into the proposed changes.

In addition to development decisions no longer being made by local, democratically elected representatives, who are directly accountable to their local community, the extension of the private certification and exempt and complying development systems will exacerbate current problems regarding compliance and enforcement of development conditions.

The first two sets of statewide Exempt and Complying Codes for houses and commercial buildings have now been released involving another 200 pages of documentation.

The most recent raft of changes completely ignore key policy areas where the planning system has a significant future role, including Australia's adaptation to climate change and innovation.

Globally it has been acknowledged that climate change is the most urgent challenge of our time, and that urban areas are responsible for approximately 75% of all energy use and greenhouse gas emissions. The built environment is one of the major contributors (along with power generation and transport) to Australia's total greenhouse gas emissions. Urgent action is required to reduce greenhouse gas emissions, and the State Government must take this opportunity for reform to address the long term future of our cities and invest in sustainability, design excellence and better planning outcomes for the community.

With the introduction of statewide codes for exempt and complying development, Councils will have reduced scope to create and implement policy and controls that reflects the particular environmental and community circumstances of each local government area in NSW.

The government is set on pushing ahead with these changes and I fear that communities will be disenfranchised, heritage and environment will be at risk, and a climate conducive to corruption could be created with major decisions being made behind closed doors. These changes are not in the public interest; they do not address serious community concerns about global warming and the risk of corruption, and they put the interests of the development industry before the interests of local communities.

For these reasons I ask Council to support the following resolution.

RECOMMENDATION

It is resolved that Council:

- (A) oppose the changes proposed in the draft Environmental Planning and Assessment Amendment Bill 2008;
- (B) support reform to the planning system that:
- promotes sustainable development;
 - preserves the involvement of local communities in planning matters;
 - enhances transparency and accountability;
 - simplifies planning controls, approval processes and appeals;
 - improves certainty in planning and development outcomes;
 - enables local innovation in response to local conditions, needs and expectations;
 - strengthens coordination between different levels of government;
 - enhances local government's capacity to meet its responsibilities; and
 - responds to advances in technology to help achieve these aims;
- (C) note and support the Local Government and Shires Associations 'Keep it Local Campaign'; and
- (D) request the State Government to defer the introduction of the new Bill, until informed public debate on the proposed amendments has taken place. This will require the release of all the proposed statewide exempt and complying development codes and details of associated regulations.

COUNCILLOR CLOVER MOORE MP
Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Hoff –

That the Minute by the Lord Mayor be endorsed and adopted.

Amendment. Moved by Councillor Pooley, seconded by Councillor Lee -

That the motion be amended by -

- the deletion of clause (A);
- clause (C) being moved to become clause (A);
- clause (B) remaining as clause (B); and
- clause (D) becoming clause (C).

The amendment was lost on the following show of hands -

Ayes (4) Councillors Firth, Lee, Mallard and Pooley.

Noes (5) The Lord Mayor, Councillors Harris, Hoff, Kemmis and McInerney.

The motion was carried on the following show of hands -

Ayes (5) The Lord Mayor, Councillors Harris, Hoff, Kemmis and McInerney.

Noes (4) Councillors Firth, Lee, Mallard and Pooley.

Motion carried.

ITEM 4.1 REVISED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2008

FILE NO: S044803

MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER

To Council:

This memo asks the Council to adopt a revised 2008 Meeting Schedule.

A revised schedule is recommended to accommodate the NSW Government's alteration of the 2008 Local Government Election date from Saturday 27 September 2008 to Saturday 13 September 2008.

Changes are proposed to the current meetings scheduled between July and September. The date for the first meeting of the new Council following the 13 September election has not been specifically set, but will occur sometime between 22 September and prior to 20 October (excluding Monday 6 October Public Holiday). This will be notified and advertised separately to this schedule.

The meetings after October remain the same.

The Manager of Council Business consulted with Councillors on their preferences and has tried to accommodate views, whilst meeting the legislative requirements of at least 10 meetings in 10 separate months each year.

RECOMMENDATION

It is resolved that Council adopt the revised Schedule of Meetings and Briefings for 2008, as shown as Attachment A to the subject memorandum.

MONICA BARONE
Chief Executive Officer

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

It is resolved that Council adopt the revised Schedule of Meetings and Briefings for 2008, as shown as Attachment A to the subject memorandum.

Carried.

The revised Schedule of Meetings and Briefings for 2008, as adopted by Council, is as follows:

REVISED 2008 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 28 JANUARY	<ul style="list-style-type: none"> • RECESS (Australia Day Public Holiday)
MONDAY 4 FEBRUARY	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 11 FEBRUARY	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 18 FEBRUARY	<ul style="list-style-type: none"> • COUNCIL
MONDAY 25 FEBRUARY	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 3 MARCH	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 10 MARCH	<ul style="list-style-type: none"> • COUNCIL
MONDAY 17 MARCH	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 24 MARCH	<ul style="list-style-type: none"> • RECESS – (Easter Monday Public Holiday)
MONDAY 31 MARCH	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 7 APRIL	<ul style="list-style-type: none"> • COUNCIL
MONDAY 14 APRIL	<ul style="list-style-type: none"> • RECESS
MONDAY 21 APRIL	<ul style="list-style-type: none"> • RECESS
FRIDAY 25 APRIL	<ul style="list-style-type: none"> • (Anzac Day Public Holiday)
MONDAY 28 APRIL	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 5 MAY	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 12 MAY	<ul style="list-style-type: none"> • COUNCIL
MONDAY 19 MAY	<ul style="list-style-type: none"> • BRIEFINGS

REVISED 2008 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 26 MAY	• COMMITTEES
MONDAY 2 JUNE	• COUNCIL
MONDAY 9 JUNE	• RECESS (Queen's Birthday Public Holiday)
MONDAY 16 JUNE	• BRIEFINGS
MONDAY 23 JUNE	• COMMITTEES
MONDAY 30 JUNE	• COUNCIL
MONDAY 7 JULY	• RECESS
MONDAY 14 JULY	• RECESS
MONDAY 21 JULY	• BRIEFINGS
MONDAY 28 JULY	• COMMITTEES
MONDAY 4 AUGUST	• COUNCIL
MONDAY 11 AUGUST	• RECESS
MONDAY 18 AUGUST	• BRIEFINGS
MONDAY 25 AUGUST	• COMMITTEES
MONDAY 1 SEPTEMBER	• COUNCIL
MONDAY 8 SEPTEMBER	• RECESS
SATURDAY 13 SEPTEMBER	• LOCAL GOVERNMENT ELECTIONS
MONDAY 15 SEPTEMBER	• RECESS
MONDAY 22 SEPTEMBER	• RECESS

REVISED 2008 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 29 SEPTEMBER	NEW COUNCIL MEETING (post election) (TBA between 22 September and prior to 20 October, excluding 6 October Public Holiday)
MONDAY 6 OCTOBER	
MONDAY 13 OCTOBER	• BRIEFINGS
MONDAY 20 OCTOBER	• COMMITTEES
MONDAY 27 OCTOBER	• RECESS (LGA Conference)
MONDAY 3 NOVEMBER	• COUNCIL
MONDAY 10 NOVEMBER	• BRIEFINGS
MONDAY 17 NOVEMBER	• COMMITTEES
MONDAY 24 NOVEMBER	• COUNCIL
MONDAY 1 DECEMBER	• BRIEFINGS
MONDAY 8 DECEMBER	• COMMITTEES
MONDAY 15 DECEMBER	• COUNCIL
MONDAY 22 DECEMBER	• RECESS

The recess continues until the first Committee meetings of 2009.

ITEM 5 QUESTION TIME**QUESTIONS WITHOUT NOTICE****DOG DNA TESTING KITS (S044447)**

1. By Councillor Pooley

Question

I just wanted to ask a follow up question to a question I asked on 10 December last year about dog DNA testing kits. They had been introduced by two adjacent councils, in the unfortunate event that an attack occurs. I got a supplementary answer in, I think, last Friday's CEO Update. It included a great deal of information about the fencing programs appropriate for playgrounds, but no actual information on why we won't be using the dog DNA testing kits.

Since the Council has resolved to turn, in my view, too many of our parks into 24-hour off leash areas for dogs - and, it is also a view expressed by Council that children should be fenced while dogs roam free; I accept that's a resolution of Council - it just doesn't respond to the question that I asked. I appreciated the information about fences; I think that's more information than we've been provided up until this point. But I'd like to ask again, why the City has ruled out the possibility of employing dog DNA testing kits, should a dog attack occur in the City, without this issue being discussed at Council, and could a report come to Council on whether Council could use such kits?

Answer by the Lord Mayor

I'll take that on notice. I don't have the information for you to respond to that. I would just like to say that I think it's a real misrepresentation to say that our policy is to fence children and let dogs run free. You might have noticed in the local paper that we had a group of Redfern mothers who are complaining that not all the little parks in the Redfern/Waterloo area are fenced around the children's playgrounds. What we seek to do is to provide that level of comfort and security that some parents might need in their own area in terms of the playground, where the play equipment is, and provide a fence appropriately. What we're also doing is providing for those very many people in our community who have dogs and would like to be able to have them off leash to exercise them and also to be able to walk them.

We've discussed this at length in this Council Chamber and we have our policy which is being enacted, but in terms of the DNA testing, I'll have to take that on notice. It is one of these issues where we're damned if we do and we're damned if we don't. What we try to do is be responsible to all people in our community. Clearly, some mothers don't think enough playgrounds are being fenced for toddlers, because they do say it's a bit of security. What we are seeking to do is responsibly plan our parks and respond to the needs of the community.

NORTH EVELEIGH CONCEPT PLAN (S044442)

2. By Councillor McInerney

Question

I note from a recent CEO update that the City had not received the documentation from the Redfern-Waterloo Authority, relating to the public exhibition of the North Eveleigh Concept Plan, by the time it went on public exhibition. Could the CEO confirm or inform me as to whether the City has now received this documentation? Also, I'd like to note that we must get a submission in because I believe we certainly should make a submission. I'm sure the CEO will do that, but the CEO will need to make that submission before 12 June, which is the closing date.

Answer by the Lord Mayor

It's an important issue and I would like to make some comment on it and then refer it to the CEO. The draft concept plan is now on public exhibition, as you've said. This was raised at the recent CSPC meeting and they have requested a presentation from the Redfern-Waterloo Authority. The CEO has followed that up and put that request in and, if that is agreed to, we will ensure that all Councillors are invited as well as the members of the CSPC.

The plan envisages the adaptive reuse of a number of peak heritage buildings across the site; construction of an estimated 1,258 dwellings for 2,400 new residents, including an iconic "residential tower at the northern end". I'm not sure what that means; it makes me very wary, I must say, I hope it's not like the TNT Towers. Commercial retail space providing permanent new jobs for 3,270 employees; a series of public and private open spaces, some of which will be dedicated back to Council, and the provision of approximately 2,000 car parking spaces. The sale of surplus land at North Eveleigh is also expected to fund a major upgrade at Redfern Railway Station – I thought that was actually the job of Government to fund essential rail – improving access link routes as well as a proposed pedestrian bridge between the ATP and North Eveleigh.

I will ask the CEO to ensure that a submission on the draft concept is developed and the following issues are explored as part of the submission:

- implications of the new development on planning in the Darlington area;
- impacts on the Wilson Street Cycleway;
- provision of better access to residents and workers to and from Redfern Station, including direct connections between the station and the proposed development, facilitating greater public transport use;
- the appropriateness of the adaptation and reuse of key heritage buildings, including the conversion and use as residences. For example, I'm concerned that one illustration shows a multi-story apartment building coming out of the roof of the heritage paint shop; and
- the proposed car parking rates.

The submission should also address the extent to which the principles of North Eveleigh align with Council's Sustainable Sydney 2030. I think the major concern for us is that this site is being excised from the City, it's been excised from the work that we do right across the City, in particular in relation to 2030, in the same way that Barangaroo has been. I think we have to really try and work hard to ensure that the mistakes of the past when sites are excised out of the City don't occur again. The problems we currently have with Darling Harbour are a result of that site being excised and developed in isolation.

I am really quite concerned that the finances are not coming from Government Department budgets like the SRA, but being generated perhaps by overdevelopment of this really important heritage site. I think there are real issues for us here, and I think it's really terrible that we're hearing about what's in the plans, instead of the plans being developed in consultation with our Planners. We need to be working side by side and in cooperation with both the RWA as well as SHFA on these very important sites for the future of the City. I'll certainly ask the CEO to prepare that submission and circulate it to Councillors, given the timeframe.

FEES FOR USE OF PUBLIC FOOTPATHS BY HOTELS AND NIGHT CLUBS (S044441)

3. By Councillor Lee

Question

To encourage hotel and night club owners to move queues off public footpaths and onto their own premises, with the aim of reducing noise, alcohol consumption and violence in public places, will consideration be given to charging substantial fees for this use of public space, with all the revenue earned being committed to employing security staff in these areas, or other public safety measures?

Answer by the Lord Mayor

I'll take that on notice and get a report on all those matters. And also how that suggestion relates to the new Liquor Laws that come into force on 1 July, where the Minister assures us we are going to have greater control over what's happening in terms of entertainment premises.

ARCHITECTURAL HISTORY OF GLEBE (S044444)

4. By Councillor Kemmis

Question

Lord Mayor, I've been contacted by Mr Neil MacIndoe from the Glebe Society about heritage statements that accompany DAs in Glebe and other parts of the LGA. Heritage statements contain valuable research, not only about a specific site, but about its context in the area, and its relationship to items of heritage significance in the broader area. Neil's suggestion is that these statements be collected with the aim of developing a complete historical architectural picture for Glebe that could in turn support Council's heritage controls. I wondered if staff could report on the feasibility of doing that in Glebe, and developing a very persuasive picture, of course, perhaps in Land and Environment Court situations and so on.

Answer by the Lord Mayor

That's a really interesting and worthwhile suggestion and means that we can use that work that the team does. We have done substantial work on heritage across the area and I'll ask the CEO if we can investigate that suggestion.

PROVISION OF CYCLEWAY AND ANGLE PARKING IN DERWENT STREET, GLEBE (S044446)

5. By Councillor Firth

Question

I refer you to the public design document for the Glebe Point Road upgrade project released in May last year. The four page document refers to the potential provision of much needed angle parking spaces in Derwent Street as part of the upgrade. I understand that Derwent Street is also being investigated in the context of the City's Cycle Strategy as a possible site for a separated cycleway. Now, as you know, I am and so are you, a long ardent supporter of more cycle-friendly cycleways, but we also know that we need more parking for Glebe Point Road. The Director City Transport and Major Projects has advised my office that the City is examining the possibility of having both angle parking and a separated cycleway in Derwent Street or, alternatively, implications of relocating the cycleway nearby perhaps to another street. Can Council please be updated on the progress of this investigation, because I think that both cycleways and adequate parking are important, and I'm sure we can achieve both? We just need to work out how to do it.

Answer by the Lord Mayor

I agree with you. This matter actually was raised at our last Cycle Strategy meeting and I understand that that is the case. I will ask the Director City Transport and Major Projects to comment. I do understand that what Councillor Firth is putting forward will be achievable?

Director City Transport and Major Projects

We hope it will be. It will be a bit of challenge. Whilst Derwent Street is quite wide, including both can be a challenge. Then, as we've seen with other cycleway projects, there are other factors such as trees and the like that we also have to balance. So we will have a look at that. We are doing that work at the moment and we'll come back to you.

GREEN ROOFS AUSTRALIA (S044439)

6. By Councillor Hoff

Question

Lord Mayor, given the City's support of green roof projects through our Environmental Grants Program, and also the fact that we've recently become a platinum sponsor of the Green Star Multi-Unit Residential rating tool, I wonder if the City could investigate becoming a member of Green Roofs Australia? One of the benefits of becoming a member entitles the City to receive exclusive research updates and industry news, and also discounts to training events and conferences.

Answer by the Lord Mayor

I agree that joining such organisations does give us those opportunities and I do appreciate your promotion of green roofs as an environmentally sustainable measure. I think it sounds very much like an organisation that would be worthwhile to join and I'll ask the CEO to follow up this request.

PROMOTION OF BICYCLE AWARENESS IN THE CITY (S044445)

7. By Councillor Mallard

Question

It has been distressing to see what I guess can loosely be termed 'bicycle phobia' in the City in the last few weeks, and at times near hysteria on the streets of our City – whether it is the ill-informed campaign against the Bourke Street dedicated bicycle lanes or the outrageous attack using a motor vehicle on a training squad last week on Southern Cross Drive. I've been informed by the Bicycle Bus operators – that you and I have been a part of - that this morning they were tailgated and abused by an angry motorist, who pulled up alongside shouting the words, echoing the Minister for Roads, suggesting that bicycles should not be on the roads during peak hours. That is the escalating irresponsible violence that's being perpetrated.

The question I want to ask – and since we're leaders in this field for the City – firstly is what can we do to fast forward and promote some awareness? Can the City start using banner poles as they have particularly for 2030 campaigns, and also the small promotional space on parking meters, which we were told about when we bought the meters but we haven't really used, to promote our cycling strategy and the responsibilities of all road users? Are there other things that we can be doing to bring forward a better understanding to calm down this outrage?

Answer by the Lord Mayor

Yes, I will ask the CEO to comment. But I share your rage, outrage, at the behaviour; the letters column in The Herald today with people attacking cyclists and supporting that irresponsible, dangerous and selfish behaviour. Clearly, in this day and age of global warming, we have moved into a period where we have to start doing things in new ways, and the cities that were responsible for 75% of the emissions that led to global warming have to show leadership here.

The City sees its role as an environmental leader as a very important role and our cycling strategy is one of our top priorities. We have done a lot work; for example, identified Bourke Street as the most appropriate route. Clearly, like all the things you try to do in the City, particularly a city like Sydney – it's not Canberra, we're not starting from the beginning where we can lay out nice cycle lanes in a new town plan - we have to accommodate the existing structure. Following the construction of the Eastern Distributor, both Bourke and Crown Streets were calmed. We already have two closures in Bourke Street that calm and slow down that traffic, and our work does show that that is a potential very effective north/south route into the City.

