



**13 OCTOBER 2003**

**Meeting No 1395**

**MINUTES** of an Extraordinary Meeting of the Council of the City of Sydney held in the Reception Room at the Sydney Town Hall, commencing at 5.15pm on 13 October 2003 pursuant to Notice 20/1395 dated 9 October 2003.

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**PRESENT**

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

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

At the commencement of business at 5.15pm those present were:-

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

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

**Apology**

Councillor Robert Ho extended his apologies for his inability to attend the Extraordinary Meeting of Council as he was overseas on business.

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

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

Carried.

**ITEM 1. DEVELOPMENT APPLICATION: DARLINGHURST ROAD (AND PARTS OF MACLEAY STREET) STREETScape UPGRADE**

FILE NO: D/03/00490

DATE: 10/10/03

**MINUTE BY THE LORD MAYOR**

To Council:

Council, at its meeting on 13 October 2003, will be considering a report on Development Application: Darlinghurst Road (and Parts of Macleay Street) Streetscape Upgrade.

It is widely recognised that the urban domain improvements to Kings Cross are decades overdue.

The City of Sydney is committed to achieving lasting improvements to Kings Cross to unlock the area's unique social, economic and cultural potential.

The upgrading of Darlinghurst Road is an important component of this vision, and it is an essential element in improving the safety and amenity of the local area for and reclaiming it for the benefit of residents, stakeholders and visitors alike.

The proposal has been the subject of extensive community consultation.

- Details of the proposal were presented at a series of well-attended community meetings to which all residents and stakeholders were invited. The first of these was at the Crest Hotel on 4 June 2003.
- A Project Information Brochure was distributed to all residences and businesses in the City east precinct, about 20,000 in total, informing them of details of the proposal and development application and inviting their comment.
- Meetings were also held with key stakeholders, including property owners and the King Cross Police.
- Notification of the DA occurred by letter to 3700 property owners and occupiers.
- The DA was placed on public exhibition from 18 June to 18 July 2003. It was also advertised in the Sydney Morning Herald and the Wentworth Courier. Copies of the plans and drawings were made available at the City's One-Stop-Shop and at the Kings Cross Neighbourhood Service Centre (NSC). Display panels were also located at the NSC.
- After this 30-day exhibition period, all submissions (including late submissions) were considered. A large number of phone calls were also received and responded to by Council officers.
- Notification letters giving details of the scheduled Planning, Development and Transport Committee were issued to those lodging submissions. A further 3700 letters were sent to residents and stakeholders on 9 September advising of the date of the Committee meeting.
- As per Council practice, on Monday 15 September 2003, the Planning, Development and Transport Committee was open to public participation, and some 60 people attended with 17 persons speaking to the proposed DA.
- A further community meeting occurred on 24 September 2003, with some 180 people in attendance including various Councillors and City staff.

As a result of the various elements of this consultative process, I recommend to Council a number of further refinements to the scheme which reflect community input. These are itemised below.

#### RECOMMENDATION

- (A) That the recommendation contained in the report by the Systems & Projects Co-ordinator to the Special Meeting of the Planning Development and Transport Committee on 15 September 2003, be approved with the following amendments -
- (i) The following condition in Schedule 1A be amended to read:
- (21) A consultative review of local Kings Cross history be undertaken to recommend a series of interpretative markers and a potential public art initiative/s for the Lord Mayor's approval that celebrates and commemorates the various personalities, artists, events, and cultural organisations associated with the area.

- (ii) The conditions of consent in Schedule 1A be amended to include the following conditions:
  - (34a) The proposed Smartpoles be Series 2 (which are shorter and narrower poles, with smaller banner arms) and of a traditional heritage slate colour (M232).
  - (34b) The Smartpoles are to be able to support smaller, suitably-sized banners to be used to promote community/cultural events and the like.
  - (34c) Three raised thresholds on Darlinghurst Road, located between Bayswater Rd and Macleay St be provided (matching the existing number of raised thresholds) to reduce traffic speeds. The final design & details of the raised thresholds shall be approved by the Local Traffic Committee.
  - (34d) At least 18 new mature trees be planted within the streetscape upgrade area. Any tree removals will only be done following expert Arborist advice and only for reasons of public safety or tree disease.
  - (34e) Access ramps and any other appropriate measures are to be incorporated to assist people with disabilities in accordance with the City's Disability Action Plan.
  - (34f) The proposed paving materials be "Austral Verde", with kerbing in Bluestone or "Austral Black".
  - (34g) An additional taxi rank be provided in Victoria Street (opposite the Holiday Inn Hotel).
- (iii) The recommended conditions of consent in Schedule B be amended to include the following condition:
  - (36a) That provision for bicycle parking be made within the streetscape upgrade area. Details of the location of bicycle parking are to be determined prior to the release of the Construction Certificate.
- (B) The scope of streetscape works is to be extended to:
  - (i) Both sides of Kellett Street from Bayswater Road to Kellett Way;
  - (ii) The eastern side of Victoria Street from Darlinghurst Rd to Earl Street; and
  - (iii) The eastern side of Victoria Street from Surry Street to Craigend Street.

