

18 OCTOBER 2004

Meeting No 1418

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.05pm on 18 October 2004 pursuant to Notice 16/1418 dated 14 October 2004.

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PRESENT

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

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

At the commencement of business at 6.05pm those present were:-

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

Councillor Mallard left the meeting of Council at 8.30pm at the conclusion of discussion on Item 9.5 and returned at 8.34pm during discussion on Item 9.10.

The Acting General Manager, Director Corporate Services, Director City Works, Director City Planning Northern Zone, Director City Planning Southern Zone, Director Community Living and Acting Director City Development were also present.

Opening Prayer

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

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council Meeting of Monday 13 September 2004

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the minutes of the meeting of Council of Monday 13 September 2004, as circulated to Councillors, be confirmed, subject to the following correction:

On page 793, the third line of the second paragraph of the answer to Question Without Notice No. 12 should have read “access to the community centre at the back of St Saviour’s, Redfern”.

Carried.

Minutes of Extraordinary Council Meeting of Monday 27 September 2004

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

That the minutes of the extraordinary meeting of Council of Monday 27 September 2004, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. DISCLOSURES OF INTEREST

Pursuant to the provisions of Section 451 of the Local Government Act 1993, Councillor the Hon Michael Lee declared a non-pecuniary interest in Item 9.10 on the agenda in that he is a Director of Country Energy, a competitor of Energy Australia. Councillor Lee took no part in discussion or voting on Item 9.10.

Councillor Robyn Kemmis disclosed a possible pecuniary interest in Item 11, in that she is a resident of Glebe and has lodged an objection to the proposal. Councillor Kemmis was absent from the Council Chamber for the duration of discussion and voting on Item 11.

No other Councillors disclosed any interests in any matter on the agenda.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that Item 12 on the Business Paper be brought forward and dealt with before Item 3A.

ITEM 12. ANNUAL FINANCIAL REPORTS 2004 (S030604)

Note - at this stage of the meeting, the Council agreed that leave be granted to Mr Bob Sendt, NSW Auditor General, to address the Council on the Annual Financial Reports 2004.

Mr Sendt, as Council's auditor, then addressed Council on the Annual Financial Reports 2004.

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Finance Manager to Council on 18 October 2004, on Annual Financial Reports 2004, it be resolved that Council -

- (A) receive the Financial Reports for the former City of Sydney and South Sydney City Councils for the year ended 30 June 2004, as shown at Attachments B and C to the subject report, and as amended by the final adjustments to the Notes to the Annual Financial Reports as circulated to Councillors prior to the meeting;
- (B) authorise the Lord Mayor, the Chair of the Finance, Properties and Tenders Committee, Acting General Manager, and the Finance Manager to sign the General Purpose Financial Reports;
- (C) authorise the Lord Mayor, the Chair of Finance, Properties and Tenders Committee, Acting General Manager, and the Finance Manager to sign the Special Purpose Financial Reports;
- (D) receive the auditor's reports on the 2004 Financial Reports; and
- (E) authorise that notice be given, by newspaper advertisement, of public presentation of the 2004 Annual Financial Reports for the former City of Sydney and South Sydney Councils at the Council meeting on 15 November 2004.

Carried unanimously.

Note - at this stage of the meeting, the Lord Mayor, the Chair of the Finance, Properties and Tenders Committee, the Acting General Manager and the Finance Manager signed the General Purpose Financial Reports and the Special Purpose Financial Reports.

Note - Councillor Kemmis commended the staff for their work during a very busy and hectic year. These remarks were supported by the Chair (the Lord Mayor), who added her thanks to staff for the very fine job they had done.

ITEM 3A. THE LATE GREGORY NORMAN MADDOCK - CONDOLENCES

FILE NO:

DATE: 15/10/04

MINUTE BY THE LORD MAYORTo Council:

It is with deep regret that I advise Council of the death of a former General Manager of the City of Sydney, Greg Maddock, on Friday 17 September 2004.

Greg Maddock came to the City of Sydney from Melbourne, where he had moved after growing up in Queensland. In Melbourne he started as a recreation officer but quickly moved through the ranks of management to become the Chief Executive Officer at Wangaratta Council. In January 1996 Greg joined the City of Sydney as its General Manager and steered the Council through the intense period of Olympic preparations and then celebrations. During this time, the City undertook and completed many major capital works projects including new pavements, new community centres and recreation facilities, and built new cultural facilities and events. The Sydney New Year's Eve Celebrations in particular grew and improved under Greg's leadership. In December 2000 Greg then moved to Brisbane, to take up the position of Chief executive Officer of Energex Australia.

A Memorial Service was held in the Vestibule on 7 October 2004, and was attended by many former and current staff, business colleagues and friends. A similar memorial was held in Melbourne which followed the funeral service in Brisbane which was attended by hundreds of people, many of whom had travelled from Victoria and NSW.

Greg Maddock will be remembered by this Council and business colleagues as a man of great humour, humanity and passion.

RECOMMENDATION:

I recommend that Councillors stand and observe one minute's silence in Memory of Greg Maddock and also that a letter of condolence under the Seal of the Council be forwarded to Greg's widow Lyn, and family.

(SGD) COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

That the Minute by the Lord Mayor be adopted.

Carried unanimously.

Note - Councillors, staff, press and members of the public stood in silence for one minute as a mark of respect for the late Gregory Norman Maddock.

ITEM 3B. REMOVAL OF DISEASED TREES IN HYDE PARK

FILE NO:

DATE: 15/10/04

MINUTE BY THE LORD MAYORTo Council:

On 18 July one of the Hills Fig trees in the central avenue in Hyde Park South fell onto the main walkway on a relatively windy, dry Sunday morning. Over the past four years, four of the Hills Figs in the central avenue have collapsed; three have fallen in the last eighteen months.

Following the loss of this latest tree, the City immediately commissioned a report on 20th July to identify the cause of the tree's failure. The consultants were asked to make recommendations on the future management of the remaining Figs in the central avenue planting. Council had previously commissioned a Significant Tree Assessment in September 2003. The report noted: "*Further investigation required. Fungus at base*".

Following this report, the City undertook further investigations and consultation with other tree and fungi/disease experts, as part of a tree management plan approach for both the Figs in the main avenue and the remaining trees within the park.

The process was expedited to undertake extensive testing on the 12 worst affected trees to ensure public safety, following the 18 July tree collapse.

On 16 August the consultants reported to Council on the cause of the July 18 tree failure. They stated that the reason the tree had fallen was the advanced decay of the structural roots in conjunction with strong winds. The consultants made a number of recommendations, including the need for further investigations to understand the way the diseases and fungi were impacting on the central avenue of Figs and the best treatment to control and isolate the fungi. They also recommended, depending on advice from the Plant Diagnostic Disease Unit, that all the remaining Hills Figs in the Hyde Park central avenue be assessed for the *Phellinus species* and other decay fungi. Soil and root samples were sent to the Plant Disease Diagnostic Unit at the Royal Botanic Gardens for assessment.

On 25 September, the consultants provided a second report to Council staff following further investigations. The report found that the approximately 135 Hills Figs in the central avenue, which had been planted in the 1930s, were in varying states of health and were suffering from several diseases and fungi that were affecting their health and structural stability.

This report identified that tree failure was due to the effects of disease and fungi *Phellinus species*, *Phytophthora species* and *Armillaria species* or a combination of these diseases. The consultants tested 12 of the Fig trees which had one or more of the diseases. Six of the Figs had extensive decay in the base of the tree trunk and /or in the buttress roots of each tree.

The consultants recommended immediate removal of six Figs because they were an immediate danger to the public. Another two trees were recommended to be removed within 5 years. One of these two trees was severely infected with the Armillaria disease and city's arborist recommended immediate removal to help reduce the spread of the disease.

The avenue of Figs is a magnificent feature of Hyde Park. Knowing the very high value the community places on its trees, on 29 September the City sought the opinion of a second arborist, Mr Ian English, who had represented the City in the case against the Royal Botanic Gardens removal of the Moreton Bay Figs in Hospital Road.

The City wanted to be absolutely satisfied that it was making an informed decision and that it had no alternative, other than to remove some of the Hills Figs as the first consultants were recommending. Following the long weekend, on 5 October the second arborist, Mr English, verbally confirmed his recommendation to staff to remove the trees. On 6 October Councillors were called to an urgent briefing on the issue. On 7 October Mr English provided his written report to Council. On Friday 8 October, contractors removed seven Hills Fig trees from the central avenue in Hyde Park because they were a threat to public safety.

The City Arborist arranged to leave one of the tree trunks near the Archibald fountain to help the community understand why the council was forced to take the action it did. The tree trunk clearly showed how the fungi and disease had weakened the tree, making it a serious threat to public safety.

The situation in Hyde Park is totally different to the recent removal of Moreton Bay Figs in the Domain. Those Moreton Bay Figs were not displaying disease like the Hills Figs in Hyde Park. They were removed for an aesthetic reason even though they had 20 to 30 years of life remaining. At the time I argued that the Trust had an alternative, that they could retain those trees and interplant with new trees to create an avenue effect. The Trust chose instead to remove all the Moreton Bay Figs.

The trees in Hyde Park were a serious threat to public safety. Council had no choice but to remove the Hills Figs immediately.

Council is now addressing the need for a proactive tree management within Hyde Park. The city is developing Tree Management Plans and a Significant Tree Register as part of an integrated approach to tree management across the local government area. There are serious disease problems in our parks which are complex and difficult to manage. Through Tree Management Plans, which the city is developing, the health of each tree can be evaluated and the community can be better informed about their parks and what Council is doing to manage them on the community's behalf.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 18 October 2004, on the Removal of Diseased Trees in Hyde Park, it be resolved that Council note the report.

(SGD) COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 18 October 2004, on the Removal of Diseased Trees in Hyde Park, it be resolved that the Minute by the Lord Mayor be received and noted.

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

That the motion be amended by the addition of the following words:

and the Lord Mayor be requested to explain -

- (a) why the recommendation of the 16 August Tree Wise Men report, that the Hyde Park trees be cordoned off, was not implemented; and
- (b) why only two hours' notice was given to Councillors of the decision to cut down the Hyde Park trees.

The amendment was lost on the following show of hands -

Ayes (3) Councillors Firth, Lee and Pooley.

Noes (7) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis, Mallard and McInerney.

The motion was carried unanimously.

ITEM 3C. CITY OF SYDNEY BUSINESS FORUM

FILE NO:

DATE: 15/10/04

MINUTE BY THE LORD MAYOR

To Council:

In response to a question from the Deputy Lord Mayor about what actions that I have taken to develop a good working relationship with the city business community, I advised Council that I was setting up a City of Sydney Business Forum and I undertook to report to Council on its establishment.

The City of Sydney Business Forum will create a dialogue between the City's business leaders and the City's leaders. Its key purpose is to advise on the strategic policy needs of the city.

The State Chamber of Commerce, the Property Council of Australia, the Australian Retailers Association (NSW), the NSW Urban Taskforce, the Committee for Sydney and the Tourism & Transport Taskforce (TTF) have all agreed to be founding members of the City of Sydney Business Forum.

The idea for the Forum arose out of discussions I had with each of these organisations who indicated a strong interest in working closely with the City on issues of mutual interest. Together, we have identified the following as the key strategic issues that the Forum will work on:

- transport needs of the city;
- economic and growth needs of the city;
- city amenity;
- facilitation of sustainable development, and
- development and planning issues.

The Forum has agreed that the transport needs of the City and its economic and growth needs will be top priority issues for the Forum.

The Forum's discussions will extend to other issues that have important strategic implications for Sydney.

Just as the City's community forums provide an avenue for community input to the work of Council, the City of Sydney Business Forum opens dialogue with the business community to advance the interests of the City and to ensure that the City enhances its status as a global city of the twenty first century.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 18 October 2004, on the establishment of the City of Sydney Business Forum, it be resolved that all Councillors participate in the City of Sydney Business Forum and that Council note the report.

(SGD) COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 18 October 2004, on the establishment of the City of Sydney Business Forum, it be resolved that-

- (A) all Councillors participate in the City of Sydney Business Forum; and
- (B) the Minute by the Lord Mayor be received and noted.

At the request of Councillor Firth, and by consent, the motion was amended by the addition of the following clause:

- (C) an approach be made to the City of Sydney Business Forum to consider including one representative from the local Chambers of Commerce on the Forum.

Motion, as amended by consent, carried unanimously.