I do believe that the majority of people who live within our City area would support that action we're taking, and I do believe once we start constructing separated cycleways they'll be on their bikes and using them. Already they're on their bikes but, as you said, I have ridden with that Bicycle Bus and its fine in Bourke Street, but once you get to Oxford Street it becomes really hairy. Park Street and George Street are something else again.

We've got a lot of work to do here. I wish we could build a great cycleway "like that", because once they're there, I know that people are going to use them and we would be able to provide that sustainable opportunity around our City. I think that it is a real pity in Sydney that we seem to have this sort of antagonistic behaviour from some motorists towards cyclists, and from some cyclists towards pedestrians. I'm currently getting a spate of complaints from constituents to my Electorate Office about cyclists cycling down Oxford Street and knocking pedestrians over, because of the bus lane.

It is an ongoing issue; if only it was like Nagoya. The thing that really struck me about Nagoya was that everyone cycles, the traffic moves slowly, cyclists were on the footpath together with pedestrians. It was all very gentle. Everyone accepted everyone's right to be there – and they didn't even lock their bikes up because no one ever stole them. I mean, talk about a different experience to Sydney! We have real issues here, so I think your suggestion about a promotional campaign is a very good one.

I do say to the CEO, we need to put every effort into moving ahead as quickly as we can with our separated cycleways because once we've got them in, the cyclists are protected from motorists. And we get more cyclists out there; the more cyclists we get out there the greater the support, and then we don't have Ministers perhaps making statements which shouldn't be made, and we don't see the "Letters" pages full.

It's really about everyone having an opportunity, but we all know how important sustainable transport is, and how important it is for everyone to support it. I'm sure the Minister for Climate Change can talk to her colleague, the Minister for Roads, about the situation. And she can join us and encourage the Government to join us in really promoting cycling as a sustainable alternative, and that motorists should acknowledge that cyclists have a right to be on the road just as motorists do, and that cyclists also need to be very respectful of pedestrians. Until we can get this message out, I think we've got an issue, so I thank you for that question.

GREEN TRANSFORMERS (S044440)

8. By Councillor Harris

Question

The 2030 strategy envisages the location of "Green Transformers" in the City in order to reduce to greenhouse gas emissions in line with the reduction targets in our Environmental Strategy. The fact is that the whole process will be driven by a fossil fuel in natural gas. The process will produce air pollution by nitrous gases and greenhouse gas emissions. The success of the strategy relies on take-up and the ability to drive cogeneration and absorption chillers for air-conditioning at the same time. Could we have some more details of the strategy, the costs, how we plan to get residents and businesses to use the facility, the projected greenhouse gas savings and the conditions under which these reductions will be achieved?

Answer by the Lord Mayor

I think the Green Transformers is one of the most exciting proposals to address our response to reducing emissions and global warming and, as we all know, 97% of the people surveyed asked us to do just that. The Green Transformers is a proposal that would enable us to try and meet our targets and I will ask the CEO to speak about this.

Chief Executive Officer

Many of the questions that Councillor Harris has asked would need to be answered through the process of doing the Green Transformer Infrastructure Plan and Implementation Plan. We are looking to bring you a report. You might recall that we have actually recommended the funding of that research in next year's Corporate Plan. We are, as staff, looking to bring forward an early Implementation Plan of 2030 so that Council can endorse the commencement of some of those projects as quickly as possible so that we are not waiting and delaying any of that work.

Councillor Harris is quite right; the implementation of this is really complex. It requires research, it requires take-up and the sooner we can ascertain what that is, the sooner we will be able to determine whether that is going to be able to take us forward. That is why 2030 is on exhibition, too, for people to say what they think of that as a way forward and we are very aware of the difficulties of doing that. As you will recall from 2030, that is the best and most economical option that we have been able to find to date, and we imagine in time that new technologies and other things will also come forward, but that was what was thought to be viable and worth further investigation.

We are trying to get a report up to Council asking for the go ahead to do that. The scope is actually being developed now by staff so that we can say to Council "This is what we think needs to be in that project." So, the answer is yes, we have to do exactly what you have said. And we, as staff, would actually like to start sooner rather than later. It is in the Corporate Plan for next year. We would like to start as soon as possible, which is why we want to bring a report to you sooner asking for the okay to start earlier.

SIGNAGE AT JACK FLOYD RESERVE (S044447)

9. By Councillor Pooley

Question

By way of background to this question, I refer Councillors to today's minutes on page 342 and the ongoing saga of the sign at Jack Floyd Reserve. Councillors will recall that I have been pursuing the Jack Floyd sign in Jack Floyd Reserve. I thought it would have been resolved but it hasn't been. I do want to acknowledge the assistance I've received from the CEO, but I just want to point out a couple of things, should Councillors have been misled. We got this picture in the CEO update which was distributed on 19 March 2008; that is trick photography. The sign is actually about "this big", but with the use of a lens only available in two locations in the world, they've managed to make that look like "this".

So, just to give you a bit of perspective, here's a perspective shot of the Reserve. Now, that tiny little sign up there is the Jack Floyd Reserve sign. You see how it contrasts with the 'No Entry' sign in Jack Floyd Reserve. I will just circulate those photographs to Councillors to see what I've described in relation to that sign. I have made the mistake of thanking Council for what is the world's smallest sign.

Since writing to the CEO, I want to acknowledge that the sign has been moved to a more appropriate location. That photograph indicates it was pointing down Cope Street; unfortunately it didn't get any bigger in that move. I am, however, now advised that it is a temporary sign, so we live in hope. I just want to suggest to you, Lord Mayor, this whole exercise has been an extraordinary waste of money. It had a perfectly decent, appropriately sized sign in the park before we commenced the redevelopment. The only offending aspect of this sign was that it had a South Sydney logo on it. I am sure a sticker could have solved that problem.

I am just genuinely suggesting we need to find that famous piece of landfill, which we know as a minimum includes the large South Sydney sign which was taken off the TNT towers, the Anthony Doherty sign from the former Surry Hills Library, the May Pitt Reserve sign from Glebe and the Jack Floyd Reserve sign, and we should recycle them. I understand we are developing an entirely new signage process, but we could have used a much more viable sign, with an appropriate sticker to remove all traces of the fact that it was once put up by South Sydney, and had a much better result for everyone involved.

Answer by the Lord Mayor

Thank you, Councillor Pooley; what was your question? What I will say on signage is that certainly we do have a new policy and that is to be rolled out by City Projects. The basic philosophy of the signage is to welcome people to the parks and to ask them to behave responsibly. Rather than the municipal signs of the past that we've seen in local council parks, whether they be the former South Sydney Council or other parks around the place, where people are told they can't do this and they can't do that and they can't do something else, light a fire, ride a horse, fly a kite or fly a plane. What we really want to do is welcome people to our parks. We ask them to enjoy them and also act responsibly and think of others, so that is the theme of our signage. I am hoping it is going to be rolled out soon, but I'll check with the Director City Projects.

Director City Projects

It will be rolled out in June.

Answer by the Lord Mayor (continued)

I look forward to that and perhaps we could do a photograph beside the signage, Councillor Pooley, celebrating the new approach.

TRAFFIC AND PEDESTRIAN SAFETY STUDY IN KING STREET, NEWTOWN (S044442)

10. By Councillor McInerney

Question

Lord Mayor, through a consultant friend of mine I have learned Marrickville Council is currently conducting a traffic and pedestrian safety study in the part of Newtown and Camperdown which is in their area. I think that also includes the King Street section in Newtown. But my question is, could the staff liaise with Marrickville Council to learn more about this study? That relates to the possibility of improving pedestrian amenity particularly at the King Street/Wilson Street intersection outside Newtown Railway Station. I also think possibly that cycle connections might form part of that study, although I don't absolutely know that, but that would be something that staff might be able to find out.

Answer by the Lord Mayor

I will ask the CEO to follow up. That area outside Newtown Station is important, and it has been identified by our consultants in terms of an example of a neighbourhood hub. It is a difficult intersection for pedestrians wanting to get across King Street to the station because they have to use two crossings; King Street and then Wilson Street or crossing Enmore Road at the King Street intersection and then King Street. So, many people, to avoid the lights, negotiate their way across and that is dangerous. We do need a solution, and it does require the involvement of the City, Marrickville and the RTA, and the Marrickville Study is a good starting point. That, together with the work that our consultants have done across the Newtown hub, is something that I am sure we can work together on and we can raise it at the next Mayoral forum within Marrickville. I'll ask the CEO if she could perhaps get our staff to follow up in terms of the study that Marrickville is conducting.

STANLEY STREET UPGRADE (S044441)

11. By Councillor Lee

Question

In some of the papers we're dealing with tonight on the Stanley Street upgrade, it stated that currently the times of completion for the type of construction extends from January, February 09 through to completion in December 09; so a construction period of 11 to 12 months. Has consideration been given to asking tenderers to lodge bids for faster completion, by perhaps working longer hours or by using more staff, for us to estimate what the cost would be for reducing the quite lengthy construction period to reduce the impact on businesses operating in Stanley Street?

Answer by the Lord Mayor

It is an important issue you raise; getting long term improvements but ensuring that the activity of the area can be conducted whilst that is happening. I think that the work we've done on Glebe Point Road and Redfern Street too, would attest to the fact that we've got much better at doing this – I think particularly with those two, in terms of staging, in terms of communication and in terms of working closely with the business community and informing residents to about how we go about it. I can ask the Director City Projects to perhaps report on what's been put forward. But it is certainly something that has occupied our minds in how we minimise impact and, of course, it is occupying the minds of business. In those consultations we've had, businesses have expressed concerns and we want to ensure that there is minimal impact, that we get the work done as soon as possible, in stages so that the strip can keep its activity going. The Director City Projects could perhaps report back to us on that.

DEVELOPMENT AT 17-25 REGENT STREET AND PUBLIC DOMAIN WORKS IN GOULD STREET (S044444)

12. By Councillor Kemmis

Question

Lord Mayor, I'm after some information, not necessarily this evening, but I would appreciate an update. In 2006 Council resolved to grant a deferred commencement development consent for the demolition of a building at 17-25 Regent Street and the construction of an eight storey building for student housing. As part of the approval, Council asked for a series of public domain works to be carried out in Gould Street, to the rear of the site. I wondered if I could get an update at some stage as to the status of this development and the status of the works carried out to improve the public domain in Gould Street.

Answer by the Lord Mayor

Yes. I'll ask the CEO to follow up on this.

GLEBE FORESHORE WALK (S044446)

13. By Councillor Firth

Question

Could you please update Council on where we're up to in terms of the extension of the foreshore walk in front of the Blackwattle College? I'll just give you context for my question. I recently had tea with a number of local school principals, and the Principal of Blackwattle High is still very concerned because people are cutting through the high school at the end of the foreshore walk and she feels it's not safe for students, and they're not really respecting the school boundaries. So she's absolutely desperate to get this to happen. I'm happy, if there are any State Government issues, to do whatever I can as the local member, but I just need to know where it's up to, if there's anything I can do, but we really need to finish that final link of the foreshore walk.

Answer by the Lord Mayor

I'm sure there's something you can do; you can persuade the Education Department to contribute to the project – that would be terrific. This is in the Corporate Plan that we're dealing with tonight, so I'll ask the Director City Projects to comment.

Director City Projects

The stage it's up to at the moment is that we are seeking landowner's consent for a DA to be lodged. There's a need for an easement in favour of Council for access. We have some issues to do with vegetation; there are the wrong trees on the front. The intention is to lodge a DA later on this calendar year. But at the moment we need the landowner's consent to proceed to DA. We've been dealing with the Education Department, so it's more with the Department rather than the school and that may be one of the issues that the Principal raised.

PEMULWUY PROJECT (S044439)

14. By Councillor Hoff

Question

Lord Mayor, the Department of Planning's assessment of the Aboriginal Housing Company's Pemulwuy Project has apparently stalled. As an owner of the land that will be redeveloped as part of the project, and having indicated our support for the project previously, the City has an important role to play in ensuring that the redevelopment of the area known as 'the Block' goes ahead. I wonder if staff can investigate what support the City can provide the Aboriginal Housing Company in order to ensure that there are no further delays in the assessment of this DA?

Answer by the Lord Mayor

I will ask the CEO to inform the Council about the status of that application and the timetable; how the proposal relates to the Redfern-Waterloo Authority's proposals that are currently on exhibition; how it would relate to the work that our consultants do in relation to Sustainable Sydney 2030, and how the complex issues surrounding the Pemulwuy Project can be resolved.

ARTWORK IN REDFERN PARK (S044445)

15. By Councillor Mallard

Question

I'm going to raise something that a lot of people have raised with me and I'm quite distressed about, and this regards the children's playground in Redfern Park which, as you know, in the CEO Update we were informed about the content of the artwork there. We will now, in that children's playground, have the following confronting words engraved in the stone paving where children and young parents would play "We brought the diseases, the alcohol, we committed the murders, we took the children from their mothers." Do you think this quote taken in isolation and arguably out of context from Paul Keating's controversial 1992 Redfern Park speech is appropriate for a children's playground? Do you feel that it will invoke reconciliation and harmony between indigenous and non-indigenous children using the playground in the future? Shouldn't the speech, which I acknowledge is important to Aboriginal Australians, be appropriately commemorated elsewhere in the park and not in the children's playground with such violent and confronting words and images for children?

Answer by the Lord Mayor

The issue raised is one that that is confronting and I think the Council would like to think that our contribution towards Redfern Park is moving forward in a very positive way. Having said that, I will ask the CEO to explain the process.

My comments on this are twofold: one is that this speech that was given by a former Prime Minister in Redfern Park to the indigenous community is seen as a landmark speech to acknowledge what Europeans did to the indigenous community. And, secondly, the artist is a very highly respected indigenous artist who has widely consulted in the process of developing this work.

Whilst you might find those words confronting in a children's playground, I also believe in the independence and integrity of artists. If we've commissioned them and our brief has not explicitly excluded being able to refer to such things as a former Prime Minister's speech, then I believe that we need to proceed with this artwork as envisaged by the artist and as consulted with the community, and which does in fact reflect accurate historical truths about the shocking history of how the indigenous community were treated by the Europeans.

Like all public art, there are going to be people who will be very supportive, and there will be people who won't be supportive. But taken in toto, I think that we need to accept the fact that we commissioned this artist; we gave her her artistic freedom and integrity; she is reflecting a truth for a very important group in the Redfern community, an important truth that relates to their history, and I believe that the art project needs to proceed as the artist envisaged.

INCREASED DEVELOPMENT FORECAST IN THE CITY (S044440)

16. By Councillor Harris

Question

The 2030 strategy purports to be an environmental strategy; however, in all the briefings that I've attended, especially the briefing with the Property Council, there was a very considerable focus on increases in development potential, with a forecast increase of 48,000 dwellings by 2030 in key areas. Increases in some of these areas include Redfern 100% increase, Newtown 42% increase, Surry Hills 32% increase, Glebe 28% increase, and to top it off the Harbour area 660% increase. Could you give us a list of streets and proposed increases in FSR and height to accommodate these proposals, so that Councillors can advise residents of what is proposed?

Answer by the Lord Mayor

Sustainable Sydney 2030 is exactly that. It's driven by sustainability; sustainability in terms of the environment, the economy, cultural life of the City, and the social life of the City. In terms of people who will be living and working in the City we have been set targets by the State in terms of the Metro and the State plan. What our consultants have sought to do in developing this plan, which is on the exhibition and we are waiting for people to comment, is to look at ways of meeting those targets, and at the same time not impacting adversely on our existing communities. So the key target areas are those areas of renewal, which our consultants have presented on each occasion, and those areas of renewal do relate to Barangaroo, Green Square and the Redfern/Waterloo projects.

I think the other very strong theme that has come through all that work that's been done, and we have discussed actually with our communities, is that it is more sustainable to have people living in the City rather than out in the suburbs where we have to provide transport and infrastructure out to them. It is more sustainable to have people living in our cities, provided they are provided with adequate infrastructure in relation to transport, in relation to services, in relation to our developing space, to all the things that need to go with it.

So I do believe that those targets can be met, but they can only be met if those other tiers of government work with us to ensure that those things that are needed for future communities are provided, particularly transport, particularly public transport, and particularly access to open space. And the transport proposal as part of 2030 does show an integrated transport plan that would move people around on public transport, as well as providing cycling and pedestrian paths, and does show the role that we hope the State would play, and we do hope that the Federal government would play.

And in discussions with both the Premier and the Prime Minister, they're the key things coming from the City in terms of adequate funding for infrastructure for communities into the future.

ITEM 6 MATTERS FOR TABLING**6.1 Disclosures of Interest**

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

It is resolved that the Disclosures of Interest returns be received and noted.

Carried unanimously.

6.2 Petitions

Councillor Hoff tabled a petition from Village Friends – Erskineville objecting to the proposed development of the HIVE site.

Moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis –

That the Petition be received and noted.

Carried unanimously.

**ITEM 7 REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE
- 5 MAY 2008**

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Shayne Mallard
(Deputy Chair)

Councillors Phillip Black, Chris Harris, Marcelle Hoff, Robyn Kemmis, John McInerney and Tony Pooley.

At the commencement of business at 1.05pm those present were -

The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis and Mallard.

Councillor McInerney arrived at the meeting of the Finance, Properties and Tenders Committee at 1.06pm during discussion on Item 7.1.

Councillor Pooley arrived at the meeting of the Finance, Properties and Tenders Committee at 1.18pm during discussion on Item 7.2.

Councillor Pooley left the meeting of the Finance, Properties and Tenders Committee at 3.12pm during discussion on Item 7.7 and returned at 3.35pm during discussion on Item 7.8.

The Chair (the Lord Mayor) left the meeting of the Finance, Properties and Tenders Committee at 3.38pm during discussion on Item 7.8 and returned at 3.47pm during discussion on Item 7.12 which had been brought forward.

Apologies

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Finance, Properties and Tenders Committee.

Councillor The Hon Michael Lee extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee.

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

That the apologies from Councillors Firth and Lee be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

The Finance, Properties and Tenders Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 7.12 be brought forward and dealt with before Item 7.9.