Note: the upgrade in these streets is to be in asphalt, with possible kerbing and/or trimming in granite or bluestone.

- (C) Springfield Plaza is not to be re-opened to traffic and the “Bureau de Change” building shall be removed (upon resolution of any lease arrangements). Active uses including outdoor seating are to be encouraged in this area.
- (D) That footpath widening at the eastern end of Roslyn Street, together with the upgrade of the park at the corner of Roslyn Street and Ward Avenue be further investigated as a matter of priority, and progressed subject to the Lord Mayor’s approval.

(SGD) COUNCILLOR LUCY TURNBULL  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 13 October 2003, and reports by the Systems & Projects Co-Ordinator to the Special Meeting of the Planning Development and Transport Committee on 15 September 2003, and to the Extraordinary Meeting of Council on 13 October, 2003, in relation to Development Application D/03/000490 made by The Council of the City of Sydney for the Darlinghurst Road Streetscape Upgrade, it be resolved that -

- (A) consent be granted to the subject development application, subject to the following conditions:

## **Schedule 1A**

### **Approved Development, Contributions and Covenants**

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

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No D/03/00490 dated 18 June 2003, prepared by Tony Caro & Spackman Mossop, and City Plan Services dated May 2003 and drawings numbered DA-L-101 to DA-L-122.

- (2) For any future works related but not forming part of this development application, a development application is only required subject to the provisions of South Sydney Local Environmental Plan 1998 and relevant statutory provisions applying at the time. Similarly, any proposed modification to aspects of the current proposal will only need a Section 96 modification if that aspect of the proposal required development consent in the first instance.

## **HERITAGE CONSERVATION**

- (3) That an experienced heritage practitioner is to be engaged to oversee all aspects of the work related to heritage items and contributory buildings affected by the proposal, from the detailed awning design to refurbishment and construction. This is to include advice on sympathetic design solutions and the supervision of restoration works to ensure minimum disturbance to significant fabric and appropriate construction methods particularly in relation to demolition, paint removal and new work.
- (4) That prior to commencement of works or release of construction certificate, whichever is the earliest, an archival photographic record is to be carried out of the facades, awnings and significant streetscape elements, such as the historic markers and the cast iron letter box, that will be impacted by the proposal. This will facilitate any reconstruction, refurbishment or relocation. A copy of this record is to be lodged with Council Archives.
- (5) That to minimise the impact of the proposal on the significance of the streetscape and on individual buildings, the recommendations contained in the Heritage Impact Statement Addendum prepared by City Plan Heritage dated July 2003, in particular the "General Solutions to Minimise the Impact of the Awning Strategy and Guidelines for the Refurbishment and Alterations of Significant Awnings," contained on pages 22 and 23, are to be generally followed as stipulated in the following condition.
- (6) That the design of new awnings is to respect the form, proportions, character and any particular façade details likely to be impacted upon by the introduction of new awnings.
- (7) That replacement awnings are to respect the relationship between the original awnings and streetscape topography. Where heights of awnings change and step up and down along the streetscape, to positively reinforce the topography, this pattern should be replicated.
- (8) That all new external finishes and works of making good of significant awnings shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
- (9) That any new awning to Kingsley Hall, 18 Darlinghurst Road, is to be sympathetic to the character of this inter-war building respecting proportions, patterns of fenestration and any masonry detailing or ornamental brickwork.