At this stage of the meeting, the Chair (the Lord Mayor) introduced a Minute by the Lord Mayor as follows -

ITEM 3D. ORGANISATIONAL MATTERS

FILE NO:

DATE: 20/10/04

MINUTE BY THE LORD MAYOR

To Council:

On September 29th I advised all Councillors that the former General Manager had terminated his contract, and that the search and recruitment process for a new Chief Executive had commenced.

At the same time I advised Councillors that in accordance with my delegated authority, the Acting General Manager would be Petar Vladeta, and that a new position of Acting Deputy General Manager would also be created. The new position is in recognition of the increasing demands on the General Manager, and is also needed to meet the new opportunities and challenges which have been presented by the City of Sydney's newly enlarged local government area.

The Acting General Manager has appointed Monica Barone, currently the Director of Community Living, as the Acting Deputy General Manager. Monica brings a wealth of talent and expertise and I believe she will make an effective contribution in carrying out this new role.

Watermark Search International has been commissioned to undertake the recruitment process, and the Council will by Resolution, appoint the new Chief Executive, a process which is expected to take several months.

I will arrange for Watermark to meet all Councillors about the selection and recruitment process which will enable Councillors to express their views on the selection criteria, and also to identify potential candidates.

The briefing with Councillors will also help guide the Selection Committee that I have appointed to give direction and closely work closely with Watermark, to identify the most suitable candidate to be approved by Council.

The Selection Committee will be:

Councillor Clover Moore – Lord Mayor

Councillor John McInerney – Deputy Lord Mayor

Councillor Robyn Kemmis

Councillor Chris Harris and;

Garry Payne, Director General of the Department of Local Government

I would at this point like to pay significant tribute to, and thank all the Council staff, who have been through significant and disruptive changes, in particular over the last 18 months.

It is a matter of public record, but since February 2003, this has included boundary changes, legal disputation of those changes, disruption to the operational activities of each Council, and a forced amalgamation in February 2004. And in less than a 12 month period there have been three Lord Mayors, and three Commissioners.

The City of Sydney comprises some of the most prosperous areas, and some of the most socially disadvantaged areas in Australia. Our Local Government Area is now:

- 26 square kilometres compared to 6 square kilometres in April 2003
- a residential population of 147,000 compared to 35,000 in April 2003
- 21,000 businesses, compared to 13,000 in April 2003
- and a workforce of 346,000, compared to 246,000 in April 2003

In the process of bringing the former Councils together:

- 1600 staff have been integrated
- budget, financial and other systems including over 20 IT systems have been merged
- capital works programs have been implemented
- key services have been integrated, improved and expanded.

In any merger there are different cultures and it is vital that a new culture is fostered and encouraged, which is open, honest and transparent, and that all our people are valued for what they do, and their contribution to the City. No one should feel that communication is difficult, or question whether their commitment to the City is not recognised or even acknowledged.

It has been an uncertain time, but we now have certainty in the vision and opportunities that are ahead.

It is just over six months since the election, and I am proud of the achievements that have been made in this time, which benefit residents, businesses and visitors to Sydney.

In just over 6 months, work has commenced on:

- a social plan to guide the provision of services and facilities
- developing a transport plan, in consultation with the State Government including light rail, city wide pedestrian and cycleway plans
- purchasing foreshore land for public use
- adopting interim prescriptive development controls, and commencing work on developing a new plan for Sydney
- implementing a capital works program with projects to the value of \$204 million.

Community forums have been held across the enlarged City, this is what the people of Sydney voted for in March 2004. In line with greater access, Council and Committee papers are available well before meetings.

My commitment and the commitment of my team is to build upon these achievements. I look to the positive involvement of Councillors, residents, business partners, and business.

In the past week alone, I have announced plans to:

- Create the Sydney Business Forum to bring the Council and the business community closer together
- Smoke free policy in public places
- Create “City Forest” to have a green rather, than a grey city
- Implementing Policy to incorporate child care centres into major developments.

Prior to the Christmas recess, this session of the Council is about getting ready for 2005, to roll our major programs for the benefit of:

- The City Community
- City of Villages
- Business
- Wider metropolitan area

This must be a Council which is based on developing and implementing policies and not politics. I will not be deflected from the opportunities that are available to this new enlarged Council.

The party politics and the deliberate activities that have been taking place to destabilise the Council, and impact staff morale, have no place. Like staff, all Councillors are encouraged to contribute to policies and make a positive contribution.

Integrity, participation and commitment are the key values that I encourage among all Staff and Councillors.

Our staff are our most valuable asset, and they must be encouraged to use their wealth of talent and goodwill, to work through our exciting policy initiatives, that are well underway.

I know that I bring a new style of leadership and a new set of priorities, that is what 67% of the people voted for 6 months ago, and that is what I am and my team are committed to achieve. It is vital that we build upon the best of the former City, South Sydney and Leichhardt Councils, but it is critical to change the way we do things.

We have the opportunity to appoint a Chief Executive who will provide sound and inspirational leadership to the organisation, who will understand and act on our values, and who will work cooperatively with the elected Council to implement our policies, advance our goals and achieve our vision.

We must use this opportunity to the fullest.

RECOMMENDATION:

That the Lord Mayor’s Minute be received and noted.

(SGD) COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 18 October 2004, on Organisational Matters, it be resolved that the Minute be received and noted.

Amendment. Moved by Councillor Lee, seconded by Councillor Firth –

That the motion be amended by the addition of the following clauses:

- (B) the Selection Committee will identify the three or four most suitable candidates to be interviewed and questioned by the whole Council and the whole Council will then make a decision as to the most suitable candidate; and
- (C) the Lord Mayor be called upon to explain the circumstances that led to the departure of the former General Manager, Robert Domm, and her role in negotiating his resignation.

The amendment was lost on the following show of hands –

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

Noes (6) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis and McInerney.

The motion was carried on the following show of hands -

Ayes (6) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis and McInerney.

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

Motion carried.

ITEM 4A. POWERS OF ATTORNEY

FILE NO: S000107

DATE: 15/10/04

MEMORANDUM BY THE ACTING GENERAL MANAGER

To Council:

A Resolution of Council is sought to revoke existing powers of attorney granted to Robert Domm, former General Manager (with effect from Friday 1 October 2004).

Background

On 20 August 2001, by Resolution of Council, Council appointed the then General Manager, Robert Domm, as an attorney of Council and a formal power of attorney was executed under the seal of Council.

Mr Domm resigned from Council with effect from 1 October 2004. It is necessary to formally revoke the power of attorney. A formal deed of revocation has been prepared and a copy is set out as Attachment A.

Other attorneys appointed by separate Council resolutions are:

- (a) the General Counsel, Mr Petar Vladeta, by resolution dated 5 June 2000; and
- (b) the Director Corporate Services, Mr John Barbeler, by resolution dated 16 September 2002.

Council resolved at that time that that power is “to be exercised only in exceptional circumstances and when the General Manager and General Counsel are not available to execute documents within a reasonable period”.

Execution of documents has been undertaken primarily by the General Counsel.

Given the appointment of Petar Vladeta as acting General Manager, the restriction on exercise of the power of attorney by the Director Corporate Services should be relaxed until the appointment of a new General Manager. It should be noted that the position of General Counsel will be filled by Mr Maurice Doria, a solicitor on secondment from Price Waterhouse Coopers Legal, until the appointment of a new General Manager.

It is suggested that the exercise of the power of attorney by the Director Corporate Services should occur upon confirmation from the acting General Counsel that the relevant document is in order for execution. These arrangements are considered to be sufficient and can be reviewed upon the appointment of a new General Manager.

RECOMMENDATION:

That arising from consideration of a Memorandum by the Acting General Manager to Council on 18 October 2004, on Powers of Attorney, it be resolved that:

- (A) the power of attorney granted to Robert Domm, former General Manager, be revoked with effect from 1 October 2004;
- (B) a Deed of Revocation of the power of attorney in the form of Attachment A be executed under the common seal of the Council;
- (C) the restriction on exercise of the power of attorney by the Director Corporate Services should be relaxed in the manner, and for the period, set out in the subject Memorandum.

(SGD) PETAR VLADETA
Acting General Manager

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

That arising from consideration of a Memorandum by the Acting General Manager to Council on 18 October 2004, on Powers of Attorney, it be resolved that:

- (A) the power of attorney granted to Robert Domm, former General Manager, be revoked with effect from 1 October 2004;
- (B) a Deed of Revocation of the power of attorney in the form of Attachment A be executed under the common seal of the Council; and
- (C) the restriction on exercise of the power of attorney by the Director Corporate Services should be relaxed in the manner, and for the period, set out in the subject Memorandum.

Carried unanimously

ITEM 4B. ULTIMO AQUATIC CENTRE

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

That consideration of the confidential Memorandum by the Acting General Manager on the Ultimo Aquatic Centre be deferred to the end of the meeting and dealt with in closed session.

Carried.

Note - the confidential Memorandum by the Acting General Manager on the Ultimo Aquatic Centre was circulated to all Councillors.

ITEM 5. MATTERS FOR TABLING

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

That the Disclosure of Pecuniary Interest returns be received and noted.

Carried.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 11 OCTOBER 2004

PRESENT

Councillor Robyn Kemmis
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors The Hon Michael Lee, Shayne Mallard and John McInerney.

At the commencement of business at 4.05pm those present were -

Councillors Kemmis, Lee, Mallard and McInerney.

The Chair (the Lord Mayor) arrived at the meeting of the Finance, Properties and Tenders Committee at 4.26pm during discussion on Item 5.

The meeting of the Finance, Properties and Tenders Committee concluded at 4.56pm.

Report of the Committee

Moved by Councillor Kemmis, seconded by Councillor Hoff -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 11 October 2004 be received, and the recommendations set out below for Items 6.2 and 6.3 be adopted, with Items 6.1, 6.4 and 6.5 being noted. Item 6.6 was dealt with at a later stage of the meeting in closed session.

Carried.

DISCLOSURES OF INTEREST

6.1

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

INVESTMENTS HELD BY COUNCIL AS AT 30 SEPTEMBER 2004

6.2

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 11 October 2004, on Investments Held by Council as at 30 September 2004, it be resolved that the report be received and noted.

Carried unanimously.

“GLEBE HARBOUR” SITE AT BLACKWATTLE BAY, GLEBE - PROPOSED NAMING OF NEW ROAD (S026736)

6.3

That arising from consideration of a report by the Land Information Officer to the Finance, Properties and Tenders Committee on 11 October 2004, on “Glebe Harbour” Site at Blackwattle Bay, Glebe - Proposed Naming of New Road, it be resolved that -

- (A) Council give approval in-principle to the naming of the new road described in the subject report as ‘Griffin Place’;
- (B) Council endorse the public exhibition of the proposed name in accordance with the requirements of the Roads Act 1993 and the Roads (General) Regulation 2000; and
- (C) authority be delegated to the General Manager to finalise Council’s obligations under the provisions of the Roads Act 1993 and the Roads (General) Regulation 2000.

Carried unanimously.

Closed Meeting

At 4.10pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 4 on the agenda as this matter comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 5 and 6 on the agenda as these matters comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Items 6.4, 6.5 and 6.6 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and were subsequently dealt with by Council while the meeting was closed to the public.

CASTLEREAGH STREET, SYDNEY TUNNEL LINK BETWEEN DAVID JONES MARKET STREET AND ELIZABETH STREET STORES - PROPOSED LEASE (L02/00859)

6.4

That consideration of this matter be deferred to the meeting of Council on 18 October 2004.

Carried.

Note – this matter was dealt with by Council as Item 16 on the Business Paper.

PRINCE ALFRED PARK, SURRY HILLS – PLAN OF MANAGEMENT AND MASTER PLAN - ACCEPTANCE OF TENDER

6.5

That consideration of this matter be deferred to the meeting of Council on 18 October 2004.

Carried.

Note – this matter was dealt with by Council as Item 17 on the Business Paper.

TENDER NO 0414: SUPPLY OF THEATRICAL LIGHTING EQUIPMENT HIRE FOR NEW YEAR'S EVE 2004 (S031819-01)

6.6

Note - this matter was dealt with by the Finance, Properties and Tenders Committee in closed session. The recommendation of the Committee was circulated separately to Councillors and was dealt with at the Council meeting in closed session.

**ITEM 7. REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE
- 11 OCTOBER 2004**

PRESENT

Councillor Phillip Black
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors Verity Firth, Chris Harris and Tony Pooley.

At the commencement of business at 4.03pm those present were -

The Lord Mayor, Councillors Black, Harris and Pooley.

Councillor Firth arrived at the meeting of the Environment and Heritage Committee at 4.05pm, during discussion on Item 7.2.

