

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 29 JULY 2004

Meeting No 298

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 29 July 2004 commencing at 5.43pm.

INDEX TO MINUTES

Subject	Page No
1. Disclosures of Interest	231
2. Confirmation of Minutes.....	231
3. Matters Arising from the Minutes	232
4. Development Application: 782 Bourke Street, Waterloo.....	232
5. City of Sydney Draft Boarding House Development Control Plan 2004.....	257
6. Draft State Environmental Planning Policy (Application of Development Standards) 2004 and Draft Planning Guideline - Draft Submission.....	257
7. Repeal of Leichhardt Development Control Plan No. 49 and Principles to Guide Development at 156 - 160 Bridge Road, Glebe.....	258
8. Submission to the NSW Parliament Standing Committee on State Development - NSW Ports Growth Plan	258
9. Election of Deputy Chairperson	258
10. General Business	259

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 Petula Samios (Alternate Member for 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.

APOLOGY (S030492)

An apology was received from Ms Westacott, Director General, Department of Infrastructure, Planning and Natural Resources, who was unable to attend the meeting owing to a prior commitment.

Resolved on the motion of Ms le Marchant, seconded by Mr Bird -

That the apology from Ms Westacott be received and leave of absence granted.

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:

4. Development Application: 782 Bourke Street, Waterloo
7. Repeal of Leichhardt Development Control Plan No. 49 and Principles to Guide Development at 156 - 160 Bridge Road, Glebe
1. Disclosures of Interest
2. Confirmation of Minutes
3. Matters Arising from the Minutes
5. City of Sydney Draft Boarding House Development Control Plan 2004
6. Draft State Environmental Planning Policy (Application of Development Standards) 2004 and Draft Planning Guideline - Draft Submission
8. Submission to the NSW Parliament Standing Committee on State Development - NSW Ports Growth Plan
9. Election of Deputy Chairperson
10. 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 Mr Johnson, seconded by Councillor McInerney -

That the Minutes of the meeting of the Central Sydney Planning Committee of 24 June 2004 be taken as read and confirmed.

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 24 June 2004.

ITEM 4. DEVELOPMENT APPLICATION: 782 BOURKE STREET, WATERLOO (U03-00927)

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

Mr Peter Milevic - representing residents in the Moore Park Gardens complex
 Ms Larissa Brennan - Meriton Apartments Pty Limited (the applicant)
 Mr Steve Anders - LFA Design

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

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 as follows:-

- (A) That deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following:-

That the consent shall not operate until the applicant has provided details within 3 months of the date of deferred commencement approval responding to the following matter, which shall be approved to the satisfaction of a sub-committee, comprising -

- Councillor John McInerney
- Ms Jennifer Westacott
- Mr Chris Johnson

Details of the building façade and all exterior finishes, including glazing at a scale of 1:50, and which are to demonstrate architectural excellence.

- (B) Upon compliance with the requirements of Part (A) above, a full consent be issued subject to the following conditions:-

Schedule 1A

- (1) That the development shall be in accordance with plans numbered -

DA 01, DA 03, DA 04, DA 06, DA 06A, DA 08, DA 10, DA 12, DA 14, DA 16, DA 18, DA 20, DA 22, DA 26, DA 28, DA 30, DA 32, DA 37, DA 38, DA 39, DA 40, DA 41, DA 42, DA 43, DA 44 and DA 45

dated May 2003.

- (2) That in the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevation shall take precedence.
- (3) That the architect of the project as approved shall not be changed without prior notice to Council.
- (4) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee in accordance with Council's fees and charges for the stormwater connection to Council's system, and no work shall be commenced until the fee is paid.
- (5) That all infrastructure and public domain works already constructed in the ACI site shall be protected from damage during this development work. Any damage shall be made good to the satisfaction of Council and at no cost to Council.
- (6) That all relevant sections of the BCA shall be complied with.
- (7) That the requirements of the Work Cover Authority shall be complied with.
- (8) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged construction certificate until a construction certificate application has been approved for each stage.
- (9) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance.
- (10) That an application for an Occupation Certificate shall be submitted on the completion of the building works.
- (11) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of City Planning South and so that the opening of any doors of such substation shall not intrude upon the public way.
- (12) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in any existing or proposed Council on-street resident parking schemes. Signs to this effect shall be located in prominent places, to Council's satisfaction, such as at display units and on all

directory boards or notice boards, where they can easily be observed and read by persons entering the building. The sign shall read, "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council". The signs shall be erected in conjunction with all display units and within completed buildings prior to release of an occupancy certificate or prior to Council issuing final strata subdivision approval (whichever occurs first) and shall be maintained in good order at all times.

