

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 24 JUNE 2004

Meeting No 297

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 24 June 2004 commencing at 6.45pm.

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PRESENT

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

Mr Neil Bird, Councillor Chris Harris, Mr Chris Johnson, Ms Antoinette le Marchant, Councillor John McInerney, Ms Jennifer Westacott (Director-General Department of Infrastructure, Planning and Natural Resources).

The Director City Planning Northern Zone and Director City Planning Southern Zone were also present.

The Lord Mayor arrived at the meeting of the Central Sydney Planning Committee at 6.48pm during discussion on Item 8, which had been brought forward. The Lord Mayor assumed the Chair during discussion on Item 8.

ELECTION OF CHAIR

In the temporary absence of the Lord Mayor, Councillor Clover Moore, an election for the position of Chair was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988.

Nominations for the position of Chair were called. One nomination was received and accepted by the candidate, as follows:

Councillor John McInerney - nominated by Councillor Harris, seconded by Ms le Marchant.

Councillor McInerney was declared elected and took the chair at 6.46pm.

ORDER OF BUSINESS (S002287):

Resolved:

That in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

8. Delegation to Council - Development Applications Involving Variation to a Development Standard and Costing Less than \$50 million
6. Development Application: Part of the former Royal Alexandra Children's Hospital Site, 16 Pyrmont Bridge Road, Campberdown
1. Disclosures of Interest
2. Confirmation of Minutes
3. Matters Arising from the Minutes
5. Development Application: 49-61 Miller Street, Pyrmont
4. Section 82A Review Application: 2 Charles Street, Glebe
7. Development Application: 782 Bourke Street, Waterloo
9. City of Sydney Convenience Store Development Control Plan 2004 - Proposed Amendments
10. Design Competition Report: Carlton United Brewery Site (Balfour Park) Design Excellence Competition
11. General Business

ITEM 1. DISCLOSURES OF INTEREST (S030492)

No members of the Central Sydney Planning Committee disclosed any pecuniary or non-pecuniary interests on any matter on the agenda for this meeting of the CSPC.

ITEM 2. CONFIRMATION OF MINUTES (S030492)

Resolved on the motion of Councillor McInerney, seconded by Mr Bird -

That the Minutes of the meeting of the Central Sydney Planning Committee of 3 June 2004 be taken as read and confirmed.

Carried.

ITEM 3. MATTERS ARISING FROM THE MINUTES (S030492)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee of 3 June 2004.

ITEM 4. SECTION 82A REVIEW APPLICATION: 2 CHARLES STREET, GLEBE (LD/02/422)

Note - Correspondence from Mr Stuart Ewings dated 24 June 2004 was circulated to members prior to the meeting of the Central Sydney Planning Committee.

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

Mr Stuart Ewings - resident
Mr Neil McIndoe - resident
Ms Odette Trapani - architect for the applicant
Mr Craig Homer - the applicant

Note. This item comprised a report by the Assistant Specialist Planner to the Central Sydney Planning Committee on 24 June 2004, in relation to a Section 82A Review of Determination Application D/02/422 made by Odette Trapani for the site at 2 Charles Street, Glebe, for the demolition of the existing dwelling, removal of eight trees and construction of a new two storey dwelling.

The CSPC noted that, in the light of the delegation granted earlier in this meeting to the Council of the City of Sydney, this Section 82A application is a matter for Council to determine.

ITEM 5. DEVELOPMENT APPLICATION: 49-61 MILLER STREET, PYRMONT (D04//00117)

Note - Correspondence from the Winten Property Group, owners of Miller Pyrmont Pty Ltd, the applicant, dated 23 June 2004, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

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

Ms Fiona McFarlane - resident
 Mr Ray Berryman - resident
 Mr Anthony Otto - Winten Property Group

Resolved on the motion of Mr Bird, seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 24 June 2004, in relation to Development Application D2004/00117 made by Miller Pymont Pty Ltd for the site at 49 - 61 Miller Street, Pymont, for the construction of a 7 storey commercial building with basement parking, ground floor retail, public domain works and links to the light rail station and Bulwara Park, it be resolved that this matter be deferred, following consideration of a request by the applicant, to a future meeting of the CSPC, to allow the applicant to address issues raised in the report and staff to consider issues raised at the meeting.