Closed Meeting

At 4.35pm, the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachment A to Item 7.16 and confidential Item 7.17 on the agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 4.40pm.

Report of the Committee

Moved by Councillor Mallard, seconded by Councillor Lee -

That the report of the Finance, Properties and Tenders Committee of its meeting of 5 May 2008 be received, and the recommendations set out below for Items 7.2, 7.3, 7.6 and 7.8 to 7.17 inclusive be adopted, with Item 7.1 being noted, and Items 7.4, 7.5 and 7.7 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 7.1**DISCLOSURES OF INTEREST**

Councillor Shayne Mallard declared a non-pecuniary interest in Item 7.16 on agenda, in that one of the tendering firms is a donor to the Liberal Party.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Finance, Properties and Tenders Committee.

The Committee recommended the following:

ITEM 7.2**2007/08 QUARTER 3 REVIEW – CORPORATE PLAN 2008-2011 (S050057)**

It is resolved that Council:

- (A) note the financial and operational performance of Council for the 3rd Quarter (Q3) ending 31 March 2008;
- (B) note the forecast Net Surplus of \$92.9M, an improvement of \$31.2M over the full year budget of 2007/08;
- (C) note the forecast Capital Works expenditure of \$133.6M against the full year budget of \$174.8M;
- (D) note the forecast net Plant and Asset expenditure of \$21.4M against the full year budget of \$28.0M;

- (E) approve the transfer of \$1.2M from Capital Works Contingency to fund a number of miscellaneous capital works projects as itemised in paragraph 16 of the subject report; and
- (F) note the performance indicators and Q3 achievements against the Corporate Plan.

Carried unanimously.

ITEM 7.3

INVESTMENTS HELD AS AT 31 MARCH 2008 (S034147)

It is resolved that the Investment Report as at 31 March 2008 be received and noted.

Carried unanimously.

ITEM 7.4

DRAFT CORPORATE PLAN 2009-2012 AND DRAFT BUDGET 2008/09 (S058262)

It is resolved that Council:

- (A) approve the draft 2008/09 Budgets for inclusion in Council's draft Corporate Plan, as shown at Attachment A to the subject report, including:
 - (i) operating income of \$384.3M, operating expenditure before depreciation and financing of \$303.7M and a net surplus of \$70.3M after depreciation, financing and capital contributions;
 - (ii) capital works expenditure of \$187.1M; and
 - (iii) plant and assets expenditure of \$21.0M;
- (B) note that the proposed budget includes provision for a 4% increase for salary and wages to continue existing arrangements, but that future year's increases will be negotiated as part of consolidating a new award;
- (C) approve the inclusion of the proposed rating structure, discussed within this report, in Council's draft Corporate Plan;
- (D) approve the draft Schedule of Fees and Charges for inclusion in Council's draft Corporate Plan;
- (E) approve the Corporate Plan for public exhibition for a 28 day period;
- (F) note that authority continues to be delegated to the CEO to vary fees and charges for commercial operations, and to waive or reduce fees in cases of financial hardship or for pressing community needs; and
- (G) affirm that no expenditure from the CEO's Contingency is to be made without the approval of the CEO.

Note - the recommendation of the Finance, Properties and Tenders Committee was not adopted.

At the meeting of Council, it was moved by Councillor Mallard, seconded by Councillor Firth –

It is resolved that Council:

- (A) approve the draft 2008/09 Budgets for inclusion in Council's draft Corporate Plan, as shown at Attachment A to the subject report, including:
 - (i) operating income of \$384.3M, operating expenditure before depreciation and financing of \$303.7M and a net surplus of \$70.3M after depreciation, financing and capital contributions;
 - (ii) capital works expenditure of \$187.1M; and
 - (iii) plant and assets expenditure of \$21.0M;
- (B) note that the proposed budget includes provision for a 4% increase for salary and wages to continue existing arrangements, but that future year's increases will be negotiated as part of consolidating a new award;
- (C) approve the inclusion of the proposed rating structure, discussed within the subject report, in Council's draft Corporate Plan;
- (D) approve the draft Schedule of Fees and Charges for inclusion in Council's draft Corporate Plan, subject to the following correction to the Fees and Charges for Victoria Park Pool (page A47):

Complete Membership

Multi-visit Pass	(30 visits)
Student	\$186
Adult	\$245
Pensioner	\$105

- (E) approve the draft Corporate Plan for public exhibition for a 28 day period, subject to the following changes:
 - (i) the target completion date for the Glebe Safety Plan (page 45) being brought forward from March 2009 to December 2008;
 - (ii) a new project being added in The City Economy – 2.2 Business and Retail (page 36), details as follows:
 - Oxford Street Cultural Precinct Implementation Strategy
 - Develop an implementation plan for the Oxford Street Cultural Quarter. Work with cultural businesses and organisations to identify and initiate short term deliverable projects and investigate a model for the sustainable delivery and funding of the implementation plan. Target - June 2009;
 - (iii) the inclusion of a new KPI regarding the CitySwitch Green Office Program (formerly called the 3CBD GreenHouse Initiative) (page 42), as follows:

Key Performance Indicators	Unit	05/06 Result	06/07 Result	07/08 Target	08/09 Target
3.5.1 Floor space signed up to CitySwitch Green Office	Square metres	435,000	470,000	640,000	865,000
3.5.2 Number of CitySwitch signatories;	No	24	44	100	150

- (F) note that authority continues to be delegated to the CEO to vary fees and charges for commercial operations, and to waive or reduce fees in cases of financial hardship or for pressing community needs; and
- (G) affirm that no expenditure from the CEO's Contingency is to be made without the approval of the CEO.

Amendment. Moved by Councillor Pooley, seconded by Councillor Lee -

That the motion be amended by the addition of the following to clause (E) -

- (iv) the Capital works Program 2008/09 – 2011/12 (page 78), being amended as follows:

In relation to the Southern Area Wet/Dry Leisure Facility, the proposed forward estimates of 2010/11 and 2011/12 be brought forward by twelve months enabling substantial building activity to commence in the financial year after this.

- (v) the Children's Services section (page 19) and the Capital Works Program 2008/09 – 2011/12 (page 78) being amended to state that a new Council run childcare centre will be purchased or construction commence in 2008/09, with the cost to be partly funded from savings in the Communications Budget.

The amendment was carried.

The substantive motion was carried.

The motion, as adopted by Council, is as follows:

It is resolved that Council:

- (A) approve the draft 2008/09 Budgets for inclusion in Council's draft Corporate Plan, as shown at Attachment A to the subject report, including:
- (i) operating income of \$384.3M, operating expenditure before depreciation and financing of \$303.7M and a net surplus of \$70.3M after depreciation, financing and capital contributions;
 - (ii) capital works expenditure of \$187.1M; and
 - (iii) plant and assets expenditure of \$21.0M;
- (B) note that the proposed budget includes provision for a 4% increase for salary and wages to continue existing arrangements, but that future year's increases will be negotiated as part of consolidating a new award;

- (C) approve the inclusion of the proposed rating structure, discussed within the subject report, in Council's draft Corporate Plan;
- (D) approve the draft Schedule of Fees and Charges for inclusion in Council's draft Corporate Plan, subject to the following correction to the Fees and Charges for Victoria Park Pool (page A47):

Complete Membership

Multi-visit Pass (30 visits)	
Student	\$186
Adult	\$245
Pensioner	\$105

- (E) approve the draft Corporate Plan for public exhibition for a 28 day period, subject to the following changes:
- (i) the target completion date for the Glebe Safety Plan (page 45) being brought forward from March 2009 to December 2008;
- (ii) a new project being added in The City Economy – 2.2 Business and Retail (page 36), details as follows:

Oxford Street Cultural Precinct Implementation Strategy

Develop an implementation plan for the Oxford Street Cultural Quarter. Work with cultural businesses and organisations to identify and initiate short term deliverable projects and investigate a model for the sustainable delivery and funding of the implementation plan. Target - June 2009;

- (iii) the inclusion of a new KPI regarding the CitySwitch Green Office Program (formerly called the 3CBD GreenHouse Initiative) (page 42), as follows:

Key Performance Indicators	Unit	05/06 Result	06/07 Result	07/08 Target	08/09 Target
3.5.1 Floor space signed up to CitySwitch Green Office	Square metres	435,000	470,000	640,000	865,000
3.5.2 Number of CitySwitch signatories;	No	24	44	100	150

- (iv) the Capital works Program 2008/09 – 2011/12 (page 78), being amended as follows:

In relation to the Southern Area Wet/Dry Leisure Facility, the proposed forward estimates of 2010/11 and 2011/12 being brought forward by twelve months enabling substantial building activity to commence in the financial year after this.

- (v) the Children's Services section (page 19) and the Capital Works Program 2008/09 – 2011/12 (page 78) being amended to state that a new Council run childcare centre will be purchased or construction commence in 2008/09, with the cost to be partly funded from savings in the Communications Budget.

- (F) note that authority continues to be delegated to the CEO to vary fees and charges for commercial operations, and to waive or reduce fees in cases of financial hardship or for pressing community needs; and
- (G) affirm that no expenditure from the CEO's Contingency is to be made without the approval of the CEO.

ITEM 7.5

CITY PARTICIPATION IN NSW GOVERNMENT'S MISSION TO CHINA - MAY 2008 (S051948)

It is resolved that Council note the letter of invitation from the Premier, as shown at Attachment A to the subject report, and endorse the participation of the Lord Mayor, her Chief of Staff and the CEO in the NSW Government Mission to China.

At the meeting of Council, it was moved by Councillor Mallard, seconded by Councillor Kemmis –

That the recommendation of the Finance, Properties and Tenders Committee be adopted, subject to the addition of a further clause, such that it reads as follows:

It is resolved that:

- (A) Council note the letter of invitation from the Premier, as shown at Attachment A to the subject report:
- (B) Council endorse the participation of the Lord Mayor, her Chief of Staff and the CEO in the NSW Government Mission to China; and
- (C) authority be delegated to the Chief Executive Officer to determine whether an additional staff member is needed to provide Protocol support, after consulting the NSW Premier's Department, noting that meetings and official events have now been confirmed with the mayors of Guangzhou, Shanghai and Beijing and the itinerary is still being finalised.

Carried unanimously.

ITEM 7.6

CITY PARTICIPATION IN 38TH ANNUAL SAN FRANCISCO LGBT PRIDE CELEBRATION - JUNE 2008 (S051948)

It is resolved that:

- (A) Council participate in the 38th Annual San Francisco LGBT Pride Celebration on June 28-29, 2008 with the attendance of two Councillors; and
- (B) the two Councillors to attend be Councillors Black and Mallard.

Carried unanimously.

ITEM 7.7**OWNER'S CONSENT - ADBOOTH DEVELOPMENT APPLICATIONS (S047643)**

The Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 12 May 2008.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Lee -

It is resolved that consideration of this matter be deferred to the next meeting of the Finance, Properties and Tenders Committee.

Carried unanimously.

ITEM 7.8**SYDNEY TOWN HALL - PHASE 1 ESSENTIAL SERVICES UPGRADE- APRIL 2008 REPORT (S052971)**

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 7.9**STANLEY STREET CONCEPT DESIGN (S053891)**

It is resolved that:

- (A) Council endorse the scope for the Stanley Street Upgrade identified as Option 2 in the subject report and the project proceed to the detail design stage;
- (B) Council continue investigations with the State Transit Authority and the Roads and Traffic Authority to relocate the bus route from Stanley Street to Crown Street;
- (C) works for undergrounding of power cables be funded from the City's operational budget in the 2008/09 and 2009/10 financial years as the costs incurred are in relation to Energy Australia assets;
- (D) Budget Details, Attachment D to the subject report, remain confidential in accordance with Section 10A2(d) of the Local Government Act 1993; and
- (E) Council not support making Stanley Street one way.

Carried unanimously.

ITEM 7.10

EXTENSION OF THE YWCA BROKERAGE CONTRACT (S060294)

It is resolved that the current contract with the YWCA of Sydney for the provision of the Homeless Brokerage Program be extended for twelve months for the period 1 July 2008 to 30 June 2009.

Carried unanimously.

ITEM 7.11

SPONSORSHIP – GLEBE YOUTH SERVICE (S034794-02)

It is resolved that:

- (A) Council approve a cash grant of \$150,000 (excluding GST) for 2008/09 to Glebe Youth Service for the delivery of the After Dark program, food program and a Case Worker; and
- (B) authority be delegated to the Chief Executive Officer to enter into agreement with Glebe Youth Service.

Carried unanimously.

ITEM 7.12

SPONSORSHIP - WORLD YOUTH DAY 2008 (S059509)

It is resolved that:

- (A) Council note the financial implications, as shown in Attachment B to the subject report, and the logistical implications for the City as a consequence of World Youth Day (WYD);
- (B) Council approve the following level of support to WYD:
 - (i) waiving fees for the hire of banner poles; and
 - (ii) waiving fees for the hire of venues and open spaces,and note that the City will incur significant revenue loss and additional operating costs from:
 - (iii) revenue foregone from parking operations and road closures; and
 - (iv) street and non venue ancillary cleaning;
- (C) Council approve the use of Hyde Park, subject to the full costs of restoration being met by either the World Youth Day Coordination Authority (Government) and/or the World Youth Day Organising Committee (Church);

- (D) Council agree to the temporary removal and reinstatement of traffic infrastructure, subject to full cost recovery, in line with the City's agreed standards, primarily for Hickson Road, Parkham Street and other locations which may be impacted;
- (E) Council not approve the following level of support to WYD:
 - (i) production, installation and dismantling of banners;
 - (ii) restoration of Hyde Park;
 - (iii) removal and remediation of traffic infrastructure and landscaping; and
 - (iv) SHFA land cleaning;
- (F) authority be delegated to the Chief Executive Officer to enter into any agreements required to finalise the City's support, with either the World Youth Day Organising Committee and/or the World Youth Day Coordination Authority; and
- (G) in consultation with the City of Sydney, World Youth Day organisers be required to consult with the Parkham Street and Bourke Street communities,.

Carried unanimously.

Speakers

Mr John Moore, Ms Frier Bentley and Mr Jim Hanna addressed the meeting of the Finance, Properties and Tenders Committee on Item 7.12.

ITEM 7.13

SPONSORSHIP - SYDNEY 2009 WORLD MASTERS GAMES (S066009)

It is resolved that:

- (A) Council approve cash sponsorship of \$100,000 (excluding GST) and value-in-kind of \$150,000 to the Sydney 2009 World Masters Games Organising Committee for the Sydney 2009 World Masters Games; and
- (B) authority be delegated to the Chief Executive Officer to enter into agreement with the Sydney 2009 World Masters Games Organising Committee.

Carried unanimously.

ITEM 7.14

TENDER - SUPPLY AND PROCESSING OF SERIALS (S057340)

It is resolved that:

- (A) Council reject the tender offer of Tenderer A for the supply and processing of serials for the reasons outlined in confidential Attachment A to the subject report;

- (B) Council enter into negotiations with suitably qualified suppliers that can demonstrate a capability to deliver the services as specified in the request for tender;
- (C) authority be delegated to the Chief Executive Officer to enter into a contract, subject to the satisfactory conclusion of negotiations with suitable suppliers for the services; and
- (D) Tender Evaluation Summary, Attachment A to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried unanimously.

ITEM 7.15

TENDER - SUPPLY AND DELIVERY OF BULK LANDSCAPE MATERIALS (S059347)

It is resolved that:

- (A) Council accept the tender offer of Company A for supply and delivery of bulk landscape materials; and
- (B) Tender Evaluation Summary and Schedule of Rates, being Attachments A and B respectively to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried unanimously.

ITEM 7.16

TENDER - PROPERTY SERVICES (S047600)

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for the provision of Property Services; and
- (B) Tender Evaluation Summary, Attachment A to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried unanimously.

Closed Meeting

At 4.35pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 7.17 on the agenda as this matter comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Item 7.17 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session.

ITEM 7.17**PROPERTY MATTER (S060534; S060533; S057025)**

Note – in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until contracts are exchanged.

ITEM 8 REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE - 5 MAY 2008

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Phillip Black
(Deputy Chair)

Councillors Chris Harris, Marcelle Hoff, Robyn Kemmis, John McInerney and Tony Pooley.

At the commencement of business at 4.42pm those present were -

The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, McInerney and Pooley.

Apologies

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Environment and Heritage Committee.

Councillor, The Hon Michael Lee extended his apologies for his inability to attend the meeting of the Environment and Heritage Committee.

Councillor Shayne Mallard extended his apologies for his inability to attend the meeting of the Environment and Heritage Committee.

Moved by Councillor Black, seconded by Councillor Pooley -

That the apologies from Councillors Firth, Lee and Mallard be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Environment and Heritage Committee concluded at 4.46pm.

Report of the Committee

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

That the Report of the Environment and Heritage Committee of its meeting of 5 May 2008 be received, and the recommendation set out below for Item 8.2 be adopted, with Item 8.1 being noted.

Carried.

ITEM 8.1

DISCLOSURES OF INTEREST

No Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Environment and Heritage Committee.

The Committee recommended the following:

ITEM 8.2

LILLIAN FOWLER RESERVE PLAN OF MANAGEMENT (2004871)

It is resolved that Council adopt the Lillian Fowler Reserve Plan of Management, as shown at Attachment B to the subject report.

Carried.

**ITEM 9 REPORT OF THE CULTURAL AND COMMUNITY SERVICES
COMMITTEE - 5 MAY 2008**

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Marcelle Hoff
(Deputy Chair)

Councillors Phillip Black, Chris Harris, Robyn Kemmis, Shayne Mallard, John McInerney and Tony Pooley.

At the commencement of business at 4.47pm those present were -

The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, McInerney and Pooley.

Councillor Mallard arrived at the meeting of the Cultural and Community Services Committee at 5.50pm at the conclusion of discussion on Item 9.2.

Councillor Harris left the meeting of the Cultural and Community Services Committee at 4.55pm during discussion on Item 9.3, and did not return.

Apologies

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Cultural and Community Services Committee.

Councillor The Hon Michael Lee extended his apologies for his inability to attend the meeting of the Cultural and Community Services Committee.