- (13) That the visitor parking spaces shall not at any time be allocated, sold or leased to an individual owner/occupier and shall be strictly retained as common property by the Owners Corporation of the site.
- (14) That all vehicles shall always be driven onto and off the site in a forward direction.
- (15) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like.
- (16) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works.
- (17) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge.
- (18) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system.
- (19) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on the land title. The wording of this covenant shall be in accordance with that provided by Council.
- (20) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc.) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003.
- (21) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers).

- (22) The applicant shall comply with Council's Code for Waste Minimisation in new developments. This condition applies to all residential, commercial and mixed-use developments.
- (23) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb.
- (24) That new work, including footings, shall not project beyond the street alignment or boundaries of the allotment.
- (25) That the current parking restrictions around the site shall not be altered for any proposed vehicles servicing for the site after an occupation certificate has been issued.
- (26) That the applicant shall ensure that there shall be no encroachments over the public way.
- (27) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m² of landscaped area, or one for each separate private or communal landscaped space. The owner/applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.
- (28) That the use of the premises shall not give rise to:-
- (a) Transmission of 'offensive noise' to any place of different occupancy, and
 - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and
 - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy.
- (29) In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Infrastructure, Planning and Natural Resources (DIPNR), 20 Lee Street, Sydney, or a bank guarantee in favour of DIPNR to the value of the required contribution has been lodged. The contribution shall be \$3,380,007.20 based on the in lieu monetary contribution rate for non-residential development at \$38.61 per square metre of total floor area 923.9 square metres and \$115.84 per square metre of residential development with a total floor area of

28,730.3m². Contributions may be indexed in accordance with the formula set out below.

- (30) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that the bank guarantee referred to in clause 29 above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

Form A - Bank Guarantees must be lodged with the Housing Market Team, DIPNR, 20 Lee Street, Sydney. All Forms B and C - Bank Cheques to be lodged with cashier at DIPNR.

The contributions will be adjusted accordingly on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

Contributions at Time of Payment = $C \times \text{HPI}_2 / \text{HPI}_1$, where:

C is the original contribution amount as shown above;

HPI₂ is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and

HPI₁ is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being 1 March 2004;

- (31) That all residential SOHO units are to achieve a minimum 3.5 star NatHERS energy efficiency rating.

Approved Development, Contributions and Covenants

Note 1: 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.

Schedule 1B

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

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$168,300 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
- (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, to the value of \$100,000 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate.
- (3) That the applicant shall meet with Council's Waste Services Operations Manager prior to issuing a Construction Certificate to discuss suitability of the storage area and to present a waste management plan including expected waste generation rates, general requirements regarding collection services and waste management responsibilities.
- (4) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9, Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of City Works.
- (5) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issue of a Construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued).
- (6) That the applicant shall apply to the Director of City Works for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of

contrasting colour and adequate size and location for viewing from the roadway.

- (7) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb.
- (8) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards.
- (9) That the applicant shall submit a Construction Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. A copy of the Construction Management Plan is available from Council's One Stop Shop.
- (10) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate.
- (11) That the applicant shall provide a system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property. Details shall include the provision and maintenance of overland flow-paths and shall be approved together with the Construction Certificate. Such approval may, wholly or in part, rely on a certificate issued by a Council-registered stormwater certifier. If it is to be connected into Council's Stormwater System the maintenance procedures for the entire system shall be documented on the Certificate of Title for the property in the form of a "positive covenant".
- (12) A separate application for works on the public way related to the connection shall be made to Council pursuant to section 68 of the Local Government Act, 1993. Approval shall be obtained prior to the issue of the Construction Certificate.
- (13) The applicant shall be responsible for payment of application fees and the full cost of work, as well as the lodgement of security deposits, public liability insurance and the positive covenant.
- (14) That the applicant shall submit an Overland Flowpath Plan for approval by the Director of City Works prior to the release of the Construction Certificate. The Plan shall provide information regarding the extent of the one in 100 year flood that traverses the property and how the flow is to be safely managed so that it is not diverted onto adjoining properties and does not flood into underground car parks or other underground areas. A Drainage Easement, with rights vested in Council, is also to be created over the property to encompass the extent of the overland flowpath and any stormwater pipeline. If significant overland flows emanate from upstream private properties, the applicant shall create the necessary private Easement to Drain Water with rights vested in the upstream properties.