- (10) That any new awning to the Roslyn Street frontage of Dury House, 34-36 Darlinghurst Road, be of a contemporary style, sympathetic to the character of the building and have regard to the openings, archways and masonry detailing. The impact of the awning on the façade fabric is to be reversible and limited where possible to where alterations have already taken place at the ground floor level.
- (11) That any reduction in awning width to the Woolworth's building at 50-52 Darlinghurst Road is to provide for trees while street furniture should not diminish the appropriateness of the building. The fascia is to be reconstructed based on historic and physical evidence and the pressed metal soffit pattern with border and the under awning recess for the original fabric awnings is to be retained.
- (12) That any new awning is to be sympathetic to the Art Deco style and character of the building and have specific regard to the main entrance.
- (13) That the overall form of the awning at Gowrie Gate, 115 Macleay Street is to be retained and any reduction in width to prevent vehicle damage is to be minimal. The awning finish and detailing is to be restored based on historical and physical evidence with the fascia (with its distinctive horizontal grooves, as evidenced in early photographs) reconstructed.
- (14) That the two side awnings to Cahors, 117 Macleay Street are to be carefully removed and replaced with sympathetic awnings recessive in style, size and material to the main original awning and with minimum intervention to the façade fabric. In addition, any new soffit to the main awning is to match the existing one or replaced with a new material matching the original based on historical and physical evidence.
- (15) That no awning be erected on Franconia, 123-125 Macleay Street.
- (16) That detailed drawings indicating changes to awnings to be altered, new awnings, under-awning lighting, colour scheme for the fascias and soffits and the signage strategy be submitted to the satisfaction of the Director of City Development and Projects prior to the commencement of works or release of construction certificate, whichever is the earliest. The drawings are to be prepared with the input of a heritage practitioner particularly in relation to heritage items and contributory buildings including those in Darlinghurst Rd, at Nos 1-21(Astoria Hotel), No 18 ( Kingsley Hall) Nos 23-27 (Hungry Jacks); No 34 (Dury House), No 42 (Commonwealth Bank); Nos 50-52 (Woolworths Building), Nos 87-99 (7 Eleven); and in Macleay St at Nos 115 (Gowrie Gate) 117 (Cahors) and No.133 Darlinghurst Road.
- (17) That the existing trachyte kerbing be stored and reused in accordance with Council policy.
- (18) That the cast iron letter box, located in front of No 126-128 Darlinghurst Road not shown on the submitted plans, is to be retained either in situ or relocated to a similar and nearby location in Darlinghurst Road.

- (19) That the existing pavement lights and grills such as those in front of Minton House, at the corner of Darlinghurst Rd and Bayswater Road and the Astoria Hotel, which are not shown on the submitted plans, are to be retained and where necessary refurbished.
- (20) That the existing historic markers in front of 2/99 Darlinghurst Road, 34-36 Darlinghurst Road and within the Springfield Plaza footpath are to be carefully removed during construction and reinstated in close as practicable to the same location in the new paving.
- (21) A consultative review of local Kings Cross history be undertaken to recommend a series of interpretative markers and a potential public art initiative/s for the Lord Mayor's approval that celebrates and commemorates the various personalities, artists, events, and cultural organisations associated with the area.
- (22) That the tree garden bed and plaque at the corner of Darlinghurst Road and Victoria Street is to be further investigated to determine its appropriate level of significance and whether it should be retained or appropriately relocated in the nearby vicinity. Details of this investigation prepared by a historian/heritage practitioner are to be submitted prior to the commencement of works.
- (23) The proposed works to the awnings are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing buildings.
- (24) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (25) The signs are to be erected/supported in a secure manner for safety purposes and its installation is not to involve measures that would cause irreversible damage to the building.

#### **ARCHAEOLOGICAL INVESTIGATION**

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

## FOOTPATH ILLUMINATION

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

## PUBLIC DOMAIN PLAN

- (29) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to construction commencing.
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale.
    - (ii) Show the entire layout of flagstone paving where this paving is required.
    - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture (including parking signs, street nameplates, bins, benches), utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
    - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
    - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
    - (vi) Include specifications of the proposed works.

- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
  - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture (including utility poles) and street trees.
  - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters.
  - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
  - (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Where the finished level of paving of the property boundary is to vary from existing levels, details of the variance shall be detailed on the public domain plans. Such details shall include the location and level of any steps, landings etc adjacent to the paving and any adjustments proposed thereto.

**Note:**

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

- (30) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 “Slip Resistance of Pedestrian Surfaces Part 1: Requirements”, Appendices A and B.

**AWNINGS**

- (31) All awnings are to comply with the *City of Sydney Awnings Policy 2000*.
- (32) Any proposed awnings or reconstruction/upgrade of existing awnings over the public footway are to comply with Council’s standard requirements and not extend within 800 mm of the adjacent kerb.

**AWNING TO KINGSLEY HALL**

- (33) The removal of the existing canopy at the Fountain Café at 18 Darlinghurst Road (Kingsley Hall Building) forms no part of the development consent.