Carried.

ITEM 6. DEVELOPMENT APPLICATION: PART OF THE FORMER ROYAL ALEXANDRA CHILDREN'S HOSPITAL SITE, 16 PYRMONT BRIDGE ROAD, CAMPBERDOWN (U03/00239)

Note - Correspondence from the Friends Residents / Ratepayers of Orphan School Creek Gully, received 23 June 2004, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

Ms Elizabeth Dark, a resident and a representative of the Friends Residents / Ratepayers of Orphan School Creek Gully, addressed the meeting of the Central Sydney Planning Committee on this matter.

Resolved on the motion of Councillor McInerney, seconded by Ms Westacott -

That arising from consideration of a report by the Director City Planning (Northern Zone) to the Central Sydney Planning Committee on 24 June 2004, in relation to Development Application U2003/00239 made by Sterling Estates Development Corporation Pty Ltd for the site at 16 Pymont Bridge Road, Camperdown, for alterations and one level addition containing 13 residential apartments to an approved residential building known as Building "N" or "Altro", it be resolved that:-

- (A) Having regard to the proposed development exceeding the maximum permissible FSR of 1.5:1 and maximum permissible height limit of 9m pursuant to the South Sydney Local Environmental Plan 1998 (SSLEP 1998) and the extent of non-compliance proposed, the Central Sydney Planning Committee considers the objection under State Environmental Planning Policy No. 1 - Development Standards regarding the non-compliance to be well-founded for the following reasons:
- (1) compliance with the development standards would hinder attainment of the objects specified in section 5 (a) (i) and (ii) of the Environmental Planning and Assessment Act 1979;

- (2) the proposed development is consistent with the underlying objects or purposes of State Environmental Planning Policy No. 1 - Development Standards;
 - (3) the proposed development is consistent with the relevant objectives of the SSLEP 1998;
 - (4) the additional bulk and height would not cause significant changes or impacts above that of the approved development on the site;
 - (5) the proposal, despite non-compliances, is generally consistent with the approved Masterplan for the site (U01/01143); and
 - (6) compliance with the development standards would be unreasonable and unnecessary in the circumstances of the case.
- (B) A deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to completion of the following condition:-

Part A

- (1) In exchange for the floor space ratio (and particularly that exceeding the 1.5:1 limit in South Sydney Local Environmental Plan 1998), the applicant shall enter into a Deed of Agreement with Council (and pay the relevant security) which requires the remediation, landscaping and provision of the “Wood Street land” (as described in the report referred to above) as public open space. This deed shall be entered into (and security provided) within 3 months of the Notice of Determination, shall be drafted by Council’s solicitors (at the applicant’s expense) and shall include such other provisions as the General Manager determines appropriate to give effect to this condition. This condition is fundamental to the granting of this development consent.
- (C) Upon compliance with the requirements of Part A (1) above, a full consent will be issued subject to the following conditions and any other conditions reasonably arising from Part A (1):-

Part B

Schedule 1A

Approved Development, Contributions and Covenants

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

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

APPROVED DEVELOPMENT

1. Development must be in accordance with Development Application No. U03/00239 dated 20 March 2003 and drawings numbered DA51, DA59 to DA61 inclusive, and DA64 to DA71 inclusive, all Issue A, all dated 3 March 2003, and all prepared by Suters Architects, and as amended by the following conditions:

APPROVED DESIGN

2. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

APPROVED DESIGN ROOF-TOP PLANT

3. All roof-top plant and associated equipment shall be located within the approved building envelope, which includes roof-top plant rooms, parapets and screening devices. In satisfying Building Code of Australia provisions relating to such services, should the plant exceed the approved building envelope, then further approval is required from the consent authority.

CONSISTENCY OF DRAWINGS

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

SECTION 94 CONTRIBUTIONS PLAN - 1997

5. 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, and South Sydney City Council Section 94 Contributions Plan 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$21,812.91
Open Space/Townscape/Public Domain	\$4,972.63
Accessibility And Transport	\$149.34
Management	\$346.00
Total	\$27,280.88

6. The above payment, with the exception of Open Space Land Acquisition and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for open space land will be reviewed at time of payment in accordance with the latest valuations.