- (15) That the applicant shall submit a waste management plan as outlined in Council's Code for Waste Minimisation in new developments prior to the issue of a Construction Certificate. This condition applies to all residential, commercial and mixed-use developments.
- (16) In accord with the BCA and DCP 1997, provision of at least one unit of accessible housing in every 50, or part there of, in accordance with AS1428 is required. Accessible and adaptable units should be clearly indicated on the Construction Certificate Plans.
- (17) That the front fences and walls facing Crescent Street, the north-south through-site link and Danks Street shall be solid to a maximum height of 1.2 metres and may be combined with open style fencing to a total maximum height of 2m.
- (18) That each unit is to be provided with a balcony or courtyard with a minimum size of 8m²
- (19) Lighting shall comply with the AS/NSZ 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements.
- (20) That any lighting on the site shall be designed to ensure no adverse impact on the amenity of the surrounding area by light overspill. Lighting shall comply with the AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting.
- (21) Landscaping plans indicating materials and finishes for the through site link are to be submitted to Council and approved by the Director City Development prior to issue of a Construction Certificate.
- (22) That all proposed habitable and ground floor levels and basement car park entry levels within the site shall be a minimum 300mm above the current 1% AEP flood levels. Details to this effect shall be approved by a Council Registered Certifier prior to the approval of the construction certificate for the car park and the buildings.
- (23) The developer shall provide a system of on-site stormwater detention to comply with the discharge rate and storage volume specified by Sydney Water in the "ACI site, Waterloo, Stormwater Management Plan" report prepared by Jeff Mouldsdales & Associates Pty Ltd dated July 1999. All details of the on-site detention system and irrigation tank including the design of the orifice plate diameter shall be approved by a Council Registered Stormwater Certifier prior to the issue of the Construction Certificate.
- (24) That internal overland flow paths and over flow pipes shall be incorporated into the design of the stormwater system and in the detention tanks to prevent flooding in the event of stormwater pipe system blockages. Details to this effect shall be approved by a Council Registered Stormwater Certifier prior to the approval of the Construction Certificate for the development.

- (25) That the total site area (6165m²) used in the calculations of the on site detention storage volume (OSD) and the Permissible site discharge (PSD) [reference: former ACI site-stage 6 Precinct C, Level 1 Parking-drainage, PD1] does not correspond to the area (6556m²) documented in the DA submission. The developer shall amend the total site area and subsequently the O.S.D. and the P.S.D. accordingly for the site.
- (26) That the developer shall design and construct a stormwater reuse system for landscape irrigation and car washing as outlined in the “ACI site, Waterloo, Stormwater Management Plan” report prepared by Jeff Mouldsdale & Associates Pty Ltd dated July 1999. All detail design drawings, documentation and supporting calculations relating to this proposal shall be submitted to and certified by an appropriately qualified Environmental Engineer/or Hydrogeologist prior to the issue of the Construction Certificate.
- (27) That detailed design and documentation for all the works on the public way shall comply with Council’s Streetscape Masterplan and Public Domain DA approved under U01-00024. Construction Certification plans and specifications for all works shall comply with “Council’s Development Specification for Civil Works” (Design and Construction).
- (28) That detailed design and documentation for all the works on the public way shall comply with Council’s Streetscape Masterplan and Public Domain DA approved under U01-00024. Construction Certification plans and specifications for all works shall comply with “Council’s Development Specification for Civil Works” (Design and Construction).
- (29) That the developer shall provide detailed engineering documentation for all works on the public way for construction certificate approval by Council pursuant to Part 9, Division 3 of the Roads Act 1993. The design and construction drawings shall be to the satisfaction of Council’s Executive Director of City Development. In this regard existing and future public road frontages along Danks, South Dowling and Crescent Streets shall require full kerb, gutter and footpath reconstruction works to Council’s satisfaction. The detailed design documentation to Council for approval must include as a minimum the following requirements:-
- (a) Detailed design and documentation of the kerb, gutter and boundary levels to be adopted in South Dowling Street (fronting the development) to Roads and Traffic Authority (RTA) specification and standards. A copy of the RTA approved documentation shall be submitted to Council prior to the issue of Construction Certificate approval from Council for the public domain works;
 - (b) Detailed design and documentation of the kerb, gutter and boundary levels to be adapted in Crescent Street and Danks Street (fronting the development) to Council’s specification and requirements;
 - (c) Detailed design and documentation of the footpath reconstruction works for all street frontages including South Dowling Street shall comply with