Moved by Councillor Hoff, seconded by Councillor Pooley -

That the apologies from Councillors Firth and Lee be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Cultural and Community Services Committee concluded at 4.57pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor McInerney -

That the Report of the Cultural and Community Services Committee of its meeting of 5 May 2008 be received, and the recommendations set out below for Items 9.2 and 9.3 be adopted, with Item 9.1 being noted.

Carried unanimously.

ITEM 9.1**DISCLOSURES OF INTEREST**

No Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Cultural and Community Services Committee.

The Committee recommended the following:

ITEM 9.2**NAIDOC WEEK 2008 (S052817)**

It is resolved that:

- (A) Council approve a grant of \$14,000 (excluding GST) to the Inner City Aboriginal Multi-Purpose Association for NAIDOC Week 2008 celebrations;
- (B) Council approve a grant of \$10,000 (excluding GST) to the Walla Mulla Community Centre for NAIDOC Week 2008 celebrations;
- (C) Council note the City's activities to celebrate NAIDOC Week 2008 including additional activities in Glebe; and
- (D) authority be delegated to the Chief Executive Officer to enter into agreements with the Inner City Aboriginal Multi-Purpose Association and Walla Mulla Community Centre.

Carried unanimously.

ITEM 9.3**GREEN SQUARE TOWN CENTRE COMMUNITY FACILITIES - LIBRARY, CULTURAL AND COMMUNITY CENTRE (S055683)**

It is resolved that:

- (A) Council endorse the location of the Library, Cultural and Community Centre within the civic plaza at the Botany Road frontage;
- (B) the City will aim to provide the Library, Cultural and Community Centre as part of the early stages of delivery of the Green Square town centre public domain; and
- (C) Council endorse the development of a business case and design development for the Green Square community facilities including the Library, Cultural and Community Centre and the Aquatic Centre to commence in 2008/9.

Carried unanimously.

ITEM 10 REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 5 MAY 2008

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillors Phillip Black, Chris Harris, Marcelle Hoff, Robyn Kemmis, Shayne Mallard, John McInerney and Tony Pooley.

At the commencement of business at 4.58pm those present were:

The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, Mallard, McInerney and Pooley.

Apologies

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee.

Councillor The Hon Michael Lee extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee.

Moved by Councillor Black, seconded by Councillor Pooley -

That the apologies from Councillors Firth and Lee be accepted and leave of absence from the meeting be granted.

Carried.

Adjournment

At 4.59pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor McInerney –

That the meeting of the Planning Development and Transport Committee be adjourned for a short period.

Carried.

At the resumption of the meeting of the Planning Development and Transport Committee at 5.12pm, those present were:

Councillors Black, Hoff, Kemmis, Mallard, McInerney and Pooley.

The Lord Mayor returned to the meeting of the Planning Development and Transport Committee at 5.13pm at the conclusion of Item 10.1.

Councillor Harris returned to the meeting of the Planning Development and Transport Committee also at 5.13pm at the conclusion of Item 10.1.

The Lord Mayor left the meeting of the Planning Development and Transport Committee at 7.12pm, at the beginning of discussion on Item 12, and did not return.

Sub-Committees

Meetings of the following Sub-Committees of the Planning Development and Transport Committee commenced at the times shown to facilitate the discussion of Items of business on the agenda in the order shown below.

The Planning Policy Sub-Committee, with Councillor McInerney as Deputy Chair, commenced at 5.14pm.

The Major Development Assessment Sub-Committee, with Councillor Kemmis as Deputy Chair, commenced at 7.12pm.

The Development Assessment Sub-Committee, with Councillor Black as Deputy Chair, commenced at 6.18pm.

Order of Business

The Planning Development and Transport Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order -

1. Disclosures of Interest
6. City East Local Area Traffic Management Scheme Review
2. Post Exhibition Report – Rosebery Heritage Assessment Draft Study
3. Green Square and Southern Areas Retail Study 2008
13. Section 96 Application: 2-14 Eve Street Erskineville – Motto Building
12. Development Application: 1-9 Regent Street Chippendale
11. Development Application: 4 Hercules Street Surry Hills
14. Section 96 Applications: 5010 George Street Dawes Point and 5010 Argyle Street Millers Point – Bus Shelters
4. Public Exhibition – Green Square Town Centre Draft Local Environmental Plan and Development Control Plan Amendments
5. Green Square-West Kensington Flood Study and Floodplain Risk Management Process
7. Sydney Link – Draft Submission
8. Report of the Operations of the Small Permits Appeals Panel
9. Review of Standard Development Application Conditions
10. General Business

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 7.57pm.

ITEM 10.1

DISCLOSURES OF INTEREST

No Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Planning Development and Transport Committee.

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the report of the Planning Policy Sub-Committee of its meeting of 5 May 2008 be received, and the recommendations for Items 10.4, 10.5, 10.7 and 10.8 be adopted, with Item 10.1 being noted, and Items 10.2, 10.3, 10.6, 10.9 and 10.10 being dealt with as shown immediately following those items.

Carried.

The Planning Policy Sub-Committee recommended the following:

ITEM 10.2

POST EXHIBITION REPORT - ROSEBERY HERITAGE ASSESSMENT DRAFT STUDY (S047455)

It is resolved that Council note:

- (A) that the findings and recommendations of the Draft Rosebery Heritage Assessment Study (July 2006), as shown at Attachment C to the subject report, will inform the drafting of City Plan 2008;
- (B) that the findings and recommendations of the Rosebery Heritage Review (February 2007), as shown at Attachment D to the subject report, will inform the drafting of City Plan 2008;
- (C) the intention to include 5 Dalmeny Avenue, Rosebery in the draft City Plan 2008 Heritage Item schedule;
- (D) that the owner of 5 Dalmeny Avenue, Rosebery will be notified in writing of Council's resolution as soon as practicable; and
- (E) that the Rosebery Heritage Review (February 2007) will be placed on Council's website.

Note – the recommendation of the Planning Development and Transport Committee was not adopted.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Kemmis –

It is resolved that Council note:

- (A) the findings and recommendations of the Draft Rosebery Heritage Assessment Study (July 2006), as shown at Attachment C to the subject report, and the Rosebery Heritage Review (February 2007), as shown at Attachment D to the subject report;
- (B) that City Plan 2008 will include specific planning controls for Rosebery. The recommendations of the Draft Study (July 2006) and the Review (February 2007) will inform this process. In particular the planning controls will:

- (i) not make the Rosebery Estate a heritage conservation area;
 - (ii) not prohibit demolition or detached dual occupancy development; and
 - (iii) aim to maintain the Rosebery Estate as an area characterised by single-storey detached dwellings and the existing subdivision pattern of large lots;
- (C) the intention to include 5 Dalmeny Avenue, Rosebery in the draft City Plan 2008 Heritage Item schedule;
- (D) that all relevant property owners will be notified in writing of Council's resolution as soon as practicable; and
- (E) that the Rosebery Heritage Review (February 2007) will be placed on Council's website.

Carried.

Speakers

Mr Lee Dayeh addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.2.

ITEM 10.3

GREEN SQUARE AND SOUTHERN AREAS RETAIL STUDY 2008 (S052315)

It is resolved that Council:

- (A) endorse the draft Green Square and Southern Areas Retail Study (except for the recommended retail car parking rate for the Green Square Town Centre), shown at Attachment A to the subject report, to inform the preparation of City Plan Local Environmental Plan and Development Control Plan controls;
- (B) adopt the draft Green Square and Southern Areas Retail Study (except for the recommended retail car parking rate for the Green Square Town Centre), shown at Attachment A, as an interim policy to provide guidance for development assessment prior to the adoption of City Plan, and its placement on the City of Sydney website as a planning policy; and
- (C) intend the draft Green Square and Southern Areas Retail Study, shown at Attachment A, to replace the Green Square Retail Development Potential Study (December 2000) referenced in the South Sydney Development Control Plan 1997: Urban Design - Part G: Special Precinct No.9 - Green Square and be construed to be this document.

Note – the recommendation of the Planning Development and Transport Committee was not adopted.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Mallard –

It is resolved that Council:

- (A) note the draft Green Square and Southern Areas Retail Study 2008, shown at Attachment A to the subject report;
- (B) endorse the following principles of the draft Green Square and Southern Areas Retail Study 2008:
 - (i) a retail hierarchy that complements and supports the Green Square Town Centre as a major centre;
 - (ii) that the allocation of retail floor space in the Green Square Town Centre be increased to an appropriate quantum; and
 - (iii) having regard to (i) and (ii) above, that any retailing within Green Square and the Southern Industrial Areas should be of a minor, ancillary nature outside of the proposed retail centres;
- (C) note that other recommendations of the draft Green Square and Southern Areas Retail Study 2008, such as parking rates and planning provisions, should be considered as part of the City Plan Review; and
- (D) endorse the draft Green Square and Southern Areas Retail Study 2008 for public exhibition for a minimum 28 days.

Amendment. At the request of Councillor Harris, and by consent, the motion was amended by the addition of clause (E) as follows:

- (E) call upon the State Government to provide adequate and affordable public transport to the Green Square area.

Motion, as amended by consent, carried unanimously.

ITEM 10.4

PUBLIC EXHIBITION - GREEN SQUARE TOWN CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN AMENDMENTS (S055493)

It is resolved that:

- (A) Council endorse the draft Local Environmental Plan for the site known as Green Square Town Centre, as shown at Attachment B to the subject report, for public exhibition for a minimum period of 28 days, in accordance with Section 66 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000;
- (B) Council note that the Department of Planning has delegated to Council the power to issue a Section 65 Certificate under the Environmental Planning and Assessment Act 1979, to allow the exhibition to proceed, a copy of which is shown at Attachment D to the subject report;

- (C) Council endorse the draft Development Control Plan, as shown at Attachment C to the subject report, for public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any changes required as a result of consideration by the Central Sydney Planning Committee and to make minor drafting changes to the draft Local Environmental Plan and draft Development Control Plan, prior to public exhibition.

Carried unanimously.

ITEM 10.5

GREEN SQUARE-WEST KENSINGTON FLOOD STUDY AND FLOODPLAIN RISK MANAGEMENT PROCESS (S042539-02)

It is resolved that Council:

- (A) note the completion of the Green Square-West Kensington Flood Study, as shown at Attachment A to the subject report, and the next steps in the floodplain management process; and
- (B) note that the subject study will be placed on the City of Sydney website.

Carried.

ITEM 10.6

CITY EAST LOCAL AREA TRAFFIC MANAGEMENT SCHEME REVIEW (S054718)

It is resolved that:

- (A) Council endorse the draft City East Local Area Traffic Management Study – April 2008, as shown at Attachment B to the subject report;
- (B) Council receive and note the advice of the Sydney Traffic Committee, as shown at Attachment C to the subject report;
- (C) Council endorse the proposed City East Local Area Traffic Management Scheme treatments and priorities, as shown at Attachments D and E to the subject report, subject to the deletion, at Item S20 in Attachment E, of the word “investigate” and the substitution of the words “convert to”, such that Item S20 read as follows:

“Neild Avenue and Boundary Street – City to convert to two way traffic treatment with Woollahra Council.”
- (D) authority be delegated to the Chief Executive Officer to vary the detail of treatments and projects priorities as may be required;
- (E) Council ask the Roads and Traffic Authority to install a 40 km/h speed limit on all local roads within the study area;

- (F) Council ask the Roads and Traffic Authority to investigate issues relating to State Roads within the study area; and
- (G) Council note that the matters raised at the meeting of the Planning Development and Transport Committee are to be examined by Council staff.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Harris –

That the recommendation of the Planning Development and Transport Committee be adopted, subject to the inclusion of a new clause (G) as follows:

- (G) Council ask the Ministry of Transport and the State Transit Authority to investigate the concerns raised by residents about bus routes during LATM consultation and at the meeting of the Planning Development and Transport Committee held on 5 May 2008;

and the subsequent renumbering of existing clause (G) to (H).

The motion was carried unanimously.

Speakers

Ms Sonia Gidley-King, Mr Michael Gormly and Ms Trish Muller addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.6.

ITEM 10.7

SYDNEY LINK – DRAFT SUBMISSION (S050378)

It is resolved that Council:

- (A) endorse the draft Submission to the Ministry of Transport on the Sydney Link proposals, shown at Attachment C to the subject report;
- (B) reiterate its support for:
 - (i) a West Metro between Parramatta and Central Sydney;
 - (ii) a South East Metro from Central Sydney to Malabar;
 - (iii) the extension, currently being considered by the State Government, of the existing light rail network between Central and Circular Quay along the western edge of the CBD;
 - (iv) the completion of the light rail loop in Central Sydney as proposed on the City's draft Sustainable Sydney 2030 Strategy; and
 - (v) the extension of light rail from Central Sydney to Green Square;
- (C) forward a copy of the draft Submission to the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government, and call on the Minister to provide funding for metro and light rail projects; and

- (D) continue to work co-operatively with the State Government and seek the establishment of a high-level inter-agency working group/s, involving City representation, to:
- (i) expedite and co-ordinate planning and construction of integrated transport solutions for Sydney, including the metro and light rail proposals; and
 - (ii) ensure that the projects deliver an integrated urban solution with outcomes across a broad range of indicators including cultural, social, environmental and design, as well as transport improvements.

Carried unanimously.

ITEM 10.8

REPORT OF THE OPERATIONS OF THE SMALL PERMITS APPEALS PANEL (S051113)

It is resolved that the subject report be received and noted.

Carried.

ITEM 10.9

REVIEW OF STANDARD DEVELOPMENT APPLICATION CONDITIONS (S043361)

It is resolved that:

- (A) Council approve the amendments to the City of Sydney: Standard Development Application Conditions, contained in Attachments A, B, C and D to the subject report, for public exhibition for a period of 28 days;
- (B) Council agree to seek input from relevant industry bodies, including, but not limited to:
 - (i) the New South Wales Urban Taskforce;
 - (ii) the Property Council of Australia; and
 - (iii) the Royal Australian Institute of Architects;
- (C) Council note that a further report will be submitted to Council following the exhibition period; and
- (D) a further review of the Standard Conditions be undertaken 12 months thereafter.

Note – the recommendation of the Planning Development and Transport Committee was not adopted.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Harris –

It is resolved that:

(A) Council endorse the amendments to the City of Sydney: Standard Development Application Conditions, contained in Attachments A, B, C and D to the subject report, subject to the incorporation of the following amendments:

(i) the addition of the following conditions:

SCHEDULE A

DESIGN QUALITY EXCELLENCE

(a) In order to ensure the design quality excellence of the development is retained:

(i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;

(ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

(iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice and approval of the Council.

SCHEDULE B

SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

A suitably qualified expert must prepare a report which confirms the existence of sandstone or otherwise on the site and analyses the quality of the material, including contamination, to confirm whether or not it is of a quality suitable for reuse in other construction.

Subject to confirmation that the rock is of suitable quality, an Excavation Work Method Statement must be prepared which outlines the method for the removal of all sandstone material in a useable form and size.

Prior to a Construction Certificate being issued, the excavation methodology, including details of any required storage of material off site, must be submitted to and approved by Council.

Note: If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is Yellow Block sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Commerce on 9372 8526 for further enquiries with regard to storage.

- (ii) the amendment of existing conditions to read as follows:

SCHEDULE A

(119) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, **and approved by** Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate or Certificate of Completion.

Note – In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

SCHEDULE B

(73) ELECTRICITY SUBSTATION

If required, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area **or in any area visible from the public domain**, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.

(98) FOOTPATH DAMAGE BANK GUARANTEE

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way. **However, neither bank guarantee will be released until all development works are complete to the satisfaction of the City, including rectification of damage to the public way.**

(107) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued for the ***new building work, excluding approved preparatory, demolition and shoring work above ground building work.*** It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

Note: a security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted standard fees and charges.

- (B) the revised standard conditions be publicly exhibited for a period of 28 days and Council seek review and input on the Standard Development Application Conditions from relevant industry bodies, including, but not limited to:
- (i) the New South Wales Urban Taskforce;
 - (ii) the Property Council of Australia;
 - (iii) the Planning Institute of Australia;
 - (iv) the Australian Conservation Foundation;
 - (v) the Total Environment Centre; and
 - (vi) the Royal Australian Institute of Architects;
- (C) the findings of the exhibition and review be represented to the Planning Development and Transport Committee, including any recommendation of subsequent changes to Standard Development Conditions; and
- (D) a further review of the Standard Conditions be undertaken 12 months thereafter.

Carried unanimously.

ITEM 10.10**GENERAL BUSINESS (S054963)****Parking Permits**

Councillor Tony Pooley requested that consideration be given to the printing, on Council's parking permits, of words to the effect that the purchase of a parking permit does not guarantee the permit holder a parking space.

Note – at the meeting of Council, Councillor Pooley requested that this item of General Business be varied to include the words “the application form and the explanatory information,” after the words “Council’s parking permits”.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the report of the Major Development Assessment Sub-Committee of its meeting of 5 May 2008 be received, and the recommendations set out below for Items 10.11 and 10.12 be adopted.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 10.11

DEVELOPMENT APPLICATION: 4 HERCULES STREET SURRY HILLS (D/2008/52)

It is resolved that consent be granted subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2008/52 dated 15 January 2008 and Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated January 2008 and the following drawings:

Drawing Number	Architect	Date
DA 01 A	Lawton Hurley Architects	January 2008
DA 02 A	Lawton Hurley Architects	January 2008
DA 03 A	Lawton Hurley Architects	January 2008
DA 04 A	Lawton Hurley Architects	January 2008
DA 05 A	Lawton Hurley Architects	January 2008

Drawing Number	Architect	Date
DA 06 A	Lawton Hurley Architects	January 2008
DA 07 A	Lawton Hurley Architects	January 2008
DA 08 A	Lawton Hurley Architects	January 2008
DA 09 A	Lawton Hurley Architects	January 2008

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Lawton Hurley Architects dated 3 April 2008.

(3) DESIGN DETAILS – (EXTERNAL CURVED GLAZING)

The curved glass windows on levels 2 and 3 on the south western and north western corners are to be constructed from curved glass as shown in the approved drawings. Facetted curved windows constructed of straight sections of glass are not acceptable.