Apologies

Councillor Marcelle Hoff extended her apologies for her inability to attend the meeting of the Environment and Heritage Committee as she was overseas.

Moved by the Lord Mayor, seconded by Councillor Pooley -

That the apologies from Councillor Hoff be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Environment and Heritage Committee concluded at 4.22pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor McInerney -

That the Report of the Environment and Heritage Committee of its meeting of 11 October 2004 be received, and the recommendations set out below for Item 7.2 be adopted, with Item 7.1 being noted.

Carried.

DISCLOSURES OF INTEREST

7.1

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

DICTIONARY OF SYDNEY PROJECT (S034523)

7.2

That arising from consideration of a report by the City Historian to the Environment and Heritage Committee on 11 October 2004, on the Dictionary of Sydney Project, it be resolved that:

- (A) the City of Sydney supports the Dictionary of Sydney project;
- (B) funding in the amount of \$95,000 annually to a maximum of five years is approved in principle, in order to facilitate a grant from the ARC Industry Linkage Scheme;
- (C) a further report to Council be provided in relation to funding (including in-kind support) by the City and others, and an appropriate legal structure, if the grant application is successful; and
- (D) community representatives, as determined by the Lord Mayor, be included on the Dictionary of Sydney Advisory Board.

Carried unanimously.

Note - Mr Andrew Woodhouse addressed the meeting of the Environment and Heritage Committee on Item 7.2.

ITEM 8. REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 11 OCTOBER 2004

PRESENT

Councillor Verity Firth
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors Phillip Black, Chris Harris and Tony Pooley.

At the commencement of business at 4.23pm those present were -

The Lord Mayor, Councillors Black, Firth, Harris and Pooley.

The Lord Mayor left the meeting of the Cultural and Community Services Committee at 4.25pm, during discussion on Item 8.2.

Apologies

Councillor Marcelle Hoff extended her apologies for her inability to attend the meeting of the Cultural and Community Services Committee as she was overseas.

Moved by Councillor Pooley, seconded by the Lord Mayor -

That the apologies from Councillor Hoff be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Cultural and Community Services Committee concluded at 4.47pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor Kemmis -

That the Report of the Cultural and Community Services Committee of its meeting of 11 October 2004 be received, and the recommendations set out below for Item 8.2 be adopted, with Item 8.1 being noted.

Carried.

DISCLOSURES OF INTEREST

8.1

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

GLEBE YOUTH SERVICE - FUNDING (\$034794)

8.2

That arising from consideration of a report by the Director Community Living to the Cultural and Community Services Committee on 11 October 2004, on Glebe Youth Services - Funding, it be resolved that -

- (A) an operational grant of \$150,000 and an in-kind contribution of \$13,000 be provided to the Glebe Youth Service for a term of three years made up of and in accordance with the following conditions:
 - (i) the \$66,000 annual budget (pro rata for 2004-05) for the After Dark Program, currently run and funded by Community Living, be allocated to the Glebe Youth Service, along with the responsibility of administering and reporting on the program;
 - (ii) the approximately \$44,000 per annum contributed by Broadway Shopping Centre to youth activities in Glebe, and currently held in the Community Living Safe City budget, be allocated to the Glebe Youth Service for the provision of specified programs and after hours and weekend programs in the Glebe area;
 - (iii) \$40,000 be provided from operational savings in Community Living;
- (C) additional information be provided on the implications of this resolution for those services identified in the subject report, namely, Forest Lodge After-School Care, Glebe After-School Care (Centipede) and the 2003 School Vacation Program (LCS);
- (D) authority be delegated to the General Manager to enter into a funding agreement to give effect to the terms of this resolution; and
- (E) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Note - Mr Colin Stokes addressed the meeting of the Cultural and Community Services Committee on Item 8.2.

Note - the additional information requested by the Committee in clause (C) above was circulated to all Councillors prior to the Council meeting.

ITEM 9. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE, COMPRISING: THE PLANNING POLICY SUB-COMMITTEE, THE MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE AND THE DEVELOPMENT ASSESSMENT SUB-COMMITTEE - 11 OCTOBER 2004

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

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

At the commencement of business at 5.34 pm those present were:

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

Councillor Kemmis, having declared a pecuniary interest in Item 9.11, left the meeting at 5.37 pm prior to discussion on that item and returned at 6.01pm, at the commencement of discussion on the next item, Item 9.12.

Apologies

Councillor Marcelle Hoff extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee or any of its Sub-Committees as she was overseas.

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

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

Carried.

Sub-Committees

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

The Development Assessment Sub-Committee, chaired by Councillor Phillip Black, commenced at 5.36 pm.

The Major Development Assessment Sub-Committee, chaired by Councillor Kemmis, commenced at 7.21 pm.

The Planning Policy Sub-Committee, chaired by Councillor McInerney, commenced at 7.55 pm.

Order of Business

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

1. Disclosures of Interest
11. Development Application: 431 Glebe Point Road, Glebe - Adaptive Re-Use of Commercial Building for Residential Purposes
12. Integrated Development Application: Various Sites Along the Glebe Foreshore from Rozelle Bay in the West (Chapman Road) to Blackwattle Bay Park in the East (South of Cook Street)
10. Sydney Harbour Foreshore Authority Referrals: 53-79 Sussex Street, Sydney (City North Electrical Sub-Station, MUA Building and Lumley Technology House)
9. Sydney Harbour Foreshore Authority Referral: Stage 2 Development Application: Site 6B, Wharves 9 and 10/King Street Wharf (Sussex Street), Darling Harbour
2. Repeal of Leichhardt Development Control Plan No. 49 for 156-160 Bridge Road, Glebe
5. Draft City of Sydney Public Consultation Development Control Plan
6. Masterplan Application: Westons Biscuit Site, 13-17 Pyrmont Bridge Road, 96 Parramatta Road, and 19-25 Lyons Road, Camperdown
3. Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004
4. Draft City of Sydney Child Care Centre Development Control Plan
7. Draft Consultants Reports for Carlton and United Breweries Site - Transport and Open Space - Community Facilities
8. Land and Environment Court Appeals - Summary of Current Matters and Appeal Outcomes

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 9.40 pm.

DISCLOSURES OF INTEREST

9.1

At the meeting of the Planning Development and Transport Committee, and pursuant to the provisions of Section 451 of the Local Government Act 1993, Councillor Robyn Kemmis disclosed a possible pecuniary interest in Item 9.11, in that she is a resident of Glebe and has lodged an objection to the proposal. Councillor Kemmis was absent from the Council Chamber for the duration of discussion and voting on Item 9.11.

Councillor the Hon. Michael Lee declared a non-pecuniary interest in Item 9.10 on the agenda in that he is a Director of Country Energy, a competitor of EnergyAustralia. Councillor Lee took part in discussion on Item 9.10, but did not vote on the Item.

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the Report of the Planning Policy Sub-Committee of its meeting of 11 October 2004, be received and the recommendations set out below for Items 9.2, 9.3, 9.6, 9.7 and 9.8 be adopted, with Item 9.1 being noted, and Items 9.4 and 9.5 being dealt with as shown immediately following that item.

Carried.

The Planning Policy Sub-Committee recommended the following:-

REPEAL OF LEICHHARDT DEVELOPMENT CONTROL PLAN NO. 49 FOR 156-160 BRIDGE ROAD, GLEBE (S027609)

9.2

That arising from consideration of a report by the Strategic Planning Manager to the Planning Development and Transport Committee on 11 October 2004, in relation to the repeal of Leichhardt Development Control Plan No. 49 156-160 Bridge Road, Glebe, it be resolved that:

- (A) Council comply with the procedures outlined in the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 in regard to the repeal of a Development Control Plan, specifically by placing a final public notice of repeal in a local newspaper to repeal Leichhardt Development Control Plan 49 from the date at which the notice appears in the newspaper;
- (B) the reasons given for the repeal of Leichhardt Development Control Plan No. 49 are as follows:
 - (i) The objectives and provisions of Leichhardt Development Control Plan No. 49 are not considered to provide appropriate development guidelines for the site, particularly noting its heritage significance, at both the local and the State level;
 - (ii) There are conflicting objectives and provisions within Leichhardt Development Control Plan No. 49;
 - (iii) Leichhardt Development Control Plan No. 49 is inconsistent with the provisions of Leichhardt Local Environmental Plan 2000. In particular it is noted that the Development Control Plan's height and envelope provisions allow for a development with a floor space ratio that exceeds the maximum permissible floor space ratio in Leichhardt Local Environmental Plan 2000; and

- (iv) There are adequate other assessment criteria under Section 79C of the Environmental Planning and Assessment Act 1979 and the Heritage Act 1977 to more appropriately guide future development of the site.
- (C) Council adopt the following principles to guide any future development at 156-160 Bridge Road, Glebe:
- (i) future development should not exceed the statutory maximum floor space ratio of 0.7:1 under Leichhardt Local Environmental Plan 2000, and this floor space ratio should not be viewed as a guaranteed minimum;
 - (ii) future development should contemplate either the retention of all sufficiently intact elements of Hamilton as an item of local heritage significance or, failing that, only a replacement building which corresponds to its important curtilage, setbacks, scale, size and context. Hence, should Hamilton be demolished, it should be replaced with open space, or by a single dwelling with a similar footprint to the existing footprint of Hamilton;
 - (iii) any replacement building or elements must have regard to accepted heritage practice under the Burra Charter and applicable environmental planning instruments, to be interpreted as new work and clearly discernable as a contemporary addition;
 - (iv) future residential infill development should be strictly limited to low scale residential development along the Ruess Street boundary at the rear of the site (maximum two storeys with possible dormer windows linked to the dwelling below), in scale and in sympathy with the location, bulk and scale of the surrounding area, allowing the retention of the front portion of the site as a landscaped garden setting for the Abbey, Reussdale and Hamilton (or a low scale replacement building which corresponds to the existing and important curtilage, setback, size, scale and context of Hamilton); and
 - (v) the Abbey should be restored with a publicly accessible use;
- (D) submitters be advised of the decision of the Council in relation to this matter.

Carried.

Note - Professor Richard Mackay addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.2.

DRAFT CITY OF SYDNEY SIGNAGE AND ADVERTISING STRUCTURES DEVELOPMENT CONTROL PLAN 2004 (S031850)

9.3

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 October 2004, in relation to the Draft City of Sydney Signage and Advertising Structures Development Control Plan, it be resolved that:-

- (A) Council endorse the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004, as shown at Attachment A to the subject report, is endorsed for public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000;
- (B) Council adopt Draft City of Sydney Signage and Advertising Structures Development Control Plan as an Interim Policy from the first day of its exhibition period; and
- (C) authority be delegated to the General Manager to make any minor drafting changes that may be required to the Draft City of Sydney Signage and Advertising Structures Development Control Plan 2004, as a result of its consideration by Council and the Central Sydney Planning Committee.

Carried.

Note - The Planning Development and Transport Committee (Planning Policy Sub-Committee) congratulated Council staff on the work undertaken on this matter.

DRAFT CITY OF SYDNEY CHILD CARE CENTRE DEVELOPMENT CONTROL PLAN (S031833)

9.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 October 2004, in relation to the Draft City of Sydney Child Care Centre Development Control Plan, it be resolved that:-

- (A) Council place the Draft City of Sydney Child Care Centre Development Control Plan 2004, as shown at Attachment A to the subject report, on public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000, subject to the following amendment -
 - the deletion at point 3.1.1 of the figure “20%” and the substitution of the figure “33%”;
- (B) Council endorse the operation of this Draft Development Control Plan as an Interim Policy commencing operation at the start of the exhibition period; and

- (C) authority be delegated to the General Manager to make any minor drafting changes that may be required to the Draft City of Sydney Child Care Centre Development Control Plan as a result of its consideration by Council and the Central Sydney Planning Committee.

Amendment. At the meeting of Council, at the request of Councillor McInerney, and by consent, the motion was amended by the deletion of Clause (B).

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

Note - The Planning Development and Transport Committee (Planning Policy Sub-Committee) congratulated Council staff on the work undertaken on this matter, and also congratulated the former South Sydney City Council on the progressive work it undertook in this area.