Council's specification and in accordance with approved Public Domain DA plans for the ACI site;

- (d) Documentation for the road restoration work in South Dowling Street to comply with RTA's standard requirements and the restoration works to Danks and Crescent Streets to comply with Council's specification and requirements;
- (e) Document the location of services and service cover adjustments necessary to construct service covers flush with the designed footpath levels;
- (f) Document removal of all redundant driveways, services or fixtures; and
- (g) Design and document the alignment levels to be adopted for Danks, South Dowling and Crescent Streets.

LANDSCAPE PLAN

(30) The Landscape Plans undertaken by a qualified Landscape Architect (not contractor) shall nominate:-

- (a) Materials and Finishes - Plans, sections, elevations, details and schedules to fully indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. functional and aesthetic lighting, walls, balustrading and fence treatments, paving finishes, planters, furniture (custom and standard) and pergola). The drawings shall include the relationship to adjoining finishes (public domain and built form). Materials shall be of a high quality that complements the architecture and character of the development.
- (b) Levels and Drainage - Plans, elevations, details and/or sections to fully describe existing and proposed levels, stairs and ramps for disabled access, gradients, fall arrows, inlet pits size and type, sub surface drainage, tactile pavers, suitable for construction.
- (c) Planting Plan - Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. This is to include planting on the roof top communal open space areas. Details of ground preparation, soil mix (including planter box mixes) and staking/ tree guards. Mass planting areas shall be mulched in hardwood chip at 75mm depth.

Planting layout and massing shall be in accordance with the following:

Material	Nominal Height	Min. Spacing	Min. Size
Trees As shown	100L (min. 2.0m tall)		
Large Shrubs	>1.5m	3- 6 per m2	10L
Shrubs	600mm-1.5m	4-9 per m2	5L or 2000mm pot
Groundcovers	<500mm	4-8 per m2	150mm pot

Construction certificate - A detailed set of plans and a specification for the site (to a standard suitable for construction) shall be prepared by a qualified Landscape Architect. The plans shall be submitted to the Certifying Authority (and/or Council) prior to the application for a Construction Certificate.

- (31) It is noted that no deep soil planting has been provided in the plaza space. Therefore, the plant beds shall be raised to provide sufficient soil depth to support the growth of future trees. A planting plan shall be submitted prior to the construction certificate showing the proposed trees, shrubs and groundcover species. The trees shall be advanced stock high canopy shade trees, selected for their tolerance for a confined root ball space (not palm trees) to provide shelter, seclusion and increased visual amenity.
- (32) The tactile paving for the vehicle ramp is to comply with any known Australian Standard.
- (33) A sample of the proposed paving types shall be supplied to Council's Green Square team for approval.
- (34) The planter boxes shall be clad with a suitable material to visually tie in with the paving and building treatments, on the top and sides (subject to seating treatment). Tiles shall be a minimum of 200mm on the inside face of the planters. Adequate drainage shall be provided, a 'planter soil' mix, and no weep holes shall be exposed.
- (35) Council requires the installation of some permanent bench seating for passive recreation. The potential for seating to be incorporated into the raised planters is encouraged.
- (36) All roof top communal open space areas are to include high quality and durable seating and furniture.
- (37) Street tree planting species around the site shall be consistent with the public domain plans approved by Council (DAU01-00024). A tree 'procurement' strategy with a reputable nursery will be required to ensure the availability of suitable advance species (minimum 200 litres) at the time of implementation of the development.
- (38) The footway treatment shall be in accordance with the approved public domain DA for the site - U01-00024). Liaison shall take place with Council's

Green Square team prior to the submission of the construction certificate to approve surface treatments.