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

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 the consent being the March Quarter 97/98 (Amend as applicable).

7. The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the Construction Certificate.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

8. Copies of the Section 94 Contributions plan may be inspected at Council's offices.

SECTION 94 CONTRIBUTIONS - ADMIN CENTRE

9. 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, and South Sydney City

Council Section 94 Contributions Plan - Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$7,429.13

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

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

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 the consent being the March Quarter 97/98 (Amend as applicable).

11. The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the Construction Certificate

RESTRICTION ON USE OF CAR SPACES

12. The following conditions apply to car parking:-
- The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building.
 - Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
 - Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

Note:

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

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

13. Residents are not eligible to participate in the resident permit parking schemes.

Note:

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

PARKING ON COMMON PROPERTY AREAS

14. No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

CONDITIONS RELATING TO STRATA SUBDIVISION

15. Any proposal to Strata subdivide the building and site will require a separate application to obtain approval of the final Strata Plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973 and will require:-
- (a) The creation of a statutory Restriction on Use burdening all car parking and storage utility lots in the scheme by exercising the provisions of Section 39 of the Strata Schemes (Freehold Development) Act 1973 and/or the creation of a documentary Restriction as to User pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking and storage part-lots in the scheme, in terms consistent with Section 39 of the Act.
 - (b) The residential component of the building must be used for permanent residential accommodation only and not for the purpose of a hotel, serviced apartments, boarding house, tourist accommodation or any other short-term rental accommodation. A documentary Restriction as to User is to be created over all residential lots in the Strata plan, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to that effect and prohibiting any change of use from Residential as defined in the South Sydney Local Environmental Plan 1998.

- (c) No part of the common property in the Strata scheme, exclusive of any service vehicle spaces and visitor spaces, is to be used for the parking or storage of vehicles, boats, trailers and the like and the Owners Corporation must not grant or permit to be granted any lease, licence or exclusive use rights over any part of the common property for such purpose. A documentary Restriction as to User is to be created over the common property, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council and in terms to that effect.
- (d) Any on-site line-marking and numbering of car parking spaces is to be consistent with the approved Strata Plan and to Council's satisfaction.
- (e) In accordance with the provisions of Section 38 of the Strata Schemes (Freehold Development) Act 1973 the final Strata Plan is to include the nature, location and magnitude of all encroachments of the building upon the alignment of the public way.
- (f) Any Building Management Statement must adequately address the ongoing maintenance, upgrading, repairs, redevelopment and structural adequacy of the part of the building occupying each lot in the subdivision, to Council's satisfaction.

Schedule 1B

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

INFORMATION TO BE FORWARDED TO CERTIFYING AUTHORITY

- 16. 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.

NOISE REDUCTION

- 17. Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:-
 - (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-

- (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700) 35dB
 - b. Living areas (24 hours) 45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700) 45dB
 - b. Living areas (24 hours) 55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:
 - a. Sleeping areas (night time only: 2200-0700) 38dB
 - b. Living areas (24 hours) 46dB
- (b) In the preparation of the report:
- (i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified; and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

REFLECTIVITY INDEX

18. The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as

not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

ACOUSTIC PRIVACY BETWEEN UNITS

19. Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:-

- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

CAR PARK LAYOUT

20.

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
- (b) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

21.

- (a) Certification by a hydraulic engineer that stormwater will be disposed from the site in accordance with Council's standard requirements, shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City and obtain registration on Title of a Positive Covenant prior to commencement of any work within the public way, at no cost to the City.

SYDNEY WATER CERTIFICATE

22.

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) **Note:**
 - (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.

- (d) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (e) **Note:**
- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon or telephone 132 092.
 - (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
 - (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

INSTALLATION OF WATER EFFICIENT TAPS

23. All taps and shower heads installed shall be water efficient with a minimum “AAA” rating. The details shall be submitted for the approval of the certifying authority, prior to the issue of a construction certificate for the development under the Environmental Planning and Assessment Act 1979.

PLANTATION OR RECYCLED TIMBERS

24. To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings. The Construction Certificate is to specify the timbers used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

GREY WATER

25. The applicant is to investigate the installation of appropriate technologies within the development to enable the collection and re-use of the rainwater. A Report addressing this matter is to be submitted to and approved by the Director, City Planning North, prior to the issue of the Construction

Certificate for the development under the Environmental Planning and Assessment Act, 1979.