(4) SIGNAGE STRATEGY

(5) SIGNS/GOODS IN THE PUBLIC WAY

(6) REMOVAL OF GRAFFITI

(7) NO SPRUICKING/AMPLIFIED NOISE

(8) SHOP FRONTS

(9) NOISE - USE

(10) NOISE - MECHANICAL PLANT

(11) SECTION 94 EASTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$ 14,575.92
Public Domain	\$ 20,803.68
New Open Space	\$169,271.06
Accessibility	\$ 1,707.92
Management	\$ 1,845.41
<u>Total</u>	<u>\$208,203.99</u>

The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

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

where:

C is the original contribution amount as shown above;

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

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – September 2007.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(12) CAR PARKING SPACES AND DIMENSIONS

A maximum of 9 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(13) HOLDING AREAS

(14) SECURITY GATES

(15) SIGNS AT EGRESS

(16) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION**(17) LOCATION OF ACCESSIBLE CAR PARKING SPACES****(18) LOCATION OF DRIVEWAYS****(19) DELETE DRIVEWAY**

The existing driveways off Hercules Street, Uther Street and Cooper Lane shall be deleted.

(20) ACCESSIBLE CAR PARKING SPACES

Of the required car parking spaces, at least **1** must be 3.2m x 5.5m minimum (with minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the 'City of Sydney Access Development Control Plan 2004. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(21) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**(22) INTERCOM FOR VISITORS****(23) LOCATION OF VISITOR PARKING****(24) ALLOCATION FOR VISITOR PARKING****(25) SIGN FOR VISITOR PARKING****(26) BICYCLE PARKING****(27) BICYCLE PARKING NUMBERS****(28) COURIER SPACE**

The proposed courier should be removed with one of the car parking spaces being converted into a new courier parking space.

(29) LOADING WITHIN SITE**(30) LOADING/PARKING KEPT CLEAR****(31) TRAFFIC WORKS****(32) COST OF SIGNPOSTING****(33) ASSOCIATED ROADWAY COSTS****(34) ON-STREET LOADING ZONES****(35) COST OF TRAFFIC MANAGEMENT**

(36) REFLECTIVITY**SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building**

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

(37) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**(38) PUBLIC DOMAIN PLAN****(39) ALIGNMENT LEVELS****(40) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL****(41) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE****(42) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT****(43) ROAD OPENING PERMIT****(44) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE****(45) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM****(46) DILAPIDATION REPORT – MINOR****(47) ASBESTOS REMOVAL****(48) PROHIBITION OF ASBESTOS RE-USE****(49) CLASSIFICATION OF WASTE****(50) DISPOSAL OF ASBESTOS****(51) ASBESTOS REMOVAL SIGNAGE****(52) SIGNAGE LOCATION AND DETAILS****(53) SKIPS AND BINS****(54) NOTIFICATION OF ASBESTOS REMOVAL****(55) ELECTRICITY SUBSTATION****(56) UTILITY SERVICES**

- (57) TELECOMMUNICATIONS PROVISIONS**
- (58) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (59) ENERGY EFFICIENCY OF BUILDINGS**
- (60) FOOTPATH DAMAGE BANK GUARANTEE**
- (61) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (62) BARRICADE PERMIT**
- (63) LAND SUBDIVISION – SEPARATE DA REQUIRED**
- (64) LOT CONSOLIDATION**
- (65) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**
- (66) MECHANICAL VENTILATION**
- (67) CAR PARK VENTILATION**
- (68) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (69) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**
- (70) ANNUAL FIRE SAFETY STATEMENT FORM**
- (71) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (72) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (73) DEDICATION OF SPLAY**
- (74) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (75) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**
- (76) ROCK CUTTING INTO BLOCKS**
- (77) SYDNEY WATER CERTIFICATE**
- (78) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (79) COVERING OF LOADS**
- (80) VEHICLE CLEANSING**
- (81) LOADING AND UNLOADING DURING CONSTRUCTION**

- (82) NO OBSTRUCTION OF PUBLIC WAY**
- (83) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (84) USE OF MOBILE CRANES**
- (85) ENCROACHMENTS – NEIGHBOURING PROPERTIES**
- (86) ENCROACHMENTS – PUBLIC WAY**
- (87) SURVEY CERTIFICATE AT COMPLETION**
- (88) STREET NUMBERING – MAJOR DEVELOPMENT**
- (89) SHOP NUMBERING**
- (90) STREET NAME PLATE**

SCHEDULE 2

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

Carried unanimously.

ITEM 10.12

DEVELOPMENT APPLICATION: 1-9 REGENT STREET CHIPPENDALE (D/2007/2480)

It is resolved that:

- (A) it be noted that the proposal relies upon Clause 10 of the Sydney Local Environmental Plan 2005 as the proposal is in excess of the permitted floor space ratio controls by a maximum of 10%;
- (B) the proposal be supported for the following reasons:
 - (1) the proposal is consistent with the relevant objectives of the City Edge Zone;
 - (2) the magnitude of the variation will not undermine the development standards;
 - (3) the particular physical attributes of the site, in terms of location, urban form, bulk, height and scale would render the strict application of the development standard unreasonable or unnecessary;
 - (4) the extent of the non compliance relating to the floor space ratio represents a departure of 10% over the maximum floor space ratio standard which is consistent with a departure that is acceptable under clause 10 of Sydney Local Environmental Plan 2005;

- (5) the proposed development is considered to be of a high standard of design that will improve the outlook from the surrounding properties to the existing building and is considered to contribute positively to the public domain achieving design excellence;
- (6) the proposal is considered to be contextually appropriate;
- (7) the proposal is not considered to cause any significant impact on the amenity of the area and the surrounding uses;
- (8) the proposed development and the variation from the development standard does not give rise to any matters of significance for State or Regional Environmental Planning Policies or Ministerial directives; and
- (9) compliance with the development standard is considered unnecessary and unreasonable in the circumstances of the case and the refusal of the development application on these grounds is not considered warranted; and

(C) consent be granted, subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2007/2480 dated 18 December 2007 and Statement of Environmental Effects for 1 Regent Street, Chippendale prepared by City Plan Services, dated December 2007 and the following drawings:

Drawing Number	Architect	Date
DA: 002 Rev E Site Plan	Smart Design Studio	21.09.07
DA: 003 Rev Q Ground Floor Plan	Smart Design Studio	21.09.07
DA: 004 Rev F Level 1 Plan	Smart Design Studio	21.09.07
DA: 005 Rev M Level 2 Plan	Smart Design Studio	21.09.07
DA: 006 Rev N Level 3 Plan	Smart Design Studio	21.09.07
DA: 007 Rev F Level 4 Plan	Smart Design Studio	21.09.07
DA : 008 Rev N Level 5 Plan	Smart Design Studio	21.089.07

Drawing Number	Architect	Date
DA: 009 Rev G Roof Plan	Smart Design Studio	21.09.07
DA: 200 Rev M North Elevation	Smart Design Studio	21.09.07
DA: 201 Rev N East Elevation	Smart Design Studio	21.09.07
DA: 202 Rev F South Elevation	Smart Design Studio	21.09.07
DA: 300 Rev K Section AA	Smart Design Studio	21.09.07
LS: 001 rev A	Smart Design Studio	21.09.07

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The height of the terracotta panel screen on the Regent Street elevation is to be reduced to reveal the glass balustrade behind on level 5.

Note: This will visually reduce the effective height of the building along Regent Street and the façade will achieve a better relationship with the parapet height of the adjacent façade at No 11 Regent Street.

- (b) Details of the design and appearance of the roller shutter and bicycle enclosure to Dwyer Street are to be provided.
- (c) A final materials and samples board is to be submitted.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(3) ARCHITECT WHO DESIGNED THE PROJECT NOT TO CHANGE

The architect of the project as approved should not be changed without prior notice to Council.

(4) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 4.553:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the development is 1775.5 sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 38.58(AHD) to the top of the building and RL 38.33 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

(6) SIGNS - SEPARATE DA REQUIRED

(7) REFLECTIVITY

(8) EXTERNAL LIGHTING

(9) USE OF ARCHAEOLOGISTS/HERITAGE PRACTITIONERS DURING DEMOLITION AND EXCAVATION

A suitably qualified archaeologist/heritage practitioner is to be commissioned to assist recording the existing building prior to and during the demolition and excavation work. The archaeologist/practitioner is to be involved in the resolution of procedures and measures of the demolition and excavation. The archaeologist/practitioner is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required throughout the demolition and excavation work. Evidence of the above commission is to be provided to Council prior to commencement of work on site. The archaeologist must sign off the demolition and excavation work prior to the issue of an Occupation Certificate.

(10) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MAJOR WORK

- (a) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by heritage practitioner /archaeologist commissioned for the project.
- (b) The archival record of the existing building fabric or furnishings at the site must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (c) The archival record of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to an Occupation Certificate being issued.

- (d) The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) a selection of A5 or A4 size images printed on fibre-based paper to archival standards, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (e) A summary report of the photographic documentation, detailing:
 - (i) the project description, method of documentation, and any limitations of the photographic record;
 - (ii) written confirmation that development and printing is of archival quality; and
 - (iii) photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (f) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

(11) MEASURED DRAWINGS

Before the Construction Certificate is issued, measured drawings of the existing building must be completed and submitted to the Council together with the photo archival documentation required. The drawings should be annotated with brief descriptions of the building materials and details. The drawings should include:

- (a) Location plan;
- (b) Floor plan of each level (As being provided);
- (c) Cross sections;
- (d) Elevations;
- (e) Other significant details (as necessary);
- (f) Requirement of the drawings should refer to Section 8 of "How to prepare archival records of heritage items" published by NSW Heritage Office.

(12) HERITAGE INTERPRETATION STRATEGY

- (a) A brief interpretation strategy for the site must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public. The interpretation plan should be integrated into the redevelopment of the site.
- (c) Prior to Occupation Certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.

(13) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**(14) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME****(15) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME****(16) CAR PARKING SPACES AND DIMENSIONS****(17) SIGNS AT EGRESS****(18) ACCESSIBLE CAR PARKING SPACES**

Of the required car parking spaces, at least one must be 3.2m x 5.5m minimum (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the 'City of Sydney Access Development Control Plan 2004'. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(19) LOCATION OF ACCESSIBLE CAR PARKING SPACES**(20) BICYCLE PARKING****(21) LOADING WITHIN SITE****(22) LOADING/PARKING KEPT CLEAR****(23) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 7.5m.

(24) TRAFFIC WORKS**(25) ASSOCIATED ROADWAY COSTS****(26) COST OF SIGNPOSTING**

(27) CONTAMINATED SITE ASSESSMENT

- (a) A Detailed Environmental Site Assessment (DESA) will be required to be carried out in accordance with the NSW DECC 'Contaminated Sites Guidelines'. Where the DESA states that the site is suitable for the proposed use it is to be peer reviewed by a NSW DECC accredited site auditor and a Site Audit Statement submitted to Council prior to the execution of works associated with the built form of the development, certifying that the site is suitable for the proposed use.

OR

- (b) Where the DESA states that a Remediation Action Plan (RAP) is to be undertaken the RAP is to be peer reviewed by a NSW DECC accredited site auditor and include a statement certifying that the RAP is appropriate. The site is to be remediated and validated in accordance with the RAP, and a Site Audit Statement is to be submitted to Council prior to the execution of works associated with the built form of the development, certifying that the site is suitable for the proposed use.

(28) SITE AUDIT STATEMENT

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

(29) EXPORTATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the 'Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non- Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, or hazardous Group A liquid waste advice should be sought from DECC.

(30) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**SCHEDULE 1B****Prior to Construction Certificate/Commencement of Work/Health and Building**

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

(31) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**(32) ANNUAL FIRE SAFETY STATEMENT FORM****(33) FIRE SAFETY CERTIFICATE TO BE SUBMITTED****(34) EXIT DOORS OPEN OUTWARD****(35) FLASHINGS TO BOUNDARY WALLS**

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties. The consent of the adjoining property owner/s must first be obtained for connecting the flashing/s to the building/s.

(36) PUBLIC DOMAIN PLAN**(37) ALIGNMENT LEVELS****(38) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL****(39) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL****(40) WASTE AND RECYCLING MANAGEMENT - MINOR****(41) FOOTPATH DAMAGE BANK GUARANTEE**

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way.

(42) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:
 - (i) Details planter boxes;
 - (ii) Location, numbers and type of plant species;
 - (iii) Details of planting procedure and maintenance;
 - (iv) Details of drainage and watering systems;
 - (v) Details of surface finishes and fencing on roof top.
- (b) All landscaping in the approved plan is to be completed prior to and Occupation Certificate being issued.

(43) RAINWATER REUSE SYSTEM

- (a) A detailed design for the rain water reuse system shall be developed and certified by a qualified engineer and submitted to the Certifying authority for approval (not Council). It shall include provision for overflow and connection to the City's stormwater pipes.
- (b) Prior to a Construction Certificate being issued, a maintenance plan is to be submitted for approval of the Principal Certifying Authority and complied with during occupation.

(44) PLANTING ON SLAB/PLANTER BOXES

The applicant shall; submit a plan to the Principal Certifying Authority to indicate extent of landscape areas on slab/planter boxes and providing details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes. The minimum soil depths for planting on slabs shall be 1000mm for trees, 600mm for shrubs and 300mm for grass.

(45) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**(46) CONSTRUCTION TRAFFIC MANAGEMENT PLAN****(47) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT****(48) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM****(49) DILAPIDATION REPORT – MINOR****(50) ROAD OPENING PERMIT****(51) ASBESTOS REMOVAL****(52) PROHIBITION OF ASBESTOS RE-USE****(53) DISPOSAL OF ASBESTOS****(54) ASBESTOS REMOVAL SIGNAGE****(55) SIGNAGE LOCATION AND DETAILS****(56) SKIPS AND BINS****(57) NOTIFICATION OF ASBESTOS REMOVAL****(58) UTILITY SERVICES****(59) ELECTRICITY SUBSTATION****(60) TELECOMMUNICATIONS PROVISIONS****(61) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)****(62) ACOUSTIC PRIVACY BETWEEN UNITS**

- (63) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)**
- (64) FLOOR TO CEILING HEIGHT**
- (65) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (66) INSTALLATION OF DUAL-FLUSH TOILETS**
- (67) INSTALLATION OF WATER EFFICIENT TAPS**
- (68) INTERNAL LIGHTING SYSTEM**
- (69) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (70) FOOTPATH DAMAGE BANK GUARANTEE**
- (71) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (72) BARRICADE PERMIT**
- (73) DEMOLITION/SITE RECTIFICATION (if cost is under \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site 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 Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of \$85, 800 as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$85, 800; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor 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 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 tenable stage;

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

- (d) 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, must 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.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is released. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

(74) STRATA SUBDIVISION – SEPARATE DA REQUIRED

(75) MECHANICAL VENTILATION

(76) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

(77) CAR PARK VENTILATION

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(78) OCCUPATION CERTIFICATE TO BE SUBMITTED

(79) LOADING AND UNLOADING DURING CONSTRUCTION

(80) BASIX

(81) HOURS OF WORK AND NOISE – OUTSIDE CBD

(82) SYDNEY WATER CERTIFICATE

(83) COVERING OF LOADS

(84) LOADING AND UNLOADING DURING CONSTRUCTION

(85) NO OBSTRUCTION OF PUBLIC WAY

(86) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT

(87) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 4 – 6, must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2005.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential as defined in the Sydney Local Environmental Plan 2005. The covenant is to be registered on title prior to an Occupation Certificate being issued, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building such that the Building Manager or agent has control over who shares units.

- (g) Car parking spaces may only be used for storage related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

SCHEDULE 2

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

Carried unanimously.

Speakers

Mr William Smart addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.12.

Report of the Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the report of the Development Assessment Sub-Committee of its meeting of 5 May 2008 be received, with Item 10.13 being noted, and Item 10.12 being dealt with as shown immediately following that item.

Carried.

The Development Assessment Sub-Committee recommended the following:

ITEM 10.13

SECTION 96 APPLICATION: 2-14 EVE STREET ERSKINEVILLE - MOTTO BUILDING (DU/2002/1094)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 12 May 2008.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Mallard –

It is resolved that the Section 96 application be approved and Condition number (A2) 1 be modified to read as follows:

1. That the development shall be generally in accordance with plans numbered A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, A11, A12, A13, A14, A15, A16, A17 prepared by AJC and with the Section 96 Modification lodged 14 December 2004, plans number 02038 A 04J, 02038 A 04 K, 04194 CC 1001 rev C, Annexures A & B and with the Section 96 Modification lodged 9 October 2007, plans numbered A04, A05 & A06, issue E, prepared by AJC, dated 24 September 2007, and plans numbered A13 issue C prepared by AJC, dated 08 August 2007, only in so far as they relate to the height of the boundary fence, and the position of the wall at levels 2 and 3 **and the Section 96 (2) modification lodged 20 December 2007, plans numbered A05 issue G, A07 issue D, A08 issue D, A11 issue B, dated 20 December 2007 A12 issue D, A13 issue E, dated 29 January 2008, only in so far as they relate to the increase in height of Building 'C' and the correction of location of the façade elements to Building 'D'. The overall increase in height to Building C shall be no greater than a total of 1.45 metres. Amended plans are to be submitted, for the approval of the Director City Planning and Regulatory Services, prior to the issue of the Construction Certificate**, subject to compliance with the following conditions.

The motion was carried on the following show of hands:

Ayes (7) The Chair (the Lord Mayor), Councillors Firth, Hoff, Lee, Mallard, McInerney and Pooley

Noes (2) Councillors Harris and Kemmis.

Motion carried.

Speakers

Mr Nicholas Guirietto, Mr Stewart White, Mr Andrew Chuter, Mr Bruce Franklin, Ms Kate Dunlop, Mr Tim Gavan and Mr James Harrison addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.13.

ITEM 10.14

SECTION 96 APPLICATIONS: 5010 GEORGE STREET DAWES POINT AND 5010 ARGYLE STREET MILLERS POINT - BUS SHELTERS (D/2005/1920/A AND D/2005/1941/A)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 12 May 2008.