Note: This does not imply approval of the existing structure.

**SMART POLES**

- (34) Smart poles shall be provided in the public way in accordance with Council’s Standard and specification.
- (34a) The proposed Smartpoles be Series 2 (which are shorter and narrower poles, with smaller banner arms) and of a traditional heritage slate colour (M232).
- (34b) The Smartpoles are to be able to support smaller, suitably-sized banners to be used to promote community/cultural events and the like.
- (34c) Three raised thresholds on Darlinghurst Road, located between Bayswater Rd and Macleay St be provided (matching the existing number of raised thresholds) to reduce traffic speeds. The final design & details of the raised thresholds shall be approved by the Local Traffic Committee.
- (34d) At least 18 new mature trees be planted within the streetscape upgrade area. Any tree removals will only be done following expert Arborist advice and only for reasons of public safety or tree disease.
- (34e) Access ramps and any other appropriate measures are to be incorporated to assist people with disabilities in accordance with the City’s Disability Action Plan.
- (34f) The proposed paving materials be “Austral Verde”, with kerbing in Bluestone or “Austral Black”.

- (34g) An additional taxi rank be provided in Victoria Street (opposite the Holiday Inn Hotel).

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

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

**SIGNAGE STRATEGY**

- (36) A signage strategy shall be prepared that identifies the number, type, size and locations of signs required to ensure appropriate way finding and naming of buildings and tenancies within the project area in accordance with *City of Sydney Draft Signage and Advertising Structures Development Control Plan 2003*. To this end a comprehensive signage strategy is required to be submitted detailing the location of all new signage (not covered in the subject application) and its design character prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development.
- (36a) That provision for bicycle parking be made within the streetscape upgrade area. Details of the location of bicycle parking are to be determined prior to the release of the Construction Certificate.

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

**UTILITY SERVICES**

- (37) To ensure that utility authorities are advised of the development:-
- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

- (b) A survey is to be carried out of Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

### **PUBLIC ART**

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

### **ROAD & DRAINAGE WORKS**

- (39) Detailed road and drainage works engineering design and construction plans for the construction of the proposed civil works associated with the Darlinghurst Road upgrade are to be submitted to Council and approval gained prior to the commencement of any associated work. Such plans are to include:
  - (a) The location of all existing and proposed services in the vicinity of the proposed works and any alterations or deviations required.
  - (b) Geometric design, construction materials, formation seal and specifications of the proposed kerb and gutter realignment, parking bay formation, footway formation and carriageway formation.
  - (c) Details of the existing road formation, materials and any structures to be removed or relocated and any earth works to be undertaken.
  - (d) Hydraulic and geometric design of any proposed storm water drainage works within the site including deviations, alterations, augmentation of the existing public drainage system and private connections into Council's public storm water drainage system.
  - (e) Details and specifications of any vehicle footpath crossings required to be reconstructed or removed as a consequence of the upgrade proposal.
  - (f) Details of all street poles, lighting, furniture, bollards, street signage, line marking, street name plates and landscaping proposed, including existing trees to be removed and those to be retained.
  - (g) Details of sediment runoff control measures to be adopted during the construction period.
  - (h) All proposed civil works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC#1 specifications.

- (i) The submission to Council is to include:
  - (i) The detailed engineering plans in duplicate and a certification form prepared and signed by an appropriately qualified practicing civil engineer.
  - (ii) The certification repeated for each revision issued to Council.
  - (iii) The nomination of an appropriately qualified practicing engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.

#### **WASTE MANAGEMENT PLAN DURING DEMOLITION AND EXCAVATION**

- (40) A Waste Management Plan for the demolition and/or excavation works must be submitted to the satisfaction of Council before commencement of work on the site.
  - (a) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of Council. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
  - (b) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
    - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
    - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
      - a. Type and quantities of material expected from demolition and excavation;
      - b. Name and address of transport company;
      - c. Address of proposed site of disposal;
      - d. Name/address of company/organisation accepting material;
      - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;

- f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
  - g. Material for disposal and justification of disposal;
  - h. If details of items (b) to (g) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (c) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

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

#### **PEDESTRIAN & TRAFFIC MANAGEMENT DURING CONSTRUCTION**

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

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

#### **BARRICADE PERMIT**

- (42) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

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

### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

(43) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;

Any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

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

- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by Council.
- (b) Such statement must include:-
  - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
  - (ii) The proposed method of discharge;
  - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
  - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
  - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater – Soils and Construction (August 1998).

- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

#### **HOURS OF CONSTRUCTION WORK AND NOISE**

- (45) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
  - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

#### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (46) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
  - (c) A copy of the first page of the development approval and construction certificate (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

### **DEMOLITION WORKS**

- (47) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-
  - (a) The approved Demolition Work Method Statement;
  - (b) Australian Standard AS2601-1991- Demolition of Structures;
  - (c) Relevant Codes of Practice of the Work Cover Authority (NSW);
  - (d) The Construction Safety Act 1912 and Demolitions Regulations;
  - (e) The Occupational Health and Safety Act 1983; and
  - (f) All other relevant Acts and Regulations.

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

### **PUBLIC WAY**

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

## Schedule 2

### Prescribed Conditions

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

1.
    - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
    - (b) This condition does not apply:
      - (i) to the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
      - (ii) to the erection of a temporary building.
  2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.
- (B) The scope of streetscape works is to be extended to:
- (i) Both sides of Kellett Street from Bayswater Road to Kellett Way;
  - (ii) The eastern side of Victoria Street from Darlinghurst Rd to Earl Street; and
  - (iii) The eastern side of Victoria Street from Surry Street to Craigend Street.
- Note: the upgrade in these streets is to be in asphalt, with possible kerbing and/or trimming in granite or bluestone.
- (C) Springfield Plaza is not to be re-opened to traffic and the “Bureau de Change” building shall be removed (upon resolution of any lease arrangements). Active uses including outdoor seating are to be encouraged in this area.
- (D) Footpath widening at the eastern end of Roslyn Street, together with the upgrade of the park at the corner of Roslyn Street and Ward Avenue be further investigated as a matter of priority, and progressed subject to the Lord Mayor’s approval.

Carried unanimously.

**ITEM 2. STANDARDISING PENSIONER RATE REBATES - POST BOUNDARY CHANGES**

Moved by Councillor Greiner, seconded by Councillor Coulton -

That arising from consideration of a report by the Revenue Accountant to the Extraordinary Meeting of Council on 13 October 2003, on Standardising Pensioner Rate Rebates - Post Boundary Changes, it be resolved that:

- (A) a 100% pensioner rebate be provided to all pensioners who qualify in the City's expanded local government area in respect of rates and domestic waste charges, with the effect that all rates and domestic waste charges which are the subject of that rebate be waived;
- (B) the 100% rebate apply to rates and domestic waste charges levied from 1 July 2003;
- (C) rates and charges that are waived as a result of clauses (A) and (B) be written off in accordance with section 583 of the Local Government Act 1993; and
- (D) Councillors be advised in each year's Corporate Plan of the cost to Council of the pensioner rate rebate scheme.

Carried unanimously.

**Closed Meeting**

At 5.23 pm the Extraordinary Meeting of Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 3 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business;

and 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 3 was then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public.

**ITEM 3. NEW YEAR'S EVE LIGHTING (SO24907)**

Moved by Councillor Coulton, seconded by Councillor Greiner -

That arising from consideration of a report by the New Year's Eve Producer to the Extraordinary Meeting of Council on 13 October 2003, in relation to New Year's Eve Lighting, it be resolved that:

- (A) Council not invite tenders for the lighting and projection equipment and services for New Year's Eve 2003, due to the following extenuating circumstances:
- (i) the inability to specify the equipment and services required, until discussions with building owners are concluded to enable locations to be finalised;
  - (ii) the lead times in the creative design process in respect of proposed lighting schemes, once locations are finalised;
  - (iii) the lead times in the procurement and supply of lighting and projection equipment, including from overseas; and
  - (iv) the necessity for such lighting and projection equipment to be installed and commissioned for use prior to New Year's Eve,
- and accordingly a satisfactory result would not be achieved by inviting tenders;
- (B) authority be delegated to the General Manager to enter into negotiations with suppliers of lighting, projection and associated equipment with a view to fulfilling the requirements for the 2003 New Year's Eve celebrations, in consultation with the Lord Mayor;
- (C) authority be delegated to the General Manager to enter into contracts with a range of suppliers of lighting, projection and associated equipment and services, including contracts with a value exceeding \$100,000 for New Year's Eve 2003, in consultation with the Lord Mayor;
- (D)
- (E)
- (F) all relevant documentation be executed by Council's attorney;
- (G) the terms of clauses (D) and (E) remain confidential until the variation of contract referred to in those paragraphs has been entered into; and
- (H) Councillors be advised in briefings of progress of negotiations and contractual **agreements.**

Carried unanimously.

Monday 13 October 2003

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At 5.25 pm the meeting concluded.

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