- (39) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the works during construction (minimum of four site inspections at key hold points), and upon practical completion of the landscape works to certify adherence to the DA conditions and Construction Certificate drawings. The Landscape Architect's role shall be to ensure the quality of the works in accordance with the documentation and quality standard of finishes. The inspections and associated site instructions shall be documented by the Landscape Architect. Poor quality finishes shall not be accepted. Should the quality be insufficient as deemed by the Landscape Architect, the applicant/developer shall be responsible for rectifying finishes at his/her own cost. The landscape works undertaken on Council owned land are subject to final approval by Council's Landscape Architect. Landscape works, both on private and Council owned land, are to be completed prior to the issue of an occupation certificate.
- (40) A detailed lighting plan shall be submitted by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures (column lights and recessed wall lights consistent with the ACI site palette). The lighting shall be designed in accordance with the appropriate P rating for the space as deemed necessary by the Electrical Engineer/lighting designer.
- (41) A copy of the Construction Certificate drawings shall be submitted to Council's Green Square team for reference.
- (42) The applicant shall provide Council Green Square team with a set of 'as built' drawings upon practical completion.
- (43) The applicant shall submit a plan to the Certifying Authority (and Council) to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes as designed by a qualified Hydraulic engineer and irrigation designer. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass.
- (44) The premises shall be ventilated in accordance with the requirements of the Building Code of Australia (if using deemed to satisfy provisions: AS1668, Parts 1 and 2).
- (45) The construction, fitout and finishes of any proposed food premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises.
- (46) That any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668.

- (47) That the café shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia.
- (48) That wastewater arising from the car wash bays shall be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste Licence Agreement. The applicant is advised that pre treatment of wastewater may be a requirement of the Corporation prior to the discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of work.

SECTION 94 (2003) GREEN SQUARE

(49) Part A

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 Sydney City Council Section 94 Contributions Plan 2003, the following monetary contributions towards the cost of providing facilities and amenities are required:

Contribution Category	Amount
Open Space/LGA Works Programme	\$136,488
Open Space/Green Square	\$1,622,942
Accessibility And Transport	\$2,204
New Road Infrastructure/Green Square	\$645,026
Community Facilities/Green Square	\$551,062
Public Art Program	\$44,310
Library Resources	\$50,163
Management	\$27,393
Total	\$3,079,588

The above payments, with the exception of the land acquisition components and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual 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 calculation being December Quarter 2003.

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.

Note:

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. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

Applications for the payment of contributions by carrying out works, which are identified in the Section 94 Contributions Plan, will be considered on their merits.

To support the 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.

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

Council also reserves the right to require the future management of the completed work to be formally agreed prior to acceptance.

Note:

Works carried out without written approval by Council, in the form of a letter referring to detailed specifications and costs, will not be off-set against Section 94 Contributions and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement.

Copies of the Section 94 Contributions Plan may be inspected at Council's offices located at Tower 2, 1 Lawson Square, Redfern and 456 Kent Street, Sydney.

SECTION 94 CONTRIBUTIONS - ADMIN CENTRE

- (50) 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 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	\$163,699

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 December Quarter 2003.

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.

Copies of the Section 94 Contributions Plan may be inspected at Council's offices located at Tower 2, 1 Lawson Square, Redfern and 456 Kent Street, Sydney.

- (51) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 and 2);

- (b) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises and the Food Act 1989 and Regulations thereunder.
- (52) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work.
- (53) Lighting shall also provide a safe and comfortable visual environment for pedestrian movement at night. Lighting shall comply with the AS/NZS 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements.
- (54) That the applicant shall submit to the Certifying Authority and Council's Landscape Architect an annual maintenance program for landscape works, prior to the issue of Occupation Certificate. A copy is to be supplied to the Owner/Body Corporate for ongoing maintenance of the site. The Owner/Body Corporate shall be responsible for a defect liability and maintenance period of 12 months for landscape works undertaken on Council owned land, to the satisfaction of Council's Landscape Architect.
- (55) That when Council is the certifying authority, a certificate issued by an appropriately qualified person shall be submitted prior to the issue of a construction certificate certifying that the mechanical ventilation system when installed will comply with the requirements of the Building Code of Australia in respect to ventilation.
- (56) 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.
- (57) All toilets installed within the development shall be of water efficient dual-flush capacity with a minimum "AAA" rating. The details shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (58) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery;

- (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building; and
- (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