Note – the subject Section 96 Applications having been withdrawn by the applicant prior to the meeting, this matter was not considered at the meeting of Council.

ITEM 11 QUESTIONS ON NOTICE**ACTIONS TO REPORT ANTI-SOCIAL NOISY VEHICLES IN KINGS CROSS
(S044454)**

1. By Councillor Mallard

Question

Residents in Potts Points and Kings Cross are increasingly agitated by the irritation and significant disturbance caused by excessively loud exhaust systems on cars and motorcycles travelling through Kings Cross and Woolloomooloo. This problem is particularly bad at peak entertainment times of Friday and Saturday nights through to the early hours of the morning. I have witnessed the noise from these vehicles and it is highly unacceptable and stressful for residents and visitors alike. I recently attended a meeting of concerned residents, business owners and representatives of Kings Cross Police, the Department of Environment, Malcolm Turnbull's office and Council staff where a number of measures were suggested that Council can undertake to help drive this antisocial activity out of our City (and preferably eradicate it). These included engineering changes that are being considered in the Eastern area LATM. However, several other non-engineering approaches have been suggested. Can Council consider and respond to the following suggestions:

1. CEO write to the state government asking for toughening of vehicle noise laws including:
 - confiscation of vehicles suspected of excessive noise pending full RTA testing (eg 48 hours off the road);
 - loss of points for offences;
 - confiscation of vehicles belonging to repeat offenders (eg 3 months).

2. Conduct an education campaign about noisy vehicles including:
 - temporary installation of mobile variable signs saying 'Report Noisy Vehicles call 131 555' on Cowper Wharf Road heading east and the entrance to Kings Cross at Darlinghurst Road near Bayswater Road;
 - taking or referring reports of noisy vehicles at Council's after hours and regular customer service numbers;
 - publicity awareness campaign encouraging reporting of this problem activity additional including street signage in appropriate locations;
 - coordination of campaign with random road side checks thru Kings Cross police to permanently discourage this activity.

Answer by the Lord Mayor

I am concerned that residents in densely populated inner city precincts continue to suffer serious impacts from noisy vehicles including motorcycles, modified vehicles and modified vehicle sound systems. While there appear to be significant impacts in residential areas adjacent to late night entertainment zones, I have also received complaints from residents in the CBD, Millers Point, Dawes Point, The Rocks, Woolloomooloo, Darlinghurst and Surry Hills. There have also been recent media reports of similar problems in Burwood and La Perouse.

The Department of Environment and Climate Change is the main agency responsible for breaches of vehicle noise legislation and I have asked several times for joint Police, Environment Protection Agency and the Roads and Traffic Authority enforcement and compliance campaigns. A representative of the Department of Environment and Climate Change reported that it is the only agency with the necessary "Type 1" noise testing equipment that the legislation requires to issue defect notices to vehicles.

Kings Cross Police have responded positively to my requests and arranged regular joint blitzes, senior officers have attended residents' meetings to work with them, and the Acting Commander has committed to regular joint operations. As Councillor Mallard states, these problems occur at the same time as Police have to respond to serious safety concerns during their peak callout times, and this means that officers are not always available to respond immediately to noisy vehicle reports.

The Department of Environment and Conservation has undertaken targeted monitoring and enforcement campaigns in various locations including Woolloomooloo and Moore Park. The Department uses information from the Police and residents to target hot spots as part of its noise testing and anti-tampering inspection scheme. I encourage residents to report noisy vehicles to the local Police to help target monitoring and enforcement. Residents can report noisy vehicles to the Department on 131 555.

The draft City East local area traffic management scheme provides a number of treatments to improve safety and amenity, and some of these are intended to deter vehicles that have been modified. It will be difficult to retain access for local residents while also reducing the attractiveness of the area to those driving noisy and modified vehicles, however a number of proposals for Macleay Street and Cowper Wharf Road are designed to make this route less attractive for through traffic and increase pedestrian and cycle amenity, which should help create a better environment for residents. Additional street signage and temporary variable messages signs have limited effect and add to undesirable street clutter.

I asked my Electorate Officer to attend these resident meetings and he has reported back on these concerns. As the Member for Sydney I have asked a Question in the Parliament and written to the Minister for Climate Change, Environment and Water on behalf of residents seeking a stronger enforcement regime and a program of action to tackle noisy vehicles. Following suggestions from residents, I have asked for increased resources for noise compliance, increased penalties for repeat offenders, with loss of demerit points, loss of driving license or loss of registration rather than fines, together with measures to prevent vehicles being modified after certification.

While Council is not responsible for dealing with complaints about noisy motor vehicles we can play our part by working with Police and the Department. I have asked for joint patrols between Council Rangers and Kings Cross Police, as occur in Surry Hills. Police report that those people in problem vehicles may also be more likely to be involved in other anti-social or criminal behaviour. I've also asked whether Council Rangers can report modified vehicles to the Department of Environment and Climate Change to add to resident and police reports.

I will ask the Chief Executive Officer to provide information on the City's website and at Neighbourhood Service Centres to assist those wanting to report noisy vehicles.

ITEM 12 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

Supplementary Answers to Questions on Notice and Questions without Notice are as follows:

Question without Notice - Council 10 December 2007**LEICHHARDT BICYCLE USERS GROUP (S044446)**

14. By Councillor Firth

Question

I have recently received correspondence from Bob Moore, President of the Leichhardt Bicycle Users Group. He has asked for my assistance in arranging a meeting between his group and Council officers to discuss ways to better connect cycleways in Leichhardt to ones in the City of Sydney. They specifically want to talk about the Crescent Bypass on Chapman Road; bike lanes on The Crescent itself; access from Booth Street to Pymont Bridge Road via Alexandria Drive and what they perceive as a lack of shared path signage on the Blackwattle Bay Foreshore Walk. I certainly believe that Council is doing a lot of great work to improve facilities for cyclists in the City and was hoping Council officers would be willing to meet with this group to hear their ideas and share with them the work Council is doing. Can this be arranged?

Answer by Lord Mayor

It can and it's very much part of what we're wanting to do and that's why I set up a Mayor's forum with council's surrounding us. It's very much part of what we'd like to see in our integrated transport plan. Clearly our cycle paths should link into Randwick and Woollahra and Leichhardt and we want to work closely and in a very complimentary way with those councils. And when we have an integrated plan for the whole area, perhaps we might ask for a federal or state grant. I think the Victoria state government gave Melbourne City \$10 million for their cycle plan but clearly we have a new federal government committed to sustainability and who will be coming back to us with targets we have to reach and this is all very much part of it. I'll ask the CEO to comment.

Chief Executive Officer

Staff will meet with the group. All the councils around us have their own cycle plans and the groups within those areas have contributed to those cycle plans and started meeting with the officers in the other councils to try and integrate the plans. I'm only saying that because I don't want to give the false impression that our staff could meet with every cycle group and deal with their particular project, we really need to get a cycle plan that's for the City of Sydney and the surrounding councils and get those councils working co-operatively with us. We'll certainly have the meeting but what we'll be saying is: "Are your ideas in the Leichhardt plan", and if they are we keep working with the councils to get as much happening as possible.

Supplementary Answer

On 28 February 2008, Graham McCabe, Senior Traffic Network Manager attended a meeting at Leichhardt Town Hall arranged by Leichhardt Council's Road Safety Officer and the Leichhardt Bicycle User Group (LBUG).

LBUG raised the following key issues relating to State Roads and also issues at the boundary between Leichhardt and the City of Sydney:

- Traffic Management and cycling access on The Crescent and Ross Street. This matter has been referred to the Roads and Traffic Authority as both The Crescent and Ross Street are State Roads.
- A request for bicycle lanes on Booth Street and access across the Johnstone's Canal Bridge on Booth Street. LBUG was informed that the City intends to add kerb ramps to the footway to allow slow bicycles to cross the bridge away from traffic. The City will also install a southbound bicycle lane on the bridge. Works on Booth Street and Pyrmont Bridge Road are not scheduled to be undertaken until 2009/10.
- Access towards Bicentennial Park from The Crescent at Chapman Road via appropriate signposting. City Projects is developing a wayfinding and signposting strategy as part of the City's Cycle Implementation Strategy. The City has received a grant from the Department of Planning (Sharing Sydney Harbour Program) to improve the links from The Crescent to Bicentennial Park. This will include the widening of existing foot / cycle paths and the introduction of a new foot / cycle path along the western side of the canal to link into the existing facilities at the foreshore.

In addition, the City outlined the goals and objectives of the *City of Sydney Cycle Strategy and Action Plan 2007-2017* and discussed particular infrastructure proposals. LBUG were pleased with the City's commitment to improving cycling facilities within the City of Sydney and the coordination occurring between Leichhardt Council and the City.

Question without Notice – Council 10 March 2008

REDFERN ANZAC DAY MARCH AND SERVICE (S044447)

9. By Councillor Pooley

Question

I, and probably other Councillors, received correspondence from Pastor Ray Minniecon, of the Crossroads Ministry in George Street, in relation to this year's Coloured Digger March. I think Councillor McInerney; Councillor Hoff; Councillor Kemmis; the Lord Mayor; Councillor Harris and myself – a lot of people roll up on Anzac Day. We need to resolve the timing issue this year so we're not going to clash with the main march. I just wondered whether Council officers would be good enough to contact him just to see if that hasn't already occurred? He's seeking some general Council assistance for the operation of the march, from the Block down to the Anglican Church in Young Street, as occurred last year.

The second thing he raised is that there's this broader Coloured Digger project, which involves a bronze sculpture by a well-known sculptor, Antony Symons, whose work is in a number of locations throughout Australia. He's asked whether this bronze model sculpture could be placed in Customs House in the lead up to Anzac Day. He's also talking about a permanent memorial or memorials in Sydney honouring the military service of Aboriginal men and women and he suggested Hyde Park and Martin Place – I would have thought also Redfern as another area we could consider about that. It's all detailed in the correspondence and I'm happy to provide it, but I think you'll find your office has the correspondence, Lord Mayor. I'm just wondering if at some future time we could get some advice on some of those proposals. Some of them are a bit more urgent ones associated with issues such as Anzac Day and others require some more detail.

Answer by the Lord Mayor

I will ask the Chief Executive Officer to follow up on all those matters. It is an important issue and I think that the service that we all attended at St Saviour's last year was incredibly moving and incredibly appropriate acknowledgement of the important contribution that indigenous community has made to those World Wars and has gone unacknowledged up until the present time. I will ask the Chief Executive Officer to comment further.

Chief Executive Officer

The only thing I wanted to say, Lord Mayor, is that the Public Art Project, which is a permanent memorial, a permanent piece, is on the agenda of the Public Art Panel, so it is one of the projects listed for investigation to take forward. So it's definitely made it to that list.

Supplementary Answer

Anzac Day in 2006 saw Aboriginal people in Redfern stage an inaugural commemorative service to highlight the contributions of Aboriginal and Torres Strait Islander men and women who gave their services in defence of their country. In 2007 this included a march from the Block in Redfern to St Saviours Church, Redfern. A Church service honouring those ex servicemen and ex servicewomen was conducted, and The Coloured Diggers art exhibition took place at the Damian Minton Gallery.

March and Afternoon Tea

The Coloured Diggers Project – ANZAC DAY 2008 – Honouring, Recognising and Respecting Aboriginal and Torres Strait Islander Servicemen and Servicewomen will take place as follows:

When	Friday 25 April 2008
Where	Assemble at the Block, Redfern
Time	1.00pm for 1.15pm march off
Service	1.45pm St Saviours Church Redfern
Finish	3.45pm

Afternoon tea will be provided at St Saviours Church Hall from 3.45pm – 4.30pm. Councillors are welcome to attend.

Bronze Sculpture

To complement the march a miniature bronze sculpture (under 1m sq) honouring, recognising and respecting Aboriginal and Torres Strait Islander servicemen and servicewomen will be exhibited on Level One, Customs House from 25 April 2008 for four weeks and will then tour other Council locations in the LGA for public comment as part of the broader Coloured Digger Project. The display of the statue seeks to generate comment on what a statue recognising the contribution of Aboriginal and Torres Strait Islander servicemen and women should look like, and to generate a broad community interest in the recognition of Aboriginal and Torres Strait Islanders through public art, plaques and memorials. This links in with the City's priority projects for 2030 including the Aboriginal Art and Cultural Plan and the Eora Journey, a cultural walk acknowledging sites of significance from the Harbour to Redfern.

Oral History project

An oral history project is also being undertaken in conjunction with the City's History Unit and The Coloured Digger Project. This seeks to record the stories of servicemen and women, their children and families. This project will complement the work being undertaken nationally to record the stories of Aboriginal and Torres Strait Islanders servicemen and women, and will commence prior to Anzac Day 2008.

Question without Notice – Council 10 March 2008

POLITICAL DONATIONS (S044440)

16. By Councillor Harris

Question

The law requires candidates in elections to declare the true value of a gift in kind. Could you explain why you declared in your 2004 Sydney Council election return to the New South Wales Election Funding Authority that the cost of your Pymont Campaign Office for approximately six weeks was \$950? Surely the weekly rent of a large two-storey terrace house with a garage in the Pymont area zoned commercial would be worth \$950 a week, not for six weeks?

Answer by the Lord Mayor

Thank you, Councillor Harris, I'll take that on notice and provide you with the answer.

Supplementary Answer

The declared value of the independent team's campaign office is based on advice that we received at the time.

Councillor Harris's comments are based on a number of false assumptions:

- The office operated for four weeks, not six.
- The property is a terrace house.
- The building was due for auction and not available for normal leasing.
- Incomplete building work on the upper level restricted use to the ground level and basement.

Question without Notice – Council 7 April 2008

PLANNING REFORM LEGISLATION (S044442)

2. By Councillor McInerney

Question

Lord Mayor, last Thursday, the New South Wales government released two draft Exposure Bills and I'm sure most people will be aware of that. The government is allowing just three weeks on the Planning Legislation for Planning Reform, as I understand it, for the public to comment on these Bills. Lord Mayor, could the CEO ensure that the City staff prepare a submission and perhaps, if possible, circulate it to Councillors for comment prior to that being sent off? It will have to go in before the next Council meeting, I understand.

Answer by the Lord Mayor

I share your concern about the legislation and I share your concern about the amount of time that the community, as well professionals, have to respond to these 170 pages of new legislation; the two Bills, being the Environmental Planning Assessment Amendment Bill 2008 and the Building Professionals Amendment Bill 2008. I am concerned because this legislation could further exclude communities from a say in developments which impact on their homes and neighbourhoods, which is going very much against the spirit and the aim of the original Environmental Planning and Assessment Act 1979. The most dramatic change to the plan is to take many development approvals out of council's hands - democratically elected councillors - and hand them to either a series of planning panels or private certifiers.

The issue here, particularly for me, is one of criteria for selection and accountability for those people and exclusion of the community. As well, there is to be the introduction of a Planning Assessment Commission, Joint Regional Planning Panels, Planning Arbitrators – again hand picked by the Minister. What is the criteria? Who are they responsible to and will they in fact reduce red tape as we're told? I am concerned about the extension of private certification, given the problems that we have had and other councils have had in this area. Other draft changes may include new definitions of community infrastructure and public infrastructure for the purpose of collecting development contributions, which many councils have expressed very serious concerns about, and there are also proposals to change the appeal processes. There is a significant omission as well, I believe, in these bills, and that is reforms relating to sustained building, which of course is the most important issue that we're facing as a community. So I ask the CEO to ensure that the City does prepare a submission and circulate to Councillors for comment and lodge it on time.

Supplementary Answer

Staff are preparing a submission which will be circulated for comment, however, given the tight timeframe, if Councillors have any comments now, please contact Giovanni Cirillo on ext 9753.

Question on Notice – Council 29 October 2007

WORK CHOICES FACT SHEET (S044449)

2. By Councillor Harris

Question

At the August 27 Council meeting it was resolved that an alternative Work Choices fact sheet provided by the USU, **in consultation** with other unions representing City of Sydney employees, be distributed to all City of Sydney employees and contract staff **at the same time** as the Federal Government Work Choices fact sheet. The receipt by employees of the two sheets together was to ensure that the government propaganda sheet did not have the status of a statement of fact because it was accompanied by an opposing view in the USU version.

Please let me know:

1. The deadline under legislation for the distribution of the government Work Choices 'fact sheet' was 20th October and the USU fact sheet was available on 8th October. Why therefore, was **only** the government 'fact sheet' posted to the homes of all employees on 1st October 2007 contrary to the resolution of council?
2. Why was I informed that the reason the government 'fact sheet' was distributed early was because "we sent it out with the last pay round in order to ensure we met the deadline" when in fact it was posted independently of any pay information to the homes of all employees?

Answer by the Lord Mayor

Council passed the resolution on 27 August 2007 regarding an alternative Union fact sheet to the Government's Workplace Relations Fact Sheet.

The CEO wrote to relevant unions on 5 September 2007 inviting them to provide an alternative fact sheet for distribution to staff. Council was told consultation had begun in the CEO update of 5 September 2007. In response, the Development Environment and Professionals' Association told the City that it would support the USU position.

The Federal Government's legislation required that we ensure all staff were provided with the Workplace Relations Fact Sheet no later than 20 October 2007. To ensure we met that legal obligations, the City began mailing the Workplace Relations Fact Sheet to staff at the time of the pay run around 1 October 2007. As about one third of our staff do not receive electronic pay slips, the fact sheet was mailed to employees' home addresses.

The USU has not sought to discuss the matter with the City staff and only provided an alternative document by email on 8 October 2007. Following receipt of the USU's fact sheet, the CEO again contacted other unions and the APESMA also confirmed its support for the USU document. The USU's fact sheet has since been mailed to all staff in the same manner as the Federal Government's Workplace Relations Fact Sheet.

Supplementary Answer

The Workplace Regulations introduced in 2007 required Council to distribute a Fact Sheet to all existing staff and also to new staff. Council requested that an Alternative Fact Sheet, produced by the USU in consultation with the other unions, also be distributed. The recent Workplace Relations Amendment Act 2008 removes the requirement for the Fact Sheet to be distributed to staff. As a result, the City will no longer issue either Fact Sheet to staff.