DRAFT CITY OF SYDNEY PUBLIC CONSULTATION DEVELOPMENT CONTROL PLAN 2004 (S023739)

9.5

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 October 2004, in relation to the Draft Public Consultation Development Control Plan 2004, it be resolved that:-

- (A) Council place the Draft City of Sydney Public Consultation Development Control Plan 2004, as shown at Attachment A to the subject report and as amended at the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) as follows, on public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000:-

- (i) the renaming of the draft DCP to "The Draft City of Sydney Notification of Development and Planning Applications Development Control Plan 2004",
- (ii) paragraph 2 of Section 7.2, "Making a Submission", be amended as follows -

"Written submissions in response to assessment reports must be made by lunchtime one business day prior to the ~~committee or~~ council meeting. ~~Submissions cannot be tabled at the committee meeting (noting that this is the opportunity where respondents may make a verbal submission), to allow staff and the Council the ability to properly respond.~~"

- (iii) the insertion into Section 8.1 after paragraph 2 of the following new paragraph -

"If re-notification is to occur for an amended development application for development that is advertised and notified for 28 days or 21 days then the notification period may be reduced to 14 days if the amendment is of a minor nature. This would be at the discretion of the planning officer assessing the development application."

- (B) authority be delegated to the General Manager to make any minor drafting changes that may be required as a result of consideration of this draft DCP by Council and the Central Sydney Planning Committee;
- (C) the DCP be reviewed within twelve months of the DCP being adopted;

Amendment. At the meeting of Council, at the request of Councillor McInerney, and by consent, the motion was amended by the addition of clause (D) as follows -

- (D) a development application that may otherwise be determined by staff is to be instead the subject of a report to Council, through the Planning Development and Transport Committee, where a request to do so is made by Councillors provided that:
 - (i) the request must be in writing (email acceptable) to the General Manager, from three or more Councillors, one of whom must be either the Chair of the Planning Development and Transport Committee or the Chair of the relevant Assessment Sub-Committee;
 - (ii) the request must contain information that explicitly states whether or not the Councillor has any pecuniary or other interest in the matter;
 - (iii) the request must state the reason(s) for calling the development application;
 - (iv) the request should occur only after the expiration of the notification period (if notified) and, if a prior request is made, the reasons for so doing should be stated;
 - (v) prior to lodging the request, the relevant Councillors must firstly consult with the General Manager or Director of Planning regarding any public objections received, and consider whether or not such objections are well founded, may be satisfied by the imposition of conditions or by the amendment of the application, as advised by the General Manager or Director; and
 - (vi) any applicable delegations be amended accordingly.

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

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 9.5.

MASTERPLAN APPLICATION: WESTONS BISCUIT SITE, 13-17 PYRMONT BRIDGE ROAD, 96 PARRAMATTA ROAD, AND 19-25 LYONS ROAD, CAMPERDOWN (R2004/00008)

9.6

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 11 October 2004, in relation to the Masterplan Application R2004/00008 made by 13-17 Pymont Bridge Road Pty Ltd for the sites at 13-17 Pymont Bridge Road, 96 Parramatta Road, and 19-25 Lyons Road, Camperdown, it be resolved that:

- (A) The Masterplan involving demolition of the “Ryvita” building, the erection of eight buildings ranging in height from three to eight stories for mixed use purposes, and the dedication of land at 19-25 Lyons Road to Council for public purposes, be endorsed subject to the following:
- (1) Development must be in accordance with drawings numbered 13, 14, 15, 18, 20, 21, 22, 23, 24, all prepared by Marchese and Partners Architects and dated 12 July 2004 and as amended by the following conditions:

DEED OF AGREEMENT

- (2) In exchange for the bonus floor space ratio over the “Eastern Block” (being Lot 1 in DP 78200, Lot B in DP 402925, Lot 4 in DP 12282, Lots 13 and 14 in DP 456892, Lots 1 and 2 in DP 204547, Lots 1, 2, 3, and 6 Section 2 in DP 658, Lot 1 in DP 455637 and Lots 2 and 3 in DP 455640), the applicant and the Council of the City of Sydney shall enter into a Deed of Agreement.

This Deed of Agreement shall provide for the site referred to as the “Western Block” (being the land comprised in Lot 1 in DP 511678, Lots 24, 25, 26 in DP 85436, Lots 1 to 5 in DP 456790 and Lots 13 and 14 in DP 111196) being transferred into the registered ownership of the Council of the City of Sydney in Fee Simple and shall be classified as Community Land for the purposes of the Local Government Act 1993. The transfer of ownership is on the understanding that the site area of the Western Block is to be included in the aggregate site area used for the calculation of the gross floor area of the development on the Eastern Block, as defined in the South Sydney Local Environmental Plan 1998.

The transfer of ownership is to be at no cost to Council and conditional upon:

- (a) vacant possession by the removal from the Western Block of all structures, including the hard stand bitumen surface, to Council’s satisfaction; and
- (b) the full remediation of the Western Block (if necessary) in accordance with the provisions of State Environmental Planning Policy No. 55 (Remediation of Land) and the City of Sydney Contaminated Land DCP 2004; and

- (c) landscaping of the Western Block.

This Deed of Agreement is to be to the satisfaction of the General Manager and to be executed prior to the issue of any Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

NO WORK SHALL OCCUR UNTIL A DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE IS ISSUED

- (3) No excavation, demolition and/or construction shall commence in relation to this Masterplan proposal until a Development Application is approved and a Construction Certificate issued in respect of the substantive buildings.

FLOOR SPACE RATIO

- (4) The floor space ratio of the proposed development on the combined sites (8393m²) must not exceed 2.14 : 1 calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purpose of calculation of FSR, the floor space area of the development is 17,980m². Precise details of the distribution of floor space shall be provided with the future Development Application.

BUILDING ENVELOPE

- (5) The building envelope is only approved on the basis that the ultimate building design, including all services, will be entirely within the approved envelope and provide an appropriate relationship with neighbouring and approved buildings.

DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION

- (6) The future Development Application must provide full and precise details in relation to the following matters:
- (a) Details demonstrating that the site is suitable or able to be rendered suitable for the proposed development, having regard to the provisions of SEPP 55 (Remediation of Land) and the City of Sydney Contaminated Land DCP 2004;
 - (b) Details demonstrating compliance with the relevant provisions of South Sydney LEP 1998, South Sydney DCP 1997, and South Sydney DCP No. 11 (Transport Guidelines for Development);
 - (c) Details demonstrating compliance with Section 6.1 (Residential Amenity) of Central Sydney DCP 1996;
 - (d) Details demonstrating compliance with the City of Sydney Access DCP 2004;
 - (e) Details demonstrating compliance with the City of Sydney Code for Waste Handling in Buildings.

- (7) Should the future Development Application be submitted on or after the date of commencement (currently 1 February 2005) of the Building Sustainability Index (BASIX) for multi-dwelling development proposals, a BASIX Certificate will need to accompany the application.

Notwithstanding when the future application is submitted, details are to be provided with the future Development Application to confirm that the building has been designed to minimise the embodied energy on a whole of building approach and to incorporate opportunities for improved energy efficiency for the base building

STORMWATER

- (8) A local stormwater drainage management plan shall be prepared and submitted with the future development application. This plan shall include:
- (a) stormwater detention fully integrated into the proposed development; and
 - (b) reuse of “grey water” within the site.

NAMING RIGHTS FOR DEVELOPMENT

- (9) Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.

LANDSCAPING

- (10) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged for the approval of Council with the future Development Application. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, number and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems.

Special attention must be paid to the treatment of landscaping above a slab.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (11) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the commencement of demolition works.

(12) The form of recording is to be as follows:-

- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - (iii) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (iv) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

INTERPRETATION STRATEGY

- (13) An Interpretation Strategy for the site must be submitted to and approved by the Director City Planning.
 - (14) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
 - (15) Specific reference is to be made to the previous uses of the site including the brickyards, pottery manufacture and Michael Moran's Bakery.
- (B) the applicant be advised that the favourable determination of this Masterplan application does not fetter the discretion of the consent authority in determining any future development application, and does not infer that a development application lodged in accordance with the terms of the endorsed Masterplan will necessarily be acceptable as a full and thorough assessment under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 will be required at that time.

Carried.

DRAFT CONSULTANTS REPORTS FOR CARLTON AND UNITED BREWERIES SITE - OPEN SPACE AND COMMUNITY FACILITIES STUDY AND TRAFFIC AND TRANSPORT STUDY (S033483-04)

9.7

That arising from consideration of a report by the Specialist Planner, Policy Unit, to the Planning Development and Transport Committee on 11 October 2004, in relation to the Draft Consultants Reports for the Carlton and United Breweries Site - Open Space and Community Facilities Study and the Traffic and Transport Study, it be resolved that the subject report be received and noted.

Carried.

LAND AND ENVIRONMENT COURT APPEALS - SUMMARY OF CURRENT MATTERS AND APPEAL OUTCOMES (861/2003 AND 985/2003)

9.8

That arising from consideration of a report by the Manager Development Assessment, Southern Zone, to the Planning Development and Transport Committee on 11 October 2004, on Land and Environment Court Appeals - Summary of Current Matters and Appeal Outcomes, it be resolved that -

- (A) Council receive and note the subject report;
- (B) the issues arising from the appeals to do with the protection of industrial land and the subdivision pattern and character of the Rosebery area be considered in the ongoing review of the Council's planning controls; and
- (C) Council receive and note the Land and Environment Court Appeals: Summary for the Week commencing 20 September 2004, shown at Attachment A to the subject report.

Carried.

Note - The Planning Development and Transport Committee (Planning Policy Sub-Committee) congratulated Council staff on their success in the Land and Environment Court in relation to two appeals, as detailed in the subject report.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the Report of the Major Development Assessment Sub-Committee of its meeting of 11 October 2004, be received and the recommendations set out below for Item 9.9 be adopted, with Item 9.10 being dealt with as shown immediately following that item.

Carried.

The Major Development Assessment Sub-Committee recommended the following:-

SYDNEY HARBOUR FORESHORE AUTHORITY REFERRAL: STAGE 2 DEVELOPMENT APPLICATION, SITE 6B, WHARVES 9 AND 10/ KING STREET WHARF, (SUSSEX STREET), DARLING HARBOUR (R/2004/00039)

9.9

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 October 2004, in relation to the Sydney Harbour Foreshore Authority referrals for the development of Site 6B, Wharves 9 and 10 Darling Harbour, it be resolved that:

- (A) the subject report be received and noted;
- (B) the submission shown at Attachment A to the subject report be endorsed and forwarded to the Sydney Harbour Foreshore Authority for consideration in the determination of the Development Applications; and
- (C) representative(s) responsible for the assessment of the application at the Sydney Harbour Foreshore Authority be invited to a meeting with the Lord Mayor (or her nominee(s)), and relevant Council staff to discuss the City's concerns prior to the determination of the application.

Carried.

SYDNEY HARBOUR FORESHORE AUTHORITY REFERRALS: 53-79 SUSSEX STREET, SYDNEY (CITY NORTH ELECTRICAL SUB-STATION, MUA BUILDING AND LUMLEY TECHNOLOGY HOUSE) (R2004/00016 & R2004/00037)

9.10

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 October 2004, in relation to Sydney Harbour Foreshore Authority referrals for 53-79 Sussex Street, Sydney, it be resolved that:

- (A) the subject report be received and noted;
- (B) the submission at Attachment A to the subject report be endorsed and forwarded to the Sydney Harbour Foreshore Authority for consideration in the determination of the Development Applications; and
- (C) representative(s) responsible for the assessment of the applications at the Sydney Harbour Foreshore Authority be invited to a meeting with the Lord Mayor (or her nominee(s)), and relevant Council staff to discuss the City's concerns prior to the determination of the applications.

Amendment. At the meeting of Council, at the request of Councillor Kemmis, and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion;

- (A) the subject report be received and noted; and
- (B) the submission at Attachment A to the subject report, as amended at the meeting of Council as follows, be endorsed and forwarded to the Sydney Harbour Foreshore Authority for consideration in the determination of the development applications.

Condition (B) (1) be amended as follows:

ACTIVATION OF STREET FRONTAGES

- (1) The relationship between the building envelope and the Sussex Street/Erskine Street frontages is to be improved, including the provision of an active frontage at ground level. The proposal is to include the creation of retail/café space(s) addressing Erskine Street, while the Sussex Street frontage is to be opened to permit visibility into the site (especially the transformers) and opportunities to relocate vehicle access to Day Street are to be investigated. These matters are to be integrated into the brief for the competitive process.

Condition (B) (4A) be added to the conditions:

CAR PARKING

- (4A) The number of car parking spaces within the commercial building is to be limited to the number of spaces permitted for the commercial building site only. Any additional parking spaces are to be restricted (by caveat) to the use of the electrical sub-station or Energy Australia only, with such a total not to exceed 3 additional spaces.