- (59) That the design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities, access driveways and queuing areas comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking, and Australian Standard AS 2890.2 - 2002 Off-street parking Part 2: Commercial vehicle facilities.
- (60) That the design and layout of car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking.
- (61) That the development complies with Australian Standards for Design for Access and Mobility AS 1428.1 - 2001 General Requirements for Access - New Building Work, AS 1428.2 - 1992 Enhanced and Additional Requirements - Buildings and Facilities, AS 1428.3 - 1992 Requirements for Children and Adolescents with Physical Disabilities and AS/NZS 1428.4 - 2002 Tactile Indicators.
- (62) That a maximum of 255 car parking spaces shall be provided. Each space (except for disabled spaces) shall be a minimum of 2.5m x 5.5m with a minimum headroom of 2.2m, unless stated otherwise within these conditions.
- (63) That, of the 255 car parking spaces provided, the spaces shall be allocated on the basis of (appropriately line marked and labelled prior to issuing an occupation certificate):
 - 38 residential occupant spaces @ 0.5 per unit for 75 x 1 bedroom units.
 - 119 residential occupant spaces @ 1.0 per unit for 119 x 2 bedroom units.
 - 41 residential occupant spaces @ 1.2 per unit for 33 x 3 bedroom units.
 - 41 residential visitor spaces @ 1 per 6 units for 243 units.
 - 1 shop/café commercial occupant space @ 1 per 80 sqm for 71 sqm.
 - 15 SOHO spaces.
- (64) That, in addition to other parking provisions, at least 3 spaces measuring a minimum of 3.5m x 5.5m shall be provided for the exclusive use as car wash bays for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash

bay discharges are to be disposed of according to the standard requirements of Council.

- (65) That of the 255 spaces provided, a minimum of 5 spaces shall be provided for the exclusive use of people with disabilities, and each of these spaces shall be designed, dimensioned and marked in accordance with AS 2890.1 Section 2.4.5 and AS 1428.1, with a minimum headroom of 2.5m.
- (66) That each of the spaces provided for the exclusive use of people with disabilities shall be clearly marked and located close to an accessible entrance or lift.
- (67) That spaces provided for the exclusive use of people with disabilities shall only be allocated to adaptable units, or to visitor parking.
- (68) That there shall be no stacked parking.
- (69) That a minimum of 107 bicycle parking spaces be provided.
- (70) That of the 107 off-street bicycle spaces provided, the spaces shall be allocated on the basis of:
 - 81 residential bicycle parking spaces;
 - 24 residential visitor bicycle parking spaces; and
 - 2 café bicycle parking spaces.
- (71) That, of the bicycle parking spaces provided, at least 50% of all residential bicycle parking should be Class 1 as specified in AS 2890.3 Bicycle Parking Facilities. Other areas should be Class 2 or 3, with minimum Class 3. All bicycle parking areas shall have clear access from parked vehicles.
- (72) That access to the visitor bicycle parking area shall be clearly signposted from external roads.
- (73) That the 2 café bicycle spaces be located at grade near the shop/café within the site boundary.
- (74) That mirrors shall be installed to provide visibility between the access ramps for the loading area and the access ramps for the residential car parking area.
- (75) That the landscaping on either side of the entry/exit driveway be low ground cover only so as not to obstruct sight lines.
- (76) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in any existing or proposed Council on-street resident parking schemes. Signs to this effect shall be located in prominent places, to Council's satisfaction, such as at display units and on all directory boards or notice boards, where they can easily be observed and read

by persons entering the building. The sign shall read, "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council". The signs shall be erected in conjunction with all display units and within completed buildings prior to release of an occupancy certificate or prior to council issuing final strata subdivision approval (whichever occurs first) and shall be maintained in good order at all times.

- (77) That the visitor parking spaces shall not at any time be allocated, sold or leased to an individual owner/occupier and shall be strictly retained as common property by the Owners Corporation of the site.
- (78) That the surface of the car park shall be sealed to allow safe and clear operation of the car park, appropriately line-marked for spaces and to aid traffic circulation, prior to issuing an Occupation Certificate.
- (79) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation.
- (80) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate).
- (81) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units).
- (82) That all loading and unloading operations shall be carried out via the entrance in Danks Street.
- (83) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage.
- (84) That the size of trucks servicing the premises shall be a maximum length of 10.8m.
- (85) That all vehicles shall always be driven onto and off the site in a forward direction.
- (86) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards.
- (87) That 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.