Question without Notice – Council 10 March 2008**PYRMONT COMMUNITY CENTRE AIR CONDITIONING (S044439)**

6. By Councillor Hoff

Question

Lord Mayor, I've been contacted recently by Pyrmont residents who are concerned about the proposal to provide air-conditioning for the Pyrmont Community Centre. Residents realise that air-conditioning is needed in some parts of the centre to ensure that working conditions for staff are acceptable, but they also point out that the building has high ceilings and has managed without air-conditioning for over 100 years. They are concerned that air-conditioning in this building will significantly increase energy use. Of course, we have the desire to be much more environmentally sustainable, so could we have their concerns investigated?

Answer by the Lord Mayor

Yes, I support those concerns. I have to say that at the last meeting it was very cold and this is something we need to implement here in all our buildings. What really shocked me at the C40 Climate Summit in New York was that the hotel we were staying in, where the conference was held, was freezing, and I kept saying to the organisers: "We are here to discuss Global Warming and could you please do something about the air-conditioning." Everyone was practically in an overcoat. Global Warming means we've all got to change what we do and we have to change it throughout all our organisations. We really have to think very carefully about whether or not we need to have air-conditioning, and it is one of the key contributors to emissions. So, I think it's a very important point the community has brought up, and I'll ask our staff to investigate it.

Supplementary answer

Pyrmont Community Centre is used by a wide variety of people including mothers and babies, children, adults and elderly people. They take part in a broad range of activities from library based activities, meetings and classes (such as art and craft) to various exercise based activities, from yoga and Pilates to more strenuous and active exercise. These activities take place in various parts of the building.

Temperature and air quality for users involved in these activities has been a concern for both users and staff. Opening doors and windows provided ventilation on cooler days, but was not effective in higher outdoor temperatures. In addition opening doors and windows increased noise and disturbance to people living nearby. The mixed nature of the spaces in the building, (large high ceilinged halls and smaller more confined spaces), the heritage nature of many parts of the building, and the variety of uses spaces were being put to, presented challenges in addressing the needs of users, the staff, economics and efficiency.

It was felt air conditioning would be more reliable and efficient to offer a better quality, healthier and safer service to users of the facility. Environmental issues were considered and informed the choice of system, but no standards were available to make overall comparisons or to weigh up the environmental cost benefits in terms of OH&S, comfort & health benefits of having or not having an air conditioning system.

The air conditioning system chosen provides the best balance between effectiveness in regulating air temperature and quality, and environmental and operational considerations such as power usage, reliability and ease of operation. The system is a Variable Refrigerant Volume (VRV) system which offers a significant improvement in overall efficiency compared to more traditional systems.

It will adjust to deliver optimal performance, depending on the heat generated in a room (depending on the number of people and the nature of the activity). It also takes into account conditions and temperatures outside the building. It is considered to be amongst the most environmentally efficient of its kind. The system is in the process of being installed and should be operational by mid July 2008.

The air conditioning system was approved at the Council meeting on 27 August 2007, where Council supported the officer's recommendation to reject all tenders and enter into negotiations for the supply of air conditioning to Pymont Community Centre.

Given the City's increased focus on environmental sustainability, the brief to upgrade the air conditioning for Juanita Nielsen Centre reads "investigate mechanical and passive climate control systems to improve the existing air conditioning system, then implement the most energy efficient and sustainable system."

Question without Notice – Council 7 April 2008

COTTAGES IN SCOTT STREET, PYRMONT (S044439)

14. By Councillor Hoff

Question

Lord Mayor, interestingly enough, just late this afternoon I discovered that this particular question was covered fairly well in the Sydney News today, so I'm pleased to see that. My question relates to a group of renovated heritage cottages, which are situated in Scott Street, Pymont. These cottages belong to the Sydney Harbour Foreshore Authority. I was wondering if Council could seek the lease of these cottages from the Authority on acceptable terms with the view to using them for a community meeting space and artists' studios?

Answer by the Lord Mayor

A very worthwhile suggestion. CEO, can you follow it up please or comment.

Chief Executive Officer

I'm having an inspection of the cottages, in the next day or so. I can certainly have a look and get back to Councillors.

Supplementary Answer

I have since met with Members of Pymont Progress Inc on site and inspected the cottages. Pymont Progress Inc has agreed to submit a proposal for the potential use of these cottages by the community, if they feel they are able to come up with viable options.

Question without Notice – Council 10 March 2008**REDFERN ANZAC DAY MARCH AND SERVICE (S044447)**

9. By Councillor Pooley

Question

I, and probably other Councillors, received correspondence from Pastor Ray Minniecon, of the Crossroads Ministry in George Street, in relation to this year's Coloured Digger March. I think Councillor McInerney; Councillor Hoff; Councillor Kemmis; the Lord Mayor; Councillor Harris and myself – a lot of people roll up on Anzac Day. We need to resolve the timing issue this year so we're not going to clash with the main march. I just wondered whether Council officers would be good enough to contact him just to see if that hasn't already occurred? He's seeking some general Council assistance for the operation of the march, from the Block down to the Anglican Church in Young Street, as occurred last year.

The second thing he raised is that there's this broader Coloured Digger project, which involves a bronze sculpture by a well-known sculptor, Antony Symons, whose work is in a number of locations throughout Australia. He's asked whether this bronze model sculpture could be placed in Customs House in the lead up to Anzac Day. He's also talking about a permanent memorial or memorials in Sydney honouring the military service of Aboriginal men and women and he suggested Hyde Park and Martin Place – I would have thought also Redfern as another area we could consider about that. It's all detailed in the correspondence and I'm happy to provide it, but I think you'll find your office has the correspondence, Lord Mayor. I'm just wondering if at some future time we could get some advice on some of those proposals. Some of them are a bit more urgent ones associated with issues such as Anzac Day and others require some more detail.

Answer by the Lord Mayor

I will ask the Chief Executive Officer to follow up on all those matters. It is an important issue and I think that the service that we all attended at St Saviour's last year was incredibly moving and incredibly appropriate acknowledgement of the important contribution that indigenous community has made to those World Wars and has gone unacknowledged up until the present time. I will ask the Chief Executive Officer to comment further.

Chief Executive Officer

The only thing I wanted to say, Lord Mayor, is that the Public Art Project, which is a permanent memorial, a permanent piece, is on the agenda of the Public Art Panel, so it is one of the projects listed for investigation to take forward. So it's definitely made it to that list.

Supplementary Answer

Staff have worked to enable the traditional Sunday before Anzac Day Ceremony to be held at the north-west corner of Redfern Park. Nicole Haines, Russell Kosko, Garth Shayler, Lisa Dodd and contractors battled the elements and pulled out all the stops to have the War Memorial restored, a flagpole erected and that section of the Park opened for the ceremony, which was attended by approximately 100 people last Sunday. The City's work was recognised by Aub Silcock, the Secretary of the Redfern Sub-Branch of the RSL during his speech.

Question without Notice – Council 7 April 2008**ROAD COLLAPSE IN BOTANY ROAD, ALEXANDRIA (S044445)**

5. By Councillor Mallard

Question

We're all aware of the huge disruption to homes, businesses and commuters caused by the road collapse in Botany Road, Alexandria. This appears to be related to the construction of 64-68 McEvoy Street. The CEO update of 14 March referred to the conditions of consent requiring a geotechnical report, demolition report, excavation report and construction management plan to be submitted as conditions of consent for that development. And it states that, in this case, the developer used a private certifier; so it implies that there may be an issue there. Can you or relevant staff comment on the investigation of this major accident and comment whether the private certification may have played a role?

Answer by the Lord Mayor

I will ask the CEO to respond or perhaps the Director City Planning and Regulatory Services.

Director City Planning and Regulatory Services

Given the nature of the question asked by Councillor Mallard, I'd like to take that on notice. There are some particular legal issues and also liability issues that would inform the response that I will prepare, but I would like to take the opportunity to actually prepare a detailed reply by way of a CEO update. In terms of current status, I understand it remains closed. The Director City, Community and Cultural Services may wish to reply as well, but I understand there is quite a bit of remediation required and fill. I think it was in the order of several hundred thousand square metres of sand that was required to be imported on to the site in order to render the site stable again, given the extent of the water damage that had been done with the bursting of the water main.

Director City, Community and Cultural Services

I can't provide a great deal of detail, but I can say that the Deputy Emergency Controller and Regional Police Commander, Catherine Burn, is heading up a committee under the State Emergency and Rescue Management Act. That committee involves representatives from the contractor, Sydney Water, the RTA and Council staff. At this stage I think they're trying to discover the best way technically to fix the problem. There has been or there currently is a dispute between, as I understand, Sydney Water and the contractor about what caused the burst water main. I think it could take some time for that to be resolved, but Catherine Burn has intervened and given priority to coming up with solutions to get it fixed and then they'll sort out liability later on.

Supplementary Answer

On Thursday 6 March 2008, at 4.20am a water main burst in Botany Road near McEvoy Street adjacent to the excavated building construction site at 64-68 McEvoy Street, Alexandria.

As a result of the damage caused by the water Botany Road has been closed since that time. The construction site was also flooded and the builder "Baseline Constructions" was unable to continue with construction.

Investigations are continuing into the cause of the road collapse.

The development is being carried out under a council approved Development Approval ((D2006 / 1929) with a private certifier being responsible for the site sign-offs. At this stage it is not believed that the Certifier has been negligent in his duties.

Following the incident a "Recovery Committee" was set up under the State Emergency & Rescue Management Act, to progress the processes of recovery. The NSW Police Force issued instruction (under Section 61 (1) (C) of the Act) to the land owner on 20 March 2008 to make the site safe so that road restoration can be completed.

NSW Commerce are on site to project manage the works to stabilise the area. They have commenced carrying out a site audit & dilapidation report.

Stabilisation works have been begun and the road was partially reopened on 17 April.

Question without Notice – Council 7 April 2008

CHARLES KIERNAN RESERVE (S044447)

1. By Councillor Pooley

Question

I just wanted to indicate firstly my thanks for the Jack Floyd Reserve sign that has made it up, and I appreciate that. Lord Mayor, I and other Councillors have received detailed correspondence from residents in Darlington who have expressed some concern about the recent installation, specifically the bark chips, as the surface for the playground of the park below the play equipment in Charles Kiernan Reserve. Parents have expressed concern about children's feet and shoes getting dirty and that various items get lost in the chips including dog excrement, needles and rubbish. I just wonder if Council could provide some advice to all Councillors as to why we've gone to bark chips on this particular playground. I think we've moved away from bark chips in a lot of other ones. I wondered if we could get some information on that and whether this is a temporary measure or why bark chips instead of the soft fall underlay?

Also, the reserve is currently off-leash for dogs from 6pm until 8am the next day. There used to be a sign advising of that. That sign has gone, and in the great tradition of signs, the sign advising that it is called Charles Kiernan Reserve has also gone. So I'm interested in information about - obviously dependent on how things go this evening - about, well one, when the name of the reserve disappeared. And Charles Kiernan, as I am sure Councillors will be aware, was an employee of South Sydney Municipal Council and the City of Sydney Municipal Council for 32 years I understand. He had a specific interest in this particular reserve and the reserve was named after him, but the sign has disappeared, the dog sign has disappeared and we seem to have gone to bark chips instead of soft fall underlay and I'm seeking some assistance in relation to those questions.

Answer by the Lord Mayor

I will ask the Chief Executive Officer to organise information for you on those matters.

Supplementary Answer

The Charles Kiernan Reserve Playground (Reserve) is scheduled for a Capital Works upgrade in 2008/09, which will include the replacement of playground equipment, provision of shade covering and appropriate soft fall. Community consultation on the design, including the type of soft fall, will be undertaken prior to commencement of the works.

A regular condition audit is undertaken in the Reserve and, as a result, a number of maintenance works were recently carried out including the laying of pine bark soft fall, installation of wear pads under the park benches and re-turfing of bare areas.

Pine bark is one of several soft fall surfaces used by the City, and has specifically been requested at other playground locations for its shock absorption, texture and because it is a natural product. Playgrounds where pine bark has been used include Redfern Park, Federal Park (Glebe), Bannerman Crescent Reserve (Rosebery). Several new playgrounds scheduled to be built this year will also have pine bark soft fall installed.

The consultation period for the proposed upgrade of the Reserve will provide the opportunity for the community to talk to the City's playground designers and comment on the preferred soft fall material.

The Reserve has a seven day service for rubbish and litter, including a daily inspection of the pine bark soft fall mulch and levelling where necessary.

It is not known when the Charles Kiernan Reserve sign was removed, or who removed it. New signs which show the name of the Reserve and providing notice that dogs are not permitted within the playground area, are due to be installed by the end of April. The City Rangers and Companion Animals Liaison Officer will continue to visit the Reserve to undertake education and enforcement activities.

Question without Notice – Council 19 November 2007**BENDIGO BANK (S044439)**

14. By Councillor Hoff

Question

Lord Mayor, the Pymont and Ultimo community is currently investigating the possibility of establishing a branch of the Bendigo Community Bank. I understand there are around 200 community banks operating around Australia and in many of these communities the banks had the support and assistance of their local council. The community, the Chamber of Commerce and quite a number of businesses in the area are firmly behind this project and, thus far, more than \$230,000 has been pledged in support of the initiative. I know that just today Star City donated \$5,000 towards a feasibility study. I wonder if staff from our Economic Development Office could investigate what assistance can be provided by Council?

Answer by the Lord Mayor

Certainly there's quite a deal of enthusiasm in the Pyrmont and Ultimo community to establish a bank and community banks have been very effective in country areas particularly. Of course we don't have that same problem in the City but I know that with that sort of enthusiasm perhaps we could - perhaps our Economic Development Officer could meet with the group and find out what sort of support they would like.

The Bendigo Bank is one of our supporters for the Festival of Sydney, one of our very strong sponsors. Perhaps we can raise it when we're talking to them.

Supplementary answer

The City has received an application for a grant from the Pyrmont Community Bank Steering Committee for a contribution to undertake a feasibility study into a community bank for the Ultimo Pyrmont area. This application will be considered with the other applications under the Grants and Sponsorship program, and recommendations will be made to Council in August this year.

Question without Notice – Council 7 April 2008**SECURITY IN FRANKLYN STREET HOUSING ESTATE (S044444)**

12. By Councillor Kemmis

Question

Lord Mayor, I have a further question about crime and safety in Glebe - in the housing estate in Franklyn Street. I attended a meeting with residents last week, where they expressed their concerns about safety and security most forcibly. Department of Housing staff and police were there to answer questions from the residents. The Department of Housing is proposing to erect security gates to cut off the transit through the Franklyn Estate where it's become very problematic. A set were installed, but they only lasted one day, so the erection of that protection is taking some time.

Residents have asked, in the interim, that a security guard be engaged to provide protection. I support that request and seek your support to ask the Minister for Housing for a security guard for the estate, at least until greater physical security is provided. Many residents were extremely stressed and I would certainly seek your support in that.

Answer by the Lord Mayor

I'd be happy to write that letter, Councillor Kemmis, and also seek the support of the Member for Balmain; it's in her area. But I understand at that meeting last week that people were really greatly distressed about the types of shocking crime that's occurring in the area and that the new fencing was vandalised immediately after it was installed. In some of our other estates, like Northcott for example, there are security guards and they do contribute to creating a safe environment. As with the CCTV cameras, they are the sorts of things you'd hope are not necessary, but clearly crime has got so severe that the CCTV cameras are now necessary and I undertake to write to the Minister about providing security.

Supplementary Answer

A letter from the Lord Mayor to the Minister for Housing has been prepared. A copy of that letter is attached (previously circulated to Councillors).

The City's Safe City Unit led a community safety audit in Glebe on Wednesday 16 April 2008. The audit identified areas in Franklyn Street (and other locations) requiring enhancement according to Crime Prevention Through Environmental Design principles. The Police Commissioner's Inspectorate is preparing a report on the findings of the audit. A summary of the report and proposed responses by the City will be provided to Council through the CEO Update. The implementation of the safety audit findings will seek to reduce levels of crime in this location.

Question without Notice – 7 April 2008**CRIME AND SAFETY IN LYNDHURST (S044444)**

4. By Councillor Kemmis

Question

Lord Mayor, residents in the eastern part of the Lyndhurst area of Glebe have contacted me with their concerns about crime and safety. I know there have been a number of instances, a numbers of requests in the past, that Council staff have responded to. In particular, the residents are concerned about levels of lighting and the safety of the rear lanes. Could the City please investigate what action can be taken immediately to address those concerns, perhaps by way of a safety audit of the area in the first instance?

Answer by the Lord Mayor

I am also hearing about the concerns that people in Glebe have about increasing crime and anti-social behaviour. One of our important roles is to make the physical environment, including lighting, safe and one of our proactive ways of doing that is through safety audits. They usually involve not only the local community and local residents, in this case local tenants, but Council Officers, local police and other agencies, and I think, particularly in this case, it would be the Department of Housing.

This is the sort of thing we've done in the past, when we were merging all those agencies who worked with the Department of Housing to try and come up with a strategy to improve the physical environment in terms of safety and increased numbers of social programs to address those social problems and to also work with the police to help them target resources. I understand a safety audit is planned for the St Phillips area in Glebe and I will ask the CEO if that could be extended to the Lyndhurst area in addition to the action that I have requested. I'm sure the Local Member and my parliamentary ministerial colleague, who will be here shortly, will also consider this to be a very important issue that she can take on.

Supplementary Answer

On Wednesday 16 April 2008, the City led a community safety audit in the Lyndhurst and St Phillips areas of Glebe. These locations included large areas of both public and private housing. The audit occurred from 1.30pm - 4pm and then also from 6pm - 8.30pm to observe the factors which contribute to safety at different times of the day (ie: street lighting). The audit was coordinated by the City's Safe City Unit and involved the following stakeholders:

- Leichhardt Local Area Command
- NSW Police Commissioner's Inspectorate
- Housing NSW
- Glebe Youth Service
- Glebe Chamber of Commerce
- Coalition of Glebe Groups
- Public and private residents

The NSW Police Commissioner's Inspectorate is preparing a report on the findings of the audit due to be lodged with the City by May 2008. A summary of the report and proposed responses by the City will be provided to Council through the CEO Update, with actions to commence by relevant City business units once the report is received.