SANITARY FACILITIES

26. Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

ACCESS FOR PEOPLE WITH DISABILITIES

27. Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and a copy submitted to Council.

Schedule 1C

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

COMPETENCY ASSESSMENT BY P.C.A - SECTION 93 CERTIFIERS

28. Prior to commencement of work, the Principal Certifying Authority (P.C.A) must assess the competency of all persons who propose to "certify" works or designs under the provisions of s93 of the Local Government Act. Competency is to be assessed in writing by the P.C.A. on the basis of documentary evidence of the person's qualifications, skills and experience in performing the task to be certified. The P.C.A must make a written determination on whether the person is appropriately qualified to "certify" the work of design, with all such documentation to be forwarded to Council (within 14 days of the determination) for its records and random audits.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

29. A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of 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; and

- (d) Proposed route of construction vehicles to and from the site.

The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

BARRICADE PERMIT

30. 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.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

31. 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 the Principal Certifying Authority.
 - (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.

USE OF MOBILE CRANES

32. Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council, will create minimal traffic disruptions and four weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

33. The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.
34. To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
- (i) Supply Air Ducts, Shafts and Fans - Blue
- (ii) Return Air Ducts, Shafts and Fans - Pink
- (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
- (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
- (v) Mixing Boxes and Conditions - Yellow

- (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN

35. Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):-
- (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on Attachment S1A.

- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- 36. A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
 - (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.

- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance.

Note:

The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

Schedule 1D

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

HOURS OF WORK AND NOISE

37. 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

38. 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.

LOADING AND UNLOADING DURING CONSTRUCTION

39. The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES

40. All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

CONTROL OF RUN-OFF DURING CONSTRUCTION

41. To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

NO OBSTRUCTION OF THE PUBLIC WAY

42. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

43. Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CONSTRUCTION VEHICLES TO BE COVERED

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

Note:

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

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

CITY OF SYDNEY COMPLIANCE INSPECTIONS

45. The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).

- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

OCCUPATION CERTIFICATE

46. An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

47. Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:-
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
48. A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.

- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

49. Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

50. Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

NUMBERING

51. Prior to issue of an Occupation Certificate street numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers is required, a separate application shall be made to Council.

ALL MATERIALS TO COMPLY WITH BCA

52. All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

ALL GLAZING MATERIALS TO COMPLY WITH THE GLASS INSTALLATION CODE

53. All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

PREMISES TO BE VENTILATED IN ACCORDANCE WITH THE BCA

54. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE - USE

55. The use of the premises including music and other activities must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

NOISE - MECHANICAL PLANT

56. Noise associated with mechanical plant must not give rise to any one or more of the following:-
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as

specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

57. In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

REMOVAL OF GRAFFITI

58. The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.

Schedule 2

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

Carried.

ITEM 7. DEVELOPMENT APPLICATION: 782 BOURKE STREET, WATERLOO (U03-00927)

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

Mr Harvey Sanders - representing the Owners Corporation of Moore Park Gardens Towers

Mr Peter Spira - Meriton Apartments Pty Limited (the applicant)

Ms Larissa Brennan - Meriton Apartments Pty Limited

Mr Peter Milevich - resident

Mr Steve Anders - LFA Design

Resolved on the motion of Councillor Harris, seconded by Councillor McInerney -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 24 June 2004, in relation to Development Application U03-00927 made by Meriton Apartments Pty Ltd for the site at 782 Bourke Street,

Waterloo - Stage 6, Precinct C of former ACI site, it be resolved that consideration of this matter be deferred to enable clarification of the proposal against the design competition; and if there is a variation, the significance of the variation.

Carried.