Schedule 1C

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

- (1) That prior to the commencement of any work on the public way a Road Opening Permit shall be obtained for any excavation or building works, as required under the provisions of Part 9 Division 3 of the Roads Act 1993.
- (2) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units).
- (3) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (4) The applicant and/or builder shall, prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include:-
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
- (5) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes, shall be submitted prior to commencement of work.
- (6) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced.
- (7) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (8) That the demolition work shall comply with Australian Standard 2601-1991.
- (9) That, if the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.
- (10) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note:

The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, and in this condition, allotment of land includes a public road and any other public place.

Schedule 1D**Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority**

- (1) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy.
- (2) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (3) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval.
- (4) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays, and no work shall be carried out on Sundays or public holidays.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (5) 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.

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

- (1) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate.
- (2) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate.
- (3) Construction of the through-site link, albeit in a temporary form, shall be undertaken prior to the units facing the western boundary of the site being occupied, in order to provide adequate access to the units from the link.
- (4) That any private connection to Council's future stormwater asset such as drainage pit and/or stormwater pipe shall be set up in the form of a Positive covenant, on the land title that contains the stormwater detention facility, under section 88B of the conveyancing ACT, 1919. A separate application must be made to the Executive Director City Development prior to the issue of the Occupation Certificate and pay all the appropriate fees in relation to the private stormwater connections.
- (5) That the developer shall apply to Sydney Water for the approval of the stormwater connection to Sydney Water's existing Oviform pipe as documented in the DA submission (reference: Former ACI site-Stage 6 Precinct C, Level 1 Parking-drainage, Drg. No. PD1). A copy of the approval letter from Sydney Water shall be forwarded to Council prior to the issue of the Occupancy Certificate for the development.
- (6) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment.
- (7) 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 are required, a separate application shall be made to Council.
- (8) That a statement be submitted validating that the requirements of the staged Site Audit Statement conditions have been complied with prior to the issue of an Occupation Certificate.

Schedule 1F

Conditions to be complied with during the use of Premises

- (1) 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.
- (2) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (3) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.

Schedule 2

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

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the Department of Infrastructure, Planning and Natural Resources are as follows:

That a Water Licence is obtained from the Department of Infrastructure, Planning and Natural Resources.

Note 1:

The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of a condition, or Protection of the Environment Operations Act 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

Note 2:

Your attention is drawn to the requirements of the Smoke-Free Environment Act 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporarily. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain and prevent smoking within defined smoke-free areas.

Note 3:

That the applicant be advised that this application has not been assessed for compliance with the Building Code of Australia.

- (C) That the applicant and their appointed traffic consultant, in consultation with Council, undertake the following and the matter then be referred to the City of Sydney Traffic Committee:-
- (1) review the access arrangements for the site with reference to the approved traffic measures detailed on Traffic Signs and Roadmarking, Drawing No. 99202-1 Issue E;
 - (2) report on the consequences of this arrangement with respect to access to Precinct C and consequent 'redistribution' of peak hour access volumes throughout the ACI precinct;
 - (3) propose any alternative traffic measures that may be available to improve access to Precinct C;
 - (4) document any proposed alternative traffic measures and submit to Council for consideration by the City of Sydney Traffic Committee; and
 - (5) any proposed alternative measures must:
 - (a) retain Potter Street/Broome Street as a 'shared zone' between Gadigal Avenue and Danks Street, and not lead to any increase in traffic volumes along this route;
 - (b) retain the 'no-right turn' restriction from Broome Street into Danks Street (to avoid possible 'rat running' between Bourke Street and South Dowling Street eastbound, and to restrict the amount of traffic using the 'shared zone'); and
 - (c) put forward an alternative means of avoiding possible 'rat running' between Bourke Street and South Dowling Street eastbound along Danks Street.
- (D) That those persons who made written submission be notified of the Central Sydney Planning Committee's decision.

Carried unanimously.