Safe City staff have also coordinated the formation of a tenants group for the Bay Franklyn Housing Estate in Glebe. This group has had two meetings to date, the first attracting 40 attendees, the second attracting 65. Tenants have been active in engaging private housing residents and business owners to attend meetings as all members share common crime and community safety concerns. Safe City officers will continue to work with this new group in seeking solutions to community concerns in Glebe.

Question without Notice – 10 March 2008

FEES AND CHARGES FOR FILMING ACTIVITIES (S044441)

3. By Councillor Lee

Question

Lord Mayor, are you aware of the New South Wales Government announcement yesterday, that it intends to reduce approval processes and costs for the film and television industry to maximise the cultural and economic benefits for New South Wales and fund it from an expansion of this industry? How will this proposal affect the City of Sydney's charges to film and television, given that we charge up to \$1,199 for an application fee, and up to \$3,586 for a location fee, not counting fees for traffic and inspection and other matters?

Answer by the Lord Mayor

First of all, I'd like to say how welcome the recent announcements by the State about funding cultural outlooks on life are, including the film and television industry, after all those derisory comments about losing all our talent to Melbourne. So I really welcome the commitment that the State has made recently to the arts, but I'll take that question on notice and get that information.

Supplementary Answer

Currently, the City charges application and location fees for filming in streets, footways and park areas, which includes the venue hiring charge, parking costs, and administration overheads.

The NSW Film and Television Office (FTO) has advised "that the new protocol is being fine tuned and will be sent out for extensive consultation". The expectation is that all Councils will be required to follow the guidelines, once they have been approved.

Following the announcement from the NSW Government, the City sought feedback from the FTO if the City needed to make any interim changes and was advised "that the Council does not need to alter anything at the moment, as your system seems to function efficiently".

The City has a dedicated Film Liaison Officer who proactively works with all stakeholders to achieve a balanced relationship between the film and television industry, residents, and business.

Question without Notice – 18 February 2008

HILTON BOMBING MEMORIAL AND ORAL HISTORY (S044439)

6. By Councillor Hoff

Question

You will remember that last Wednesday, I joined you for the rededication memorial to Council workers Alec Carter and Arthur Favell and the Police Constable Paul Burmistriw. These three men lost their lives 30 years ago when a bomb exploded in the garbage bin outside the Hilton Hotel. I want to congratulate staff for all the work involved in that because I know that in addition to their very professional attention to detail, that the Protocol Unit had gone to some great efforts and they found the relatives of the three men and they also found other people who had been affected by this tragic event. So given the significance of the bombing, I wonder if the CEO could investigate whether steps can be taken to record the oral history of the people involved?

Answer by the Lord Mayor

I will ask the CEO if that can be done through our oral history project, but I would also like to say that as well as the historic apology by the Prime Minister to the Stolen Generation last Wednesday, we did have the rededication of the Hilton bombing memorial plaque. I officiated at that with Commissioner Scipioni and the Minister for Police also attended, as did the friends and relatives of the men that were killed and our protocol staff did go to a lot of work to locate those relatives. One of the men had his twin there as well as his widow, as well as his other relatives.

It was really quite poignant and those friends and relatives were really appreciative of the fact that we had done a new commemorative memorial and we have rededicated it. It was very important to them, and it's paying tribute to three men, two of our Council staff and a Police Constable who were just very ordinary people going about an ordinary day's work when they died. It is a most shocking thing and it was a real wake up call for Australia and it was a very moving little ceremony we had there on George Street in the afternoon of that very historic day. So I will ask that the CEO can record their stories.

Supplementary answer

The Hilton Bombing Project will focus on the so far neglected topic of the personal consequences for families, friends and workmates of victims of the blast. With the assistance of the Protocol Office, initial contact has been made with potential interviewees and interviews planned. Because of the expected sensitivity of some of the material the parameters of this project have yet to be determined and it is probable that much of the material will be archived for the long term future rather than made publicly available. These issues will be determined in consultation with interviewees.

Question without Notice – 7 April 2008**DEVELOPMENT APPLICATION NOTIFICATION IN GREEN SQUARE (S044443)**

7. By Councillor Black

Question

Lord Mayor, I would like to ask you about Green Square development application notification. There are residents in the neighbourhood who have been asking me about development applications, particularly given the large number that are going to be coming in the foreseeable future. Could council expand the standard notification area for development applications in the Green Square neighbourhood and also provide additional time for people to make comments on the development applications?

Answer by the Lord Mayor

It is an important issue and it has been raised at the last two community forums. At the community forum before last, we extended the notification for the Hillsong development and at the last community forum we followed up a request about extension of notification for the Corporate Express site.

I had discussed with the CEO, and it was raised at Central Sydney Planning Committee too, permanently extending notification for that area, because Rosebery, unlike much of the rest of the city, where we have very dense development, is of course more a suburban development in an existing residential area and we need to cover a much wider radius to be able to ensure that everyone who could be interested is in fact informed.

So we have done that and we are, in fact, going to have more regular meetings with that community, because they're so alarmed about all the development applications coming in. The thing that most alarms them is a lack of adequate public transport in the area and this is something that needs to be raised with the State and Federal Governments about that very important urban renewal area.

It's been on the agenda since 1993, when first the former south city industrial area was talked about as an urban renewal area for Sydney and governments have failed up till now to provide that adequate public transport and the people in that area are now screaming about it, justifiably and legitimately.

I don't know if the Director City Planning and Regulatory Services can add any more about notification.

Director City Planning and Regulatory Services

At last count I think last financial year we issued approximately 616,000 letters of notification. It's all carried out under the terms of our Development Control Plan, which was fairly recently introduced. Whilst I take Councillor Black's comment about the need to better notify on Green Square, I don't see there is a need to necessarily make it for a longer period.

The Corporate Express as well as the Hillsong Church sites have been re-notified to include surrounding residents. However, I wouldn't unilaterally change the implementation of the DCP. I think in particular instances there are well founded cases where you would extend the notification radius, but not necessarily in every case. In the first instance, there isn't a budget for that purpose and in fact we have budgeted very tightly and it would be inordinately expensive to notify that many parties in all cases. But more importantly, there are going to be instances where the notifications are quite sufficient and adequate in notifying all the neighbours in the area that are affected.

We have taken on notice that where development sites are surrounded by very large industrial allotments that we would seek to also notify those residential communities that might be affected.

In the case of Corporate Express, we went from a 75m radius to a 500m radius and the cost implications are quite significant. It's also worth keeping in mind that neighbouring local government areas are also not in a position to easily accommodate our request to increase their notification areas. For instance, Randwick had quite a degree of difficulty in accommodating our request for a broad radius surrounding the Corporate Express site. So I think it's appropriate to do it as and when it arises, but not necessarily on all development applications.

Answer by the Lord Mayor (continued)

I might just ask the CEO to add to that.

Chief Executive Officer

Lord Mayor, given the request and the Director's response, perhaps what we'll do is a CEO update that outlines the criteria for when we would and would not. So that, rather than changing the DCP or just saying we have to do every one, we have some criteria that the Council can see and we can agree on what is an appropriate process to go forward. So we might do that and come back to the Councillors with that information.

Supplementary Answer

It is difficult to set out a definitive set of criteria where extended notification may be justified and to a large extent, it needs to be considered on a case by case basis taking account of the nature of the proposal, the site and its surrounds.

For example:

- In the case of the Corporate Express DA, tripling the notification radius from 75m as required by the DCP to 215m would only have captured an additional 35 owners/occupiers. As a result the application was subsequently notified to properties within a 500m radius (a substantial area) capturing an additional 500 properties.
- By comparison on the Xerox site in Joynton Avenue, tripling the notification from 75 metres as required by the DCP to 215m would capture almost an additional 900 properties to those within 75 metres. Notifying within 500m would capture 2026 additional properties.

The effect of notifying to a set additional distance can vary largely from site to site because of the nature of surrounding land uses and lot sizes, and whilst extended notification to a 500m radius may be appropriate in one instance it is unnecessary in another.

It is proposed that the instances where additional notification may reasonably be considered are:

- applications that are to be considered by Council or the CSPC; and
- major developments which are classified as falling within Categories C and D of the Notification DCP (and are currently notified to 50 or 75 metres respectively).

In considering additional notification planning staff will consider the nature of the proposed development, the site and surrounding land uses. Where the standard notification radius would ordinarily take in mostly industrial or commercial properties with residential areas beyond, or where the radius would only pick up a small number of properties extended notification may be justified.

Where extended notification is warranted, properties outside the Sydney LGA should be notified as per current procedures.

Question without Notice – Council 19 November 2007

CITY RANGERS (S044447)

10. By Councillor Pooley

Question

Lord Mayor, following recent discussions I was engaged firstly with the Redfern Police and secondly with the Redfern Chamber of Commerce, I would like to request some information about how our City Rangers are tasked. Specifically, I would like to know whether the same rangers are sent to the same areas or whether they are rotated across different areas of the City, I suspect it's the latter. The view was put at those meetings that if the same rangers were sent to the same areas they could build relationships with business owners, residents, shopkeepers and police in the area and get to know the unique problems and situations that are faced in each area. If Council has an alternative view to the value of this proposal, I would be happy to be advised.

Answer by the Lord Mayor

That is an important question and one that relates to community policing to building up relationships. We've been working very hard to get our rangers working co-operatively with the Surrey Hills Police, particularly our Oxford Street precinct. We have now had an undertaking from the Commander at Surrey Hills that that will occur so I know that's happening there. I don't know if the same offices are being sent to the same area. I will ask the CEO to respond.

Chief Executive Officer

I think it would be best Lord Mayor if we took that on notice because it's quite a complex roster as you can imagine and there's all sorts of pros and cons for some of those suggestions. If Councillors want more information we could also have a briefing on that.

Supplementary Answer

The City Ranger's Unit comprises staff who are assigned primarily to parking enforcement duties (parking rangers) and a smaller group who are assigned to 'ordinance' duties, requiring a higher level of training and qualification (ordinance rangers).

The parking rangers are based at 307 Pitt Street, City and 3 Joynton Avenue, Zetland, and generally cover the areas closest to their base. Therefore, the rangers based at Joynton Avenue generally have a good understanding of parking issues in areas such as Surry Hills, Redfern, Alexandria, Erskineville and Newtown.

The ordinance rangers are based at 307 Pitt St and patrol the entire City of Sydney, usually in response to customer requests and complaints. These requests cover a broad range of activity related to noise complaints, companion animals, abandoned vehicles, illegal dumps, illegal activity in public place, public place obstructions, breaches of DA conditions, footway licences etc. The requests/complaints will usually involve an initial inspection, follow up investigations (interviews and statements) and possibly court appearances. The majority of ordinance activity occurs in the CBD.

Consideration has been given to Councillor Pooley's suggestion that a dedicated team be based in the southern part of the City. However, taking into account available resources, the irregular and lower level of ordinance related requests in the southern area, and the advantages in having ordinance activities centrally coordinated (including the flexibility of allocating staff to areas on a needs basis and the ability to have a crew on the road and available to respond to complaints without undue delay), the proposal to have rangers permanently allocated to a specific precinct cannot be supported at this time.

The rostering of rangers is continually under review.

Question without Notice – Council 27 August 2007**INTERNAL OMBUDSMAN (S044447)**

15. By Councillor Pooley

Question

Lord Mayor many councils, among them Sutherland, Warringah, Ku-ring-gai, Auburn and Tamworth, have set up internal council ombudspersons to give residents and ratepayers an additional right of appeal from council decisions.

Could a report come to Council that looks at the cost and feasibility of the City of Sydney establishing a Council ombudsman?

Answer by the Lord Mayor

That is the Small Permits Appeals Panel (SPAP) that Councillor McInerney chairs. We need to see what sort of complaints there are and if we are in fact already addressing them. If we are not, I am sure we can.

Supplementary Answer

Council should note that only 5 Councils in NSW have internal ombudsman positions: Sutherland, Warringah, Kurring-gai and Auburn have full time roles and Tamworth has a part time ombudsman.

The position of ombudsman is a strategic management decision for the Council and is appointed role created within the organisational structure. The position carries no legislated power – this is held by the NSW Ombudsman who can be involved in any complaint involving a council if sought.

The City currently performs all of a “council ombudsman’s” duties through a range of existing processes and procedures. The performance of these existing processes and procedures has been improving, particularly in the last couple of years, as the organisation has had a renewed focus on customer service and are considered to be operating effectively. The continued improvement of these processes and procedures remains a key corporate objective. The list below indicates the key duties of a “council ombudsman” and in *italics* beside each duty is the City’s unit or area which currently undertakes an equivalent role:

- Receipt and investigation of customer complaints –*Council’s frontline staff*;
- Oversee internal audit functions –*Deloitte*;
- Manage and report on complex high level and detailed investigations – *Deloitte*;
- Resolve complaints; manage conflict and the implementation of remedies – *Staff through standard Council processes*;
- Record and report complaints statistics and identify trends – *Manager Customer Service*;
- Demonstrate responsibility and accountability for Occupational Health & Safety and Equal Employment Opportunity –*Code of Conduct in conjunction with training and induction; OH&S Policy; OH&S Management System*;
- Carry out all duties in accordance with all relevant legislative, industrial & Council policy requirements, standards and procedures in all areas of EEO, Code of conduct, staffing policies and rehabilitation legislation - *Code of Conduct in conjunction with training and induction*;
- Promote and improve probity in Council’s operations through open and transparent operations, activities, governance and administration by ensuring the development and implementation of policies and procedures that demonstrate ethical decision-making, probity, transparency, accountability, and good governance - *Code of Conduct in conjunction with training and induction; Fraud Prevention Policy; Procurement policies and procedures*;
- Assist with the identification, development and implementation of appropriate marketing, promotional, advertising and education opportunities in line with Council’s style guide, events calendar and marketing guidelines - *Code of Conduct in conjunction with training and induction; Professional Development Program*;

- Review and recommend amendments to systems or processes used within the organisation or as directed by the General Manager and report the results of such reviews. Identify obsolete and inefficient practices and recommend changes where appropriate - *Executive meetings discuss proposed amendments to systems or processes on a weekly basis; internal audit conducted by Deloitte;*
- Recommend, if warranted, referral of a complaint for further investigation by external investigative authorities – *The City's CEO determines the manner in which such complaints will be addressed. In the case of FOI applicants, complaints are referred to the NSW Ombudsman;*
- Observe the principles of the role as being associated with independence and confidential relationship with the community, impartiality and the finality of issues - *Code of Conduct in conjunction with training and induction;*
- Provide direction and leadership to Councillors, staff and community on aspects relating to ethical decision making, transparency, accountability and governance issues - *CEO and staff provide assistance in accordance with Code of Conduct in conjunction with training and induction; Procurement Unit provides ongoing advice as required; and*
- Undertake the compilation of information requested by outside agencies as required - *Director Legal Services.*

(Further detailed information is provided in Attachment A – *Background Report on Council Ombudsman Operations*, which was circulated separately to Councillors.)

Question without Notice – Council 7 April 2008

PRESIDING OFFICER FOR CITIZENSHIP CEREMONIES (S044445)

13. By Councillor Mallard

Question

Lord Mayor, presiding over the swearing in of new Australian citizens is a great privilege and responsibility bestowed on local government by the Federal Government, as we all know. I've heard from some disappointed people attending the ceremony here last Friday afternoon that you did not officiate at the citizenship ceremony, and instead the CEO conducted this important civic ceremony. Why did you not conduct the ceremony yourself and, more importantly to me, why did you or your office not approach one of the other nine elected councillors to conduct this important civic duty? Finally, is the CEO authorised under the Federal Government to conduct citizenship ceremonies?

Answer by the Lord Mayor

Yes, the CEO is authorised to do that. I think I've only not officiated at two in four years and there had been a mix up in the timing arrangements, because the Manager of Protocol was away and the person standing in for him did not process a request going back to February. It was something that only came to light very late in the week and so I did ask the CEO on this occasion to sit in for me. I'll ask the CEO to comment.

Chief Executive Officer

Lord Mayor, I will provide some information for the Councillors, I just need to check, because I questioned the same thing, that whether the authority is for the Mayor or for the CEO to undertake, so I need to check that.

Councillor Mallard

The Deputy Lord Mayor and other Councillors have done it, I'm sure. It should be an elected official, that's all.

Chief Executive Officer

I'll just double check that and provide that information for Councillors.

Answer by the Lord Mayor (continued)

I think that they're very important ceremonies, which we do very beautifully and I had done one earlier in the afternoon, but because of the mix up with the Manager of Protocol, I was unable to do the second one.

Supplementary Answer

According to the relevant schedule (07/080) of the NSW Citizenship Act, the following positions have authorisation to preside at Citizenship ceremonies in NSW.

- (i) Lord Mayor of a city;
- (ii) Mayor of a city, municipality or town;
- (iii) Deputy Lord Mayor, City of Sydney;
- (iv) Chief Executive of Ryde City Council;
- (v) General Manager of a Council;
- (vi) Administrator of a Council in cases where a Council has been placed under Administration.

Clarification was sought with the Department which indicated that at the time the schedule was compiled it was only Ryde Council which had a Chief Executive Officer and the positions listed on the instrument are due to be updated.

The position of CEO at City of Sydney is covered in authority (v) above as General Manager of a Council.

In the particular circumstances of the Citizenship Ceremony of 4 April 2008, the CEO was made aware of the Lord Mayor's diary clash and was immediately available at short notice to preside at the ceremony. Due to the very short notice, enquiries were not made as to whether Deputy Lord Mayor was available for that specific event

ITEM 13 NOTICES OF MOTION

GLEBE SAFETY PLAN (S044435)

1. Moved by Councillor Kemmis, seconded by Councillor Firth -

In order to address the current challenges regarding crime and safety in Glebe, Council requests the Chief Executive Officer to expedite the Glebe Safety Plan proposed in the draft Corporate Plan 2009-2012.

Carried unanimously.

At 8.05pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 2 June 2008 at which
meeting the signature herein was subscribed.