Condition (B) (6) be amended as follows:

THE STAGE 1 BUILDING ENVELOPE CONTROLS

- (6) The Stage 2 development application shall demonstrate a consistency with the objectives and provisions of the Central Sydney Local Environmental Plan 1996 and Development Control Plan 1996 and the Central Sydney Heritage Local Environmental Plan 2000. In particular height, the façade treatment and compliance with Clause 28D (Design Excellence) of the Central Sydney LEP 1996. These matters are to be integrated into the brief for the competitive process. The brief is also to allow or encourage reconsideration of the internal layout of the electrical sub-station in order to ensure all avenues to lower the height of the proposal are investigated. Similarly, in terms of façade treatment, measures to allow architectural expression of the façade shall allow building elements (eg, ventilation openings) to be reconsidered, all while allowing an operational sub-station.

Carried.

Note - Mr Craig Moody and Mr Santo Ragusa addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 9.10.

Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor Hoff -

That the Report of the Development Assessment Sub-Committee of its meeting of 11 October 2004, be received and the recommendations set out below for Items 9.12 be adopted, with Item 9.11 being noted.

Carried.

The Development Assessment Sub-Committee recommended the following:-

**DEVELOPMENT APPLICATION: 431 GLEBE POINT ROAD, GLEBE -
ADAPTIVE RE-USE OF COMMERCIAL BUILDING FOR RESIDENTIAL
PURPOSES (D/2004/00094)**

9.11

That -

- (A) consideration of this matter be deferred to the meeting of Council on 18 October 2004;
- (B) a site inspection of the subject site be held on Saturday 16 October 2004.

Carried.

Note - this matter was dealt with by Council as Item 11 on the Business Paper.

Note - Mr John Sleeman, Mr Geoff Grinter, Mr Grant Simmons, Mr Neil MacIndoe, Mr Bob Armstrong, Mr David Bastian and Ms Christine Davidson addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 9.11.

INTEGRATED DEVELOPMENT APPLICATION: VARIOUS SITES ALONG THE GLEBE FORESHORE FROM ROZELLE BAY IN THE WEST (CHAPMAN ROAD) TO BLACKWATTLE BAY PARK IN THE EAST (SOUTH OF COOK STREET) (D/2004/365)

9.12

That arising from consideration of a report by the Planning Consultant to the Planning Development and Transport Committee on 11 October 2004 in relation to Development Application D/2004/365 made by the City of Sydney for various sites along the Glebe foreshore from south of Cook Street in the east to Chapman Street in the west, it be resolved that:

- (A) 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 conditions:-
- (1) An Archaeological Assessment Report for all areas of the Glebe Foreshore Project shall be submitted and endorsed by the Director City Planning and the NSW Heritage Office for approval. This report shall, amongst other things, identify the potential of the area for archaeological relics and the impacts (if any) that the proposal will have on those potential relics.
 - (2) Prior to commencement and construction of proposed works within the heritage curtilage of the State Heritage listed "Bellevue" (being Lots 45, 46 and 47 in SP 100) and north of the southern boundary of the Leichhardt Street road reserve, a conservation management plan prepared in accordance with the NSW Heritage Office Heritage Manual Guidelines is to be submitted and endorsed by the Director of City Planning and the NSW Heritage Office. Depending on the conditions of endorsement, changes may need to be made to the scope of works proposed within this precinct.
- (B) upon compliance with the requirements of Part (A) above, a full consent be granted to those aspects of the proposal that require consent, subject to the following conditions and any other conditions reasonably arising from Part (A):-

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. D2004/00365 dated 25 March 2004 and Statement of Environmental Effects prepared by City Plan Services dated March 2004 amended on 21 July 2004 and drawings numbered:

Drawing No.	Prepared By	Date
GF2.01/1/B	Mather & Associates Landscape Architects	23/03/2004
GF2.01/2/B	Mather & Associates Landscape Architects	23/03/2004
GF2.01/3/B	Mather & Associates Landscape Architects	23/03/2004
GF2.01/4/C	Mather & Associates Landscape Architects	15/07/2004
GF2.02/B	Mather & Associates Landscape Architects	23/03/2004
GF2.03/A	Mather & Associates Landscape Architects	23/03/2004
GF2.04/A	Mather & Associates Landscape Architects	23/03/2004
A100	Mather & Associates Landscape Architects	23/07/2004
A101	Mather & Associates Landscape Architects	23/07/2004
A102	Mather & Associates Landscape Architects	23/07/2004
A200	Mather & Associates Landscape Architects	23/07/2004
A201	Mather & Associates Landscape Architects	23/07/2004
A202	Mather & Associates Landscape Architects	23/07/2004
A203	Mather & Associates Landscape Architects	23/07/2004
A300	Mather & Associates Landscape Architects	23/07/2004
GF2.01/2/B	Mather & Associates Landscape Architects	30/07/2004
GF2.02/2/B	Mather & Associates Landscape Architects	30/07/2004
Option C	Revised Mangrove Area Plan	31/08/2004

and as amended by the following conditions:

MANGROVE AREA REQUIRES FURTHER INVESTIGATION

- (1A) The proposed mangrove area in Area A (Bicentennial Park West) is not approved at this stage.

The proposed mangrove area shall be subject to further discussion on the merits of this element of the proposal involving relevant experts, the general public and the Waterways Authority.

With regard to the perceived benefits and disadvantages of the mangrove area, at the conclusion of further public consultation, Council will determine whether the proposed mangrove zone will be allowed as part of the development (with or without changes).

GENERAL HERITAGE AND ARCHAEOLOGICAL REQUIREMENTS

- (2) Conditions presented here and by the NSW Heritage Office will be followed by the City and contractors.
- (3) The City must obtain permits (or exemptions) under Section 139 of the NSW Heritage Act 1977 to disturb any relics or deposits, including removal of any exposed remains in the intertidal zone.
- (4) The City must obtain permits (or exemptions) under section 57 of the NSW Heritage Act 1977 to disturb any relics or deposits within the curtilage of Bellevue.
- (5) The approval does not allow for works to affect items or deposits which have state heritage significance.
- (6) Adequate time and resources must be provided to complete any actions arising from the archaeological assessment report (such as archaeological testing and or excavation). Note testing or site evaluation should be conducted in areas where research has not been able to establish the integrity, location and significance of archaeological relics that are likely to be affected by the proposed development.
- (7) There must be archaeological monitoring in areas where it is considered that archaeological relics or deposits may be affected by the proposed development and where testing was not appropriate (ie areas where it is thought that the deposits are disturbed or of low potential significance).
- (8) Monitoring must be conducted within the conditions of an excavation permit issued by the NSW Heritage Office.
- (9) Considering the relatively 'light' impact of the proposal and potential flexibility of some aspects of the design there will be a presumption in favour of *in situ* preservation of any archaeological remains that may be encountered by the proposed works. This may require redesign of the conflicting element.
- (10) If natural soils are encountered and they appear to be substantially intact and there is a likelihood that the proposal will affect these soils an assessment of the potential of Indigenous archaeological remains should be carried out. Time and resources must be made available for this contingency.
- (11) Significant archaeological sites, finds and histories shall be interpreted.

- (12) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (13) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (14) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item as part of Jubilee Park.
- (15) An archival record of the existing building be prepared and submitted to the Director City Planning prior to commencement of works or issue of a construction certificate whichever is the earliest. The photographic record is to be prepared in accordance with the NSW Heritage Office guidelines and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets. The record is to include a copy of the measured drawings of the building and is to be in an A4 format and placed in an appropriate archival folder. It is also to include a summary report detailing the project description, method of documentation, limitations of the photographic record. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included.
- (16) New services in the building are to be placed as unobtrusively as possible with minimum intervention to the original fabric.
- (17) All new internal and external finishes and works of making good should be in accordance with the Heritage Impact Statement for the Pavilion (City Plan Heritage July 2004).
- (18) The proposed translucent polycarbonate /glass wall behind the rear wall of the new toilet addition is to be reduced in height such that is no higher than the eaves line of the main roof of the pavilion.
- (19) The new doors proposed in the existing door openings on the northern and southern elevations are to be timber and of traditional design based where possible on documentary evidence. Details, including materials and dimensions, of the proposed doors are to be shown on a drawing and submitted for approval of the Director of City Planning prior to the issue of a construction certificate.
- (20) The external brickwork of the pavilion is not to be painted, rendered or coated.

- (21) The bronze commemorative plaques on the west elevation wall are to be carefully removed from the wall during construction, cleaned and restored, and reinstated in their original position.
- (22) The original configuration of the garden beds and path within the Pavilion forecourt are to be retained where possible. Any necessary reconfiguration should be submitted for approval of the Director of City Planning.
- (23) The wire fencing on the sides of the forecourt is to be replaced with a timber paling fence or timber picket fence based where possible on documentary evidence.
- (24) Prior to the completion of the works the applicant is to prepare a maintenance schedule of the pavilion which should be revised following any major works to the building. This plan should be submitted for approval of the Director of City Planning prior to the issue of a completion certificate.

SANDSTONE SEA WALL

- (25) The applicant is to commission an experienced conservation architect and/or engineer with conservation experience to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect and/or engineer with conservation experience is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect and/or engineer with conservation experience is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (26) The applicant is to commission experience tradespersons including stone masons that are skilled in traditional building and engineering trades to carry out the proposed scope of works in relation to the sandstone seawall.

PHASE 2 ENVIRONMENTAL SITE ASSESSMENT REQUIRED

- (27) A Phase 2 Environmental Site Assessment will be required to be carried out in accordance with the NSW EPA Contaminated Sites guidelines certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Phase 2 Environmental Site Assessment states that the site is suitable for the proposed use it shall be reviewed by an NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to commencement of works.

OR

Where the phase 2 Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP shall be reviewed by an NSW EPA accredited site auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use prior to commencement of works.

Note: In conjunction with the above, a soil management plan and an occupational health and safety plan should be prepared for the project to minimise contact between the excavated soil, members of the public, site workers and the surrounding environment (including Rozelle Bay).

If excavation works exceed one metre in depth or below the groundwater table, a management action plan should be prepared which addresses monitoring and measures to be taken to reduce impacts on the harbour.

HAZARDOUS AND INDUSTRIAL WASTE

- (28) Hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:-
- (a) Protection of the Environment Operations Act, 1997.
 - (b) Protection of the Environment Operations (Waste) Regulation 1996.
 - (c) Waste Avoidance and Recovery Act 2001.
 - (d) New South Wales Occupational Health & Safety Act, 2000.
 - (e) New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
 - (f) The Occupational Health & Safety Regulation 2001.
 - (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

VIADUCT LIGHTING

- (29) The proposed lighting to the Railway Viaduct shall not be physically attached to the structure. The proposed lighting shall be in the form of 'inground uplights' as detailed in accordance with the revised viaduct lighting section of the Statement of Environmental Effects prepared by City Plan Services and dated 21/07/04.

NOISE AND VIBRATION

- (30) Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the project shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997.

DISABLED WATER CLOSET

- (31) A disabled water closet shall be provided within the Jubilee Park Cricket Pavilion in accordance with the Building Code of Australia.

VENTILATION OF TOILET AND SHOWER FACILITIES

- (32) The proposed toilet and shower facilities within the Jubilee Park Cricket Pavilion shall be ventilated in accordance with AS 1668.2.

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) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
- (36) 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.
- (d) **Notes:**
 - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (37) 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.
- (38) 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.

GENERAL LANDSCAPE REQUIREMENTS

- (39) Where possible, plantings should attempt to replicate and strengthen existing planted species eg. use of native species that have been hardened off at the nursery before planting, particularly on the exposed edges of the foreshore areas.
- (40) Any plantings and turfed areas should be maintained by the installing service provider for a minimum of 6 months to ensure adequate establishment of plants before being handed over to the City.
- (41) Edges of garden beds that meet grassed/turfed areas should utilise erect plantings and not prostrate/scrambling species to ensure garden shapes are kept and improve maintenance of edges. Garden edging with wood or metal is not required in informal areas where native plantings existing or are to be planted.
- (42) Conduits for uplighting on the railway viaduct are to be high strength and anti-vandalism.
- (43) Park areas not subject to works within this stage are to be protected at all times from vehicles and machinery damage. This includes parking on grassed areas and beneath trees for shade due to compaction concerns.
- (44) If irrigation is to be used, the designs are to be forwarded to the Contract Coordinator – Parks and Open Spaces, for review.
- (45) Access paths should be wide enough and sufficient strength for waste removal vehicles.

- (46) All works relating to the proposed mangrove area and saltmarsh with Bicentennial Park West shall be supervised by a qualified ecological expert in order to ensure ecological effectiveness of these elements.
- (47) Documentation shall be provided to indicate that the proposal complies with AS1428.2 in terms of the public domain.

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

- (48) 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.

INSTALLATION OF DUAL-FLUSH TOILETS

- (49) 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.

PAVING MATERIALS

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

INSTALLATION OF WATER EFFICIENT TAPS

- (51) 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.

SUSTAINABLE TIMBERS

- (52) To minimise the damage to the environment only timber from sustainable sources shall be used in the construction (structural timbers and floorboards) of the building(s). The information submitted with the construction certificate shall specify the timbers to be used. These are to be limited to plantation and regrowth timbers, recycled timbers or timbers sourced from other sustainable practices and shall be:-
- (a) Timber supplied from sustainable plantation sources, with Forest Stewardship Council (FSC) or Australian Forestry Standard (AFC) Certification.
- OR
- (b) Timber specified by EcoSpecifier or the Wilderness Society's One Stop Timber Shop or Friends of the Earth's Good Wood Guide 9th Edition.
- OR
- (c) Re-used/recycled timber.

Schedule 1C**Conditions to be complied with prior to commencement of demolition or work or construction to the satisfaction of the Principal Certifying Authority****ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

- (53) 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.

Schedule 1D

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

HOURS OF WORK AND NOISE

- (54) 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 1.30 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) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.

- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

LOADING AND UNLOADING

(55) 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 TREES

(56) All trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order.

PROTECTION OF THE ENVIRONMENT (OPERATIONS) ACT

(57) 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.
- (d) 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.

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

OCCUPATION CERTIFICATE

- (58) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE – USE

- (59) 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.

- (e) 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

- (60) 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.
 - (d) 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.

Schedule 2

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

Schedule 3

Terms of Approval

The Heritage Council of NSW has issued the following Terms of Approval for the Integrated Development:

- 1) An amended baseline archaeological assessment is requested, to provide a map clearly defining areas of fill, and a detailed analysis of each section of pathway works and seawall construction/reconstruction. This amendment shall specify whether /where archaeological potential is known; whether test trenching or pits are proposed to clarify potential remains/relics; and where archaeological monitoring of works is proposed to ensure no potential relics are damaged by the proposed works;
- 2) For the two areas listed on the State Heritage Register (Glebe Railway Viaduct and Bellevue, including the site of the former Venetia (#55 Leichhardt Street), this amended archaeological assessment should be provided as part of a section 60 application, and will be used to determine whether any exemption can be granted under section 57(2);
- 3) For the Glebe Railway Viaduct SHR listed area the amended archaeological assessment shall provide detailed information on any archaeological potential of the proposed excavation required to install underground up-lighting and any proposed mitigative measures to be taken to avoid impacts on this resource;
- 4) For the remainder of the walkway works lands, (ie: outside the two SHR curtilage areas), this amended archaeological assessment will be used to determine whether an excavation permit is required under section 140 of the Heritage Act 1977, or whether an exception can be granted under section 139(4). More detail is requested on whether, what and how interpretation will be integrated into the Railway Viaduct works, as part of a section 60 application;
- 5) For the section of the walkway works impacting on potential or known archaeological relics (e.g.: listed LEP archaeological site/item Stride's Yard (49-53 Leichhardt Street), Council is advised of the need to lodge an excavation permit application under sections 139-140 of the Heritage Act 1977;
- 6) An on-site briefing from a qualified and experienced archaeologist is required to all site workers before site works commence, particularly with regard to any clearing of artefacts from the shoreline and sea wall areas;
- 7) A qualified and experienced archaeologist shall review all draft specifications prior to Council going to tender, to identify issues which may be relevant to the protection of identified archaeological sites in the subject lands;
- 8) Detail on proposed interpretation to be provided at the Bellevue and Glebe Railway Viaduct sites/ items is requested as part of a section 60 application(s);
- 9) An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.

Carried unanimously.

Note - Mr David Lawrence, Ms Janice Cave, Ms Christine Newton, Ms Judy Christie, Ms Helen Matthews, Mr Bill Young, Mr Anton Crouch, Mr Daniel Sprange and Ms Elizabeth Dark addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 9.12.

ITEM 10. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE, COMPRISING THE MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE - 18 OCTOBER 2004

FILE NO:

DATE: 18/10/04

PRESENT

Councillor Robyn Kemmis
(Chair of the Major Development Assessment Sub-Committee)

Councillors - Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Shayne Mallard and John McInerney.

At the commencement of business at 5.07 pm those present were:

Councillors Black, Firth, Harris, Hoff, Kemmis, Mallard and McInerney.

The Lord Mayor, Councillor Clover Moore MP, arrived at the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) at 5.08 pm, at the conclusion of Item 10.1.

Apologies

Councillor The Hon Michael Lee extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee and the Major Development Assessment Sub-Committee owing to a prior commitment.

Councillor Tony Pooley extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee and the Major Development Assessment Sub-Committee owing to a prior commitment.

Moved by the Chair (Councillor Kemmis), seconded by Councillor Firth -

That the apologies from Councillor Lee and Councillor Pooley be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Planning Development and Transport Committee and the Major Development Assessment Sub-Committee concluded at 5.37 pm.

DISCLOSURES OF INTEREST

10.1

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

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the Report of the Major Development Assessment Sub-Committee of its meeting of 18 October 2004, be received and the recommendation set out below for Item 10.2 be adopted.

Carried.

The Major Development Assessment Sub-Committee recommended the following:-

SECTION 82A REVIEW: 41 – 41B ELIZABETH BAY ROAD, ELIZABETH BAY (R/04/00008)

10.2

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning Development and Transport Committee on 18 October 2004, in relation to Section 82A Review Application R/04/00008 (U/03/00229) made by Bill-Mark Pty Ltd and Maropa Pty Ltd for the site at 41-41B Elizabeth Bay Road, Elizabeth Bay, for the demolition of the existing building and the erection of a 6 storey mixed use development, it be resolved that the application be approved subject to the following conditions:-

Conditions of Consent

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with the Section 82A Review submitted to Council on 3 May 2004 (Development Application reference U/03/00229) and in accordance with the following plans:

1762/DA-01 – Issue B dated February 2004

1762/DA-02 – Issue B dated February 2004

1762/DA-03 – Issue B dated February 2004

1762/DA-04 – Issue B dated February 2004

1762/DA-05 – Issue B dated February 2004

1762/DA-06 – Issue B dated February 2004

1762/DA-07 – Issue B dated February 2004

1762/DA-08 – Issue B dated February 2004

1762/DA-09 – Issue B dated February 2004

1762/DA-10 – Issue B dated February 2004

1762/DA-11 – Issue B dated February 2004

all prepared by Humphrey and Edwards Architects and as amended by the following conditions:

- (1A) The consent shall lapse two (2) years after the date of determination shown on the Notice of Determination issued by Council.

FINISHING MATERIALS

- (2) Final samples of the external finishing materials to be used in the construction of the development shall be submitted to and be approved by Council prior to the issue of a Construction Certificate.

APPROVED DESIGN

- (3) 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.

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 4.83:1 calculated in accordance with the South Sydney Development Control Plan 1997. For the purpose of the calculation of FSR, the Floor Space Area of the development is 1,034.12sqm.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under South Sydney Development Control Plan 1997 applicable at the time of development consent to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(5)

- (a) The height of the building to the topmost ridge must not exceed RL 45.77 and to the top of the lift over-run must not exceed RL 46.91 (AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BONUS FLOOR SPACE

- (6) That in order to qualify for a floor space bonus on the site, a Deed of Agreement shall be entered into and signed between and the owner of the land, in respect of providing to Council, improvements to the public domain to the value of \$42,735 for the purpose of improving pedestrian amenity and the upgrade in quality of the public domain in the vicinity of the site. This Deed of Agreement shall be finalized prior to the issue of a Construction Certificate.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (7) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any building fabric or furnishings from the site.
 - (a) The archival record of the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate.
 - (b) The form of recording is to be as follows:-
 - (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
 - a. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;

- b. 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
 - c. selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (ii) A summary report of the photographic documentation, detailing;
- a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - c. Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

ARCHAEOLOGICAL INVESTIGATION

(8)

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

SOUTH SYDNEY SECTION 94 CONTRIBUTIONS PLAN 1998**Part A**

(9)

- (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 South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space: LGA Works Programme	\$3,643.54
Open Space: New Parks	\$15,636.91
Accessibility and Transport Management	\$109.97
	\$275.00
Total	\$19,665.42

- (b) The above payments, with the exception of the land acquisition component of New Parks 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 – June 2004.

The plan applicable for the former South Sydney properties transferred to the City of Sydney as at the 8th May 2003 is the South Sydney Section 94 Contribution Plan – 1998.

- (c) The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. (Personal or company cheques will not be accepted).

Please contact Council's Technical Coordinator on 9246 7728 prior to payment to confirm amount payable.

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

- (a) 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.
- (b) 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.
- (c) 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 Construction Certificate 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.
- (d) 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.

- (e) 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.

- (f) Copies of the Section 94 Contributions plan may be inspected at Council's offices.

SEPARATE APPLICATION FOR USE

- (10) A separate development application must be submitted at the appropriate time for the specific use of the commercial tenancies.

SIGNS

- (11) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (12) 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.

Schedule 1B

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

CONSTRUCTION CERTIFICATE

- (13) 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.

PUBLIC DOMAIN PLAN

(14) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
 - (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

- (d) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

Note:

- (e) 3 Copies of the Public Domain Plan are to be lodged with the Public Domain Manager Design, City Development.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

(15) The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like.
- (b) All approved residential units in the building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential building are either owner occupied or are subject to residential leases under the Residential Tenancy Act 1987.
- (c) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of the accommodation levels from residential. The covenant is to be executed prior to issue of a Construction Certificate to the satisfaction of the certifying authority (Council or a private accredited certifier). All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

NOISE REDUCTION

(16) 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 internal noise levels within the approved apartments. 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 $L_{Aeq (1 \text{ hour})}$ 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 $L_{Aeq (1 \text{ hour})}$ for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The $L_{Aeq (1 \text{ hour})}$ noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings 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).

ACOUSTIC PRIVACY BETWEEN UNITS

- (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 the Certifying Authority (Council or a private accredited certifying authority) addressing acoustic privacy between units. 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).

FLOOR TO CEILING HEIGHT

- (18) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority (Council or a private accredited certifying authority) must ensure that all living rooms and bedrooms in sole occupancy units shall have a minimum floor to ceiling height of not less than 2.7 metres.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(19)

- (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).

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.
- (c) 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).

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.

ACCESS FOR PEOPLE WITH DISABILITIES

- (20) 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 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 copy submitted to Council.

TELECOMMUNICATIONS PROVISIONS

- (21) 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.
 - (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.

STORMWATER AND DRAINAGE

- (22) The following stormwater details shall be submitted:-
 - (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (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 Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (d) An “Application for Approval of Stormwater Drainage Connections” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City’s drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

UTILITY SERVICES

(23) To ensure that utility authorities are advised of the development:-

- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

GEOTECHNICAL REPORT AND CERTIFICATION

(24) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-

- (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;
 - (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and

- (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
- (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
- (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

Notes:

An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-

- (i) Appropriate tertiary qualifications in civil or geotechnical 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.

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

Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

NON-COMPLIANCE WITH DEEMED TO SATISFY PROVISIONS OF THE BCA

- (25) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
 - (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and

- (b) Details of the assessment methods used to establish compliance with those performance requirements.

WASTE MANAGEMENT FOR RESIDENTIAL DEVELOPMENTS

- (26) A Building Waste Management Plan is to be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such plan must comply with Council's "Waste Code" and provide details of the following:-
 - (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing, collection areas, and vehicle access and standing areas.
 - (b) The natural or mechanical ventilation of garbage rooms and service areas, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (c) The location and design of garbage chutes and compaction units required by the Code.
 - (d) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
 - (e) The design features incorporated in the building and procedures to be undertaken by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage, recycling and collection areas.
- (27) The following provisions apply to recycling areas:
 - (a) The building design must incorporate separate garbage rooms constructed in accordance with Council's Code, for the separation of commercial waste from residential waste, including recyclable materials.
 - (b) The building must incorporate design features which will allow waste to be minimised and managed within each individual unit or office, on each floor of the building, and within the garbage/recycling storage and collection area.
 - (c) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

INSTALLATION OF WATER EFFICIENT TAPS

- (28) 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.

SUSTAINABLE TIMBERS

(29) To minimise the damage to the environment only timber from sustainable sources shall be used in the construction (structural timbers and floorboards) of the building(s). The information submitted with the construction certificate shall specify the timbers to be used. These are to be limited to plantation and regrowth timbers, recycled timbers or timbers sourced from other sustainable practices and shall be:-

(a) Timber supplied from sustainable plantation sources, with Forest Stewardship Council (FSC) or Australian Forestry Standard (AFC) Certification.

OR

(b) Timber specified by EcoSpecifier or the Wilderness Society's One Stop Timber Shop or Friends of the Earth's Good Wood Guide 9th Edition.

OR

(c) Re-used/recycled timber.

GREY WATER

(30) 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.

PLANT

(31) All plant and associated equipment shall be located within the approved building envelope, including roof-top plant rooms. Any design amendments required to accommodate the plant within the building shall be submitted and approved by Council prior to the issue of a Construction Certificate.

Schedule 1C

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

DEMOLITION DETAILS

- (32) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).

DEMOLITION WORK METHOD STATEMENT

- (33) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
- (34) The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
- (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
 - (b) Induction training for on-site personnel;
 - (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
 - (d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.
 - (e) Disconnection of Gas and Electrical Supply;
 - (f) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.
 - (g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.
 - (h) Waterproofing of any exposed surfaces of adjoining buildings;

- (i) Control of water pollution and leachate and cleaning of vehicles tyres:-
Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.
 - (j) Working hours, in accordance with this Development Consent;
 - (k) Confinement of demolished materials in transit;
 - (l) Proposed truck routes, in accordance with this Development Consent;
 - (m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.
- (35) Demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (36) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-
- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
 - (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
 - (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

(37) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-

- (a) Name and address of the company/contractor undertaking excavation works;
- (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
- (c) Name and address of the transport contractor, and location of the disposal site;
- (d) Type and quantity of material to be removed from site;
- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (38) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

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

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (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 run-off from the site onto the public way.
- (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 Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work 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 Environmental 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION

- (40) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.
 - (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (41)
- (a) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.
 - (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
 - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - a. Type and quantities of material expected from demolition and excavation;

- b. Name and address of transport company;
- c. Address of proposed site of disposal;
- d. Name/address of company/organisation accepting material;
- e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
- f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
- g. Material for disposal and justification of disposal;
- h. If details of items (b to (g) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

(42) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.

APPLICATION FOR A ROAD OPENING PERMIT

(43)

- (a) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
 - (i) Excavation in or disturbance of a public way, or
 - (ii) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
- (b) Documents required with the Road Opening Permit application include:-
 - (i) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (ii) Evidence that public utility drawings have been inspected;
 - (iii) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;

- (iv) A Security Deposit for reinstatement of public way.
- (c) The Road Opening Permit will be subject to further conditions that shall be complied with.

APPLICATION FOR A BARRICADE PERMIT

- (44) 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

- (45) 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

(46) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

- (47) 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.
- (48) 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 - MAJOR WORKS

- (49) 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.

Schedule 1D

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

DEMOLITION WORKS

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

- (f) All other relevant Acts and Regulations.
- (51) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

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

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (53) 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 Principal Certifying Authority (PCA) including contact address and certification details, 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.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (54) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E, or F of Schedule 1 of the "City of Sydney Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

- (55) 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) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (d) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES

- (56) 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

- (57) 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

- (58) 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.

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

OCCUPATION CERTIFICATE

- (59) 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.

WASTE MANAGEMENT UPON COMPLETION

- (60) Upon completion of construction and prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act (Form 12) for the development or part thereof, compliance of all the building's waste facilities, with the requirements set out in the approved Building Waste Management Plan and in accordance with Council's Waste Code, is to be verified by Council's Manager Contracts and Asset Management.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (61) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (62) Prior to issue of an Occupation Certificate under 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.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (63) 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.

- (64) 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.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (65) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, 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) and a copy submitted to Council, (if it was not the PCA).

Notes

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
- (i) Appropriate tertiary qualifications in civil or geotechnical 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 geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (66) 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.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (67) 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.

NUMBERING

- (68) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE - USE

- (69) 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 subclause 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

- (70) 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.

REMOVAL OF GRAFFITI

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

CARE OF BUILDING SURROUNDS

- (72) 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.

Schedule 2

Prescribed Conditions

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

1.
 - (a) The work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate is made).
 - (b) This condition does not apply to:
 - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Environmental Planning and Assessment Regulation 2000; or
 - (ii) the erection of a temporary building.
2. In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried.

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.2.

ITEM 11. DEVELOPMENT APPLICATION: 431 GLEBE POINT ROAD, GLEBE – ADAPTIVE RE-USE OF COMMERCIAL BUILDING FOR RESIDENTIAL PURPOSES

Moved by Councillor Black, seconded by Councillor Hoff -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 11 October 2004 in relation to Development Application D/2004/00094: 431 Glebe Point Road, Glebe - Adaptive Re-use of Commercial Building for Residential Purposes, and a site visit of 16 October 2004, it be resolved that -

- (A) consideration of the application be deferred to a subsequent meeting of the Planning Development and Transport Committee;
- (B) in addition to the matters outlined in a Memorandum by staff dated 18 October 2004, the applicant be requested to address the following:
 - (i) an improved unit mix favouring larger, two and three bedroom apartments and fewer overall apartments within the development;
 - (ii) improved privacy measures to all elevations excluding Glebe Point Road; and
 - (iii) improved provision of bicycle parking within the development.

Carried unanimously.

ITEM 13. DEVELOPMENT APPLICATIONS - ACCESS TO INFORMATION

Moved by Councillor McInerney, seconded by Councillor Harris -

That arising from consideration of a report by the Director, City Planning - Southern Zone to Council on 18 October 2004, on Development Applications - Access to Information, it be resolved that this matter be deferred to the next meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) for further consideration, with particular reference to the cost of photocopying.

Carried unanimously.

Note – the Director City Planning (Southern Zone) and staff were congratulated on the quality of the report and the expedition with which this matter was brought before Council.

ITEM 14. QUESTIONS ON NOTICE

FILE NO:

DATE: 15/10/04

OFFICE OF THE LORD MAYOR – EMPLOYEES (S032455)

1. By Councillor Mallard

Question

Can the Council be informed of all employee positions in the Lord Mayor's Office, how many employees are retained in the office, position title and salary package.

Answer by the Lord Mayor

In accordance with existing delegations, the Lord Mayor may determine the structure and staff positions in the Office of the Lord Mayor, within an approved budget, which was approved by this Council on 28 June 2004. The Local Government Act only requires disclosure for those staff members who are designated as senior staff, and no staff member in the OLM is classified as senior staff.

However, so that the Council can clearly compare staffing levels with those of former Lord Mayors, Frank Sartor with a residential population of 35,000 had 12 staff. Lucy Turnbull with a residential population of 84,000 had 12.6 staff. The residential base is now 147,000 and the OLM establishment staff level is currently set at 18, there are currently 14 employed in the OLM, with 4 vacancies to be recruited.

Statistically, under Frank Sartor the staff to resident ratio was almost 3 times the current ratio.

OFFICE OF THE LORD MAYOR – BUDGET (S032455)

2. By Councillor Mallard

Question

Why is the budget for employees and activities of the Lord Mayor's Office not identified as a line item in the annual budget or quarterly financial report to Council as it was under former Lord Mayor Frank Sartor? Can this be reintroduced?

Answer by the Lord Mayor

This Council approved the budget on 28 June 2004. Officers have advised me that quarterly reporting complies with all applicable legislative requirements. I suggest you raise comments in relation to the next budget when it is being prepared in 2005.

SEVERANCE PAYMENT – GENERAL MANAGER (S032455)

3. By Councillor Mallard

Question

The community and Councillors were advised by the Lord Mayor that the former General Manager Mr Domm was entitled to 12 months severance payment for his ‘negotiated’ departure and that the Lord Mayor had negotiated this down to a 9 months payout. However Mr Domm has responded in the press saying his contract allowed a 6 month payment and he sought no more. Can the Lord Mayor explain the discrepancy between Mr Domm and herself on this matter?

Answer by the Lord Mayor

The amount of the payment to the former General Manager was made after obtaining legal advice, and I successfully negotiated within the parameters of that advice, and in line with the terms and conditions of his employment contract.

REMOVAL OF TREES (S032455)

4. By Councillor Mallard

Can Council be provided with an inventory of every mature tree removed by the City of Sydney since the March election? I am told that this information is available.

Answer by the Lord Mayor

I will ask the Acting General Manager to provide that information through the Councillors’ Information Service.

Adjournment

At 8.50pm the meeting of Council was adjourned for 10 minutes.

At 9.00pm, at the resumption of the Council meeting, those present were -

The Chair (the Lord Mayor), Councillors Black, Firth, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

QUESTIONS WITHOUT NOTICE

Taping of Question Time

At this stage of the meeting Councillor Lee proposed to make his own tape recording of Question Time. The Acting General Manager pointed out the provisions of Clause 47 of the Local Government (Meetings) Regulation 1999. Councillor Lee subsequently refrained from taping the proceedings.

GREENING OF SYDNEY (S032438)

1. By Councillor McInerney

Question

Lord Mayor, I refer to your welcome announcement over the weekend of your vision for a greener Sydney. Could you please inform Council about the key elements of your vision?

Answer by the Lord Mayor

Yes, Councillor McInerney, I did make a statement over the weekend about my personal vision for the long term greening of Sydney.

My vision is to ensure that we use a best practise “city forest” approach to the greening of Sydney. It will tie in to the Urban Tree Management Policy that Council will discuss next month.

I think, and following on from the discussion that we had earlier this evening, that all councillors will agree that a major initiative to significantly increase the number of trees in Sydney in this manner is long overdue. However I would like to recognise the work that Council has already done in this area and that Policy will be coming to Council next month.

I would like to also acknowledge the work that has been done by other local Councillors, including the Mayor of North Sydney, Genia McCaffery, and the Newcastle Councillor Ian McKenzie. They are working also on this idea of greening New South Wales.

Studies done in the United States suggest that you need at least a 30 percent tree canopy coverage within an urban area for it to be environmentally sustainable. Interestingly, there is little information about Sydney’s canopy: the best estimate that I have been able to be given is that coverage hovers somewhere around 10 percent - and it could be lower than this.

There is also little information about what our sustainable target should be. These are significant matters that I would like to see addressed.

While a 30 percent coverage in the heart of the CBD would be a difficult goal, we must aim for a higher figure than the 10 percent or so that we currently have. Thirty percent is certainly a target we could consider across the City of Sydney Local Government Area.

Setting tree canopy goals is an important step to sustaining Sydney's continued rapid growth. Increasing the number of trees has been one of the key platforms of my many years as a community-based representative.

City trees have other important benefits. They:

- decrease the levels of respiratory and stress-related illnesses;
- improve air quality by filtering dust and pollution;
- reduce the levels of carbon monoxide and dioxide in the air;
- reduce the amount of storm water run-off;
- reduce energy consumption;
- provide shade;
- cool the surrounding air.

They also have enormous aesthetic benefits: they improve streetscapes, add natural colour and attract bird life. Trees create local character and seasonal changes.

I am proposing that we hold a forum on this issue early next year, so the City can hear from academics, arborists, businesses, architects and the community at large on this issue.

What I am proposing is in keeping with what is happening in the US, in Asia, and in European Cities that have now for many years acknowledged the need to increase their tree canopy. It is another area where we have a lot of "catch up" to do and I think it is a very important initiative for us to pursue next year.

FORMER GENERAL MANAGER (S032443)

2. By Councillor Lee

Question

Lord Mayor, I refer to your response to Councillor Mallard's Question on Notice, which really avoids answering Councillor Mallard's Question, and, for the third time tonight, I ask: did you, as you told the public and Councillors, reduce the former General Manager's resignation payout, or did you, as Mr Domm was reported as stating, increase the payout and, finally, is there any clause in Mr Domm's separation agreement that restricts his ability to make public statements?

Answer by the Lord Mayor

Thank you Councillor Lee. In relation to Robert Domm, since it was announced on 29 September 2004 that the former General Manager had initiated the termination of his contract, not one Councillor has requested any information from me since that date until tonight's meeting. I think it is quite extraordinary that you refer to media comment yet you have not at any time sought any information from me.

The facts are these. Mr Domm took the step of initiating termination of his contract on Monday 27 September. I sought immediate advice from PricewaterhouseCoopers Legal and also met with Mr Domm on that day to discuss why he was taking this course of action.

Further discussions took place and on Tuesday 28 September a Deed of Release was negotiated and signed and a media release was prepared and agreed upon. The announcement that Robert was leaving was made on 29 September and Councillors were immediately advised and I met with Councillors later that day to discuss the interim arrangements and the next steps.

Contrary to the report in The Daily Telegraph no additional clauses were incorporated into the Deed of Release beyond the standard provisions. That the former General Manager chose to break this agreement is for others to judge.

In terms of the payout this was again in line with expert advice from PricewaterhouseCoopers Legal and well within the parameters of what could have been claimed. I have at all times acted in line with the delegated authority available to me as Lord Mayor.

Councillor Lee (Supplementary Question)

Lord Mayor, do you stand by your previous advice to us as Councillors and to the public that Mr Domm asked for 12 months and you negotiated that down to nine months? Do you stand by that?

Answer by the Lord Mayor

Councillor Lee, that has been answered both in the Questions on Notice and in the answer that I have just given you.

FUNDING REQUESTS (S032439)

3. By Councillor Kemmis

Question

Lord Mayor, it is common for Councillors and yourself to receive requests for funding which fall outside Council's Community and Cultural Grants program. I understand that funding for a limited number of these requests is made available from various sources on a discretionary basis.

Could you arrange for a report to come to the Cultural and Community Services Committee which:

- identifies the source of these funds,
- indicates the amounts available for such funding;

- provides information of the types of projects which have received discretionary funding; and
- recommends draft guidelines and criteria for future discretionary funding?

Answer by the Lord Mayor

Councillor Kemmis, I think this is an excellent proposal. We should have a consistent approach rather than making decisions on the run. I will request that the Acting General Manager provide a report for a future meeting of the Cultural and Community Services Committee.

WALKWAY - ULTIMO (S032444)

4. By Councillor Firth

Question

Lord Mayor, I thought I should raise the walkways issue in Ultimo again. We had a response to the question about the lighting under the overhead bridge at Ultimo and I understand that Council is moving ahead on that, but the walkway is still there ending half way between Ultimo and the City.

I wonder whether a response could be provided on this issue?

Answer by the Lord Mayor

Thank you Councillor Firth. I will take that on notice and provide the information through the Councillors' Information Service.

CHILD CARE NEEDS (S032440)

5. By Councillor Hoff

Question

Lord Mayor, following upon Council's decision tonight to place the draft Child Care Centre Development Control Plan on public exhibition, could the City undertake a comprehensive assessment of child care needs within the City of Sydney?

Answer by the Lord Mayor

Thank you Councillor Hoff, I think that is an excellent proposal.

There is a lot of anecdotal evidence that people are continuing to live in the city after they have children, instead of moving out into the suburbs. It has certainly been my personal experience as I move around the area.

I am also aware that there is some concern that previous demographic studies have understated the number of children that are likely to be living in the inner city over the next few years.

And I think, if this raw data is inaccurate, that it is very important that we carry out your request, to be able to accurately assess what our child care needs are.

The former South Sydney Council had already commenced doing some work in this area, which is in keeping with the DCP that we voted upon just tonight.

I invite Monica Barone, the Acting Deputy General Manager, to respond and to give us her best information in relation to what action we need to take to be able to have a comprehensive assessment of child care needs within the City.

Acting Deputy General Manager

Lord Mayor, I briefed the Acting General Manager on Friday about the need for a comprehensive child care needs study. We do need to undertake a comprehensive study in order to prepare a comprehensive Section 94 Plan to lend more weight to something like the Child Care DCP. It is something that should be done as part of our social planning.

We have already undertaken that in the Green Square area. That is how we were able to complete the Section 94 Plan there and have a child care place in that Section 94 Plan. It is a matter of simply commencing that project now.

FORMER SOUTH SYDNEY STAFF CONTRACTS (S032445)

6. By Councillor Pooley

Question

Lord Mayor, you will recall on two occasions you made the statement to all Councillors that the previous Directors of the former South Sydney Council had their contracts significantly increased just prior to the amalgamation, thereby guaranteeing that they received significant bonuses when the amalgamation occurred.

You will recall on the second occasion you raised that, now some three weeks ago, I challenged you on that statement and you suggested you would go and investigate those claims.

Given that I am now aware that two journalists have been anonymously contacted by somebody running a similar story, and I acknowledge that neither of them has run the story in the absence of evidence, would you now be good enough to produce evidence of that assertion or, alternatively, apologise unreservedly to those people who were subject to that suggestion?

Answer by the Lord Mayor

Councillor Pooley, in relation to contracts for staff of the former South Sydney Council, I understand that the Executive and selected managers employed by the former South Sydney Council enjoyed some rather generous provisions in their employment contracts.

These appear to be above and beyond the normal practice in a number of areas and certainly considerably more generous than those offered by the City of Sydney. These particularly generous provisions included special boundary changes provisions, payment for untaken sick leave, payment of novated motor vehicle leases, outplacement assistance and termination payment entitlements.

SACRED HEART CHURCH, DARLINGHURST (S032441)

7. By Councillor Black

Question

Lord Mayor, like yourself I attended, and I am told 357 other people also attended, the rally to save the Sacred Heart Church in Darlinghurst last Saturday. As all Councillors will soon have to consider the future of this historically and socially important community church, could you please inform Council of the mood and outcome of the rally?

Answer by the Lord Mayor

Thank you Councillor Black. There was certainly a very large number of people gathered to defend what is a very important building in the life of the Darlinghurst community.

It is a Church that has been under threat in the past and I was able to inform that meeting that I had received a letter from the Catholic Archdiocese of Sydney the day before and I was able to convey the information that was in that letter to the meeting.

In that letter the Catholic Archdiocese of Sydney stated that the Church would not be demolished and, in fact, the original church would be restored, as would the school hall, and quite strong undertakings were given in a media release put out by the University of Notre Dame along those same lines, too.

I believe that that letter, that statement, was a real win for the community, for the people who have been involved in this fight for quite some years now. That includes yourself, Councillor Black, as former head of the South Sydney Heritage Committee, you have taken a very strong interest in this site, residents like Laelie Schwartz, and, of course, Father Brian Egan, the Parish Priest.

I think everyone was very relieved to hear that the Catholic Archdiocese is not going to proceed with demolition and this is, of course, following on from the announcement by Cardinal Pell and the Prime Minister that that site was going to be used for a medical school.

I am writing back to the Archdiocese thanking them for that information and requesting an assurance that the restored church is in fact going to be used as a church and not as part of the medical school, which I think residents at the meeting still had concerns about.

But I think that it is a real win for us in terms of heritage and in terms of a very important community landmark. I have been to many, many funerals of very close friends who died as a result of the AIDS epidemic in the '90s that were held in that Church and it has very strong connotations for the Darlinghurst community. So, I think that Saturday was a real community win.

COMMUNITY CONSULTATION MEETINGS (S032446)

8. By Councillor Mallard

Question

Lord Mayor, the second round of community consultation meetings is about to commence. I wonder whether Councillors could have a briefing on a way of restructuring those meetings to engage all of the Councillors more effectively.

Secondly, the calendar for the consultation meetings seems to me, and I'm not sure if it's the same on that side of the table, to be in some chaos with us being told meetings are on certain dates and they are not, and it seems to be a little bit unco-ordinated for all the Councillors.

Could that be co-ordinated instead through the Secretariat and the Councillors' Information Service, so that there is one single place for those meetings so we know where they are and we can plan around that?

Answer by the Lord Mayor

Certainly, Councillor Mallard. One of the challenges for us in this second round is to fit all the meetings in with all the Christmas events that this Council and the Councillors of the City are involved in. That is a juggle but, certainly, I will do everything I can to ensure that Councillors are fully involved to facilitate attending the meetings. I think that is really important.

STREET TREES (S032442)

9. By Councillor Harris

Question

Lord Mayor, would it be possible for Councillors to have a report from staff to inform us about which species of street trees have been considered for planting in the City of Sydney and the basis on which plane trees have been selected in favour of other native and non-native species?

Answer by the Lord Mayor

Councillor Harris, the answer is Yes.

COOK AND PHILLIP PARK AQUATIC CENTRE (S032438)

10. By Councillor McInerney

Question

Lord Mayor, I have been approached by a City resident who is concerned about the need for all of us to conserve water. He has asked me what action Council has taken to reduce the consumption of water in the Cook and Phillip Park Aquatic Centre. I was wondering, Lord Mayor, whether you could make some enquiries about that.

Answer by the Lord Mayor

Councillor McInerney, I have already, because residents have also contacted me about this.

As Councillors will be aware, the Cook and Phillip Park Aquatic Centre was a very special pet project of former Lord Mayor Frank Sartor, who is now the Minister for Water.

And it is, I suppose, ironic that, unfortunately, the standard water reduction features, such as dual flush toilet systems, were not installed as part of the original design.

I have also learned that the original tap fittings have not proved to be sufficiently rigorous to withstand the demand, requiring washers to be regularly replaced and leaking taps repaired.

Despite these obstacles, the centre has reduced its water consumption by nearly forty percent over the past 18 months, which is quite indicative of what the usage was, by -

- implementing new cleaning procedures;
- installing flow regulators to all showers,
- rationalising backwashing procedures and improved park management procedures.

A new sanitising system is being trialled in the men's urinals that does not use any water.

Water features have either been closed down or turned off during the current restrictions.

The centre operators are also committed to educating patrons on water usage through signage and use of advertising on their internal TV system.

VARIATION TO CONSTRUCTION CONTRACT (S032443)

11. By Councillor Lee

Question

Lord Mayor, is it your intention for Council to negotiate a seven figure variation to an existing construction contract without conducting a new tender, to ensure the public are getting the most competitive price?

If it's legal, is it financially responsible? And finally, would the Lord Mayor give Council a commitment that any such approval in such circumstances would be subject to gaining prior approval from the Auditor General or Council's Probity Auditor?

Answer by the Lord Mayor

Thank you Councillor Lee. I invite the Acting General Manager to comment on that question.

Acting General Manager

Lord Mayor, I am puzzled as to which contract it could be, but there are quite limited delegations relating to variations to existing contracts. I think that would be a matter that would need to come back to Council if it is of the magnitude that you have suggested.

Councillor Lee

The second part of my question was asking the Lord Mayor for a commitment that in any such circumstances she would obtain the prior approval of the Auditor General or Council's Probity Auditor.

Answer by the Lord Mayor (continued)

I will invite the Acting General Manager to also respond to this part of the question.

Acting General Manager

Neither of those steps is required by the Local Government Act or any other legislation, so it wouldn't be necessary to do that and whether it would be appropriate might depend on just what it is.

Councillor Lee

My question wasn't to the Acting General Manager asking if it was legal, it was to the Lord Mayor asking for her to give a commitment that she would do that.

Answer by the Lord Mayor (continued)

Thank you Councillor Lee. I responded in the way I wished to respond.

MILLERS POINT YOUTH TASK FORCE (S032439)

12. By Councillor Kemmis

Question

Lord Mayor, I understand you recently attended an information session for Millers Point Youth Task Force. Could you inform the Council about the work this task force is doing?

Answer by the Lord Mayor

Yes, Councillor Kemmis, with great pleasure. I found the visit to the new Lend Lease building quite inspirational, not only the physical make up of that building, about which I have heard a great deal, but the work that the Task Force is actually undertaking in that building is also inspirational.

The Task Force recently received a grant of \$4,000 from our Cultural and Community Grants Program. Council is represented on the Task Force by Councillor Marcelle Hoff, Helen Xiros, the Youth Social Worker at the Abraham Mott Youth Centre, and Colin Huxley, the Operations Manager at the King George V Recreation Centre.

The most striking feature of this project is that it was initiated as part of the community engagement strategy developed by Lend Lease when it relocated its Australian headquarters to Millers Point.

Research undertaken by Lend Lease in discussions with the community revealed that youth and employment was a priority. Of course, it's a priority in areas like Woolloomooloo, Redfern and Waterloo as well, and I think the leadership shown by Lend Lease is, as I said, quite inspirational and I said to them on the evening that I would like to see that work extended to those other areas and hopefully they can participate in some way in doing that.

The Task Force has established a mentoring program as its first priority, with the first mentors coming from different areas of the Sydney Lend Lease office. They are now looking at other business organisations that can become involved.

I have raised this issue with the business community and I am hoping that the Sydney Business Forum is going to provide us with new opportunities to engage the business community in the very challenging and complex social issues that we, as a Council, have to deal with in those areas where we have serious youth and unemployment problems.

I think Lend Lease has set very high standards and is a real inspiration. I thought their workforce, or at least their staff that were present that evening, reflected the fabulous culture that they have in that organisation and I commend them very highly.

WATERFRONT PARK (S