ITEM 5. CITY OF SYDNEY DRAFT BOARDING HOUSE DEVELOPMENT CONTROL PLAN 2004 (S031988)

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 29 July 2004, in relation to the City of Sydney Draft Boarding House Development Control Plan 2004, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse the public exhibition of the City of Sydney Draft Boarding House Development Control Plan 2004, as shown at Attachment A to the subject report, in accordance with the requirements of clause 18(2) of the Environmental Planning and Assessment Regulation 2000;
- (B) delegate authority to the General Manager to make any minor drafting amendments that may be required as a result of Council's consideration of the City of Sydney Draft Boarding House Development Control Plan 2004; and
- (C) endorse the operation of the City of Sydney Draft Boarding House Development Control Plan 2004 as an Interim Policy effective from the date that public exhibition of the Draft DCP commences.

Carried unanimously.

Note. On behalf of the Central Sydney Planning Committee, the Chair (the Lord Mayor) congratulated all City staff who had worked on producing a report and draft DCP of such high standard.

ITEM 6. DRAFT STATE ENVIRONMENTAL PLANNING POLICY (APPLICATION OF DEVELOPMENT STANDARDS) 2004 AND DRAFT PLANNING GUIDELINE - DRAFT SUBMISSION (S018648)

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

That arising from consideration of a report by the Strategic Planner to the Central Sydney Planning Committee on 29 July 2004, on Draft State Environmental Planning Policy (Application of Development Standards) 2004, and Draft Planning Guideline - Draft Submission, it be resolved that the submission, as shown at Attachment A to the subject report, be received and noted.

Carried unanimously.

ITEM 7. REPEAL OF LEICHHARDT DEVELOPMENT CONTROL PLAN NO. 49 AND PRINCIPLES TO GUIDE DEVELOPMENT AT 156 - 160 BRIDGE ROAD, GLEBE (S027609)

Note - Correspondence from Prof. Richard Mackay, AM of Godden Mackay Logan, Heritage Consultants, dated 28 July 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 Peter Mayoh - P D Mayoh Pty Ltd, architects for the applicant
Mr Neil McIndoe - The Glebe Society

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

That arising from consideration of a report by the Strategic Planning Manager and Development Assessment Manager (North) to the Central Sydney Planning Committee on 29 July 2004, in relation to the repeal of Leichhardt Development Control Plan No. 49 and Principles to Guide Development at 156-160 Bridge Street Glebe, it be resolved that this matter be deferred until after Council has considered the matter.

Carried unanimously.

ITEM 8. SUBMISSION TO THE NSW PARLIAMENT STANDING COMMITTEE ON STATE DEVELOPMENT - NSW PORTS GROWTH PLAN (S016796)

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

That arising from consideration of a report by the Manager Strategic Planning to the Central Sydney Planning Committee on 29 June 2004, regarding the Draft Submission to the NSW Parliament Standing Committee on State Development - NSW Ports Growth Plan, it be resolved that the Central Sydney Planning Committee receive and note the submission as shown at Attachment A to the subject report.

Carried unanimously.

ITEM 9. ELECTION OF DEPUTY CHAIRPERSON (S030492)

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

That arising from consideration of a report by the Manager Secretariat to the Central Sydney Planning Committee on 29 July 2004, on Election of Deputy Chairperson, it be resolved that this matter be deferred to the next meeting when all members are present.

Carried unanimously.

ITEM 10. GENERAL BUSINESS

10.1 ACI site: 782 Bourke Street, Waterloo

The Central Sydney Planning Committee agreed to convene a sub-committee comprising:

- the Lord Mayor
- Councillor John McInerney
- Ms Jennifer Westacott, or her alternate
- Mr Chris Johnson, or his alternate

and Mr Peter Milevic, representing residents of the Moore Park Gardens complex

to review the ACI Master Plan with particular reference to -

- building heights
- links to open space
- landscaping of the public domain
- the circulation of traffic

and to advocate continued design excellence for the rest of the undeveloped site

10.2 Carlton and United Breweries site

The Central Sydney Planning Committee favours the establishment of a sub-committee for the Carlton and United Breweries site, with representation from both Council and the CSPC. Such a sub-committee would not have delegated powers from either consent authority, but would oversee the development of new controls for the site.

10.3 Planning Instruments

The Central Sydney Planning Committee agreed that planning controls, including Local Environmental Plans and Development Control Plans, should continue to be submitted both to the CSPC and to Council for consideration, notwithstanding reference to “planning instruments” in the City of Sydney Act 1988.

The meeting concluded at 6.30pm.

CHAIR

The next meeting of the Central Sydney Planning Committee is scheduled for 19 August 2004.