ITEM 8. DELEGATION TO COUNCIL - DEVELOPMENT APPLICATIONS INVOLVING VARIATION TO A DEVELOPMENT STANDARD AND COSTING LESS THAN \$50M

Resolved on the motion of Councillor McInerney, seconded by Ms Westacott -

That arising from the consideration of a report by the Acting Manager Development - City Planning North to the Central Sydney Planning Committee (CSPC) on 24 June 2004, in relation to the delegation of authority from the Central Sydney Planning Committee to Council, it be resolved that:-

- (A) the CSPC delegate authority to the Council of the City of Sydney, pursuant to Section 40(2) of the City of Sydney Act 1988, to exercise CSPC's functions with respect to all applications for development consent where the estimated cost of development does not exceed \$50,000,000, including those applications which do not comply with an environmental planning instrument that applies to the land concerned;
- (B) the delegation made by this resolution excludes those applications or classes of applications which are the subject of pre-existing delegations; and
- (C) a report be submitted to the CSPC every six months to keep track of matters dealt with by Council under this delegation, and to identify trends that may be of interest to the CSPC.

Carried.

ITEM 9. CITY OF SYDNEY CONVENIENCE STORE DEVELOPMENT CONTROL PLAN 2004 - PROPOSED AMENDMENTS (S025028)

Resolved on the motion of Mr Bird, seconded by Councillor McInerney -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 24 June 2004, in relation to the City of Sydney Convenience Store Development Control Plan 2003, it be resolved that:-

- (A) Council be asked to place the amended City of Sydney Convenience Store Development Control Plan 2003, as shown at Attachment A to the subject report, on public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000; and

- (B) authority be delegated to the General Manager to make any minor drafting changes that may be required as a result of Council's consideration of the DCP as shown at Attachment A to the subject report.

Carried.

ITEM 10. DESIGN COMPETITION REPORT: CARLTON UNITED BREWERY SITE (BALFOUR PARK) - DESIGN EXCELLENCE COMPETITION (SO33483)

Resolved on the motion of Councillor McInerney, seconded by Ms Westacott -

That arising from consideration of a report by the Executive Director, Design and Director City Planning (Northern Zone) to the Central Sydney Planning Committee on 24 June 2004, in relation to the Design Competition for the site known as Carlton United Breweries site, Sydney, it be resolved that:-

- (A) the subject report and the Jury report on the design competition be received and noted;
- (B) the Central Sydney Planning Committee concurs that the maximum development potential under existing controls for the site cannot be reached;
- (C) the Central Sydney Planning Committee acknowledge that matters outlined in Part B of the Jury Report will need to be considered in the future preparation of the draft Local Environmental Plan, without pre-empting the future content of such a plan. It was noted that before the draft plan is prepared, Council will also need to consider input from the community and other stakeholders, and the outcome of several independent studies being undertaken including:
 - (1) a heritage conservation management plan;
 - (2) a traffic and transport study;
 - (3) a site contamination audit;
 - (4) an open space and community facilities study;
- (D) the owner and prospective developer be informed that a Stage 1 Development Application/Development Plan should not be made until a draft Local Environmental Plan is in place; and
- (E) the CSPC thank the Jury for their work and, in particular, the Council appointed members for their exemplary efforts.

Carried.

ITEM 11. GENERAL BUSINESS

11.1 Disclosures of Interest

Ms le Marchant raised the matter of Disclosures of Interest appearing as an agenda item (though not being against such inclusion). The Manager Secretariat advised that this was consistent with the practice recently adopted by the Council of the City of Sydney.

11.2 Ms Julie Walton (former Councillor of the City of Sydney)

Ms le Marchant advised the Committee that Ms Julie Walton had been awarded an Order of Australia Medal in the Queen's Birthday Honours List 2004 for service to local government through the City of Sydney Council, and to the community. Ms Walton had served on the Council of the City of Sydney for eight years from September 1991 to September 1999, and on the Central Sydney Planning Committee for four years from September 1995 to September 1999.

The CSPC requested any letter from the City congratulating Ms Walton also make mention of the CSPC's recognition of her role and achievements.

11.3 Pre-Development Application Discussions

Councillor McInerney raised a general issue regarding pre-development application discussions and suggested that in some instances matters may be better dealt with by the sub-committee process. The Directors were asked to give consideration to this issue.

11.4 Probity Issues

Ms le Marchant raised a general matter of probity and integrity issues in relation to representations made directly to CSPC members by, for example, applicants. It was requested a separate discussion occur on this matter, and general matters of process and probity.

The meeting concluded at 8.35pm.

CHAIR

The next meeting of the Central Sydney Planning Committee is scheduled for 29 July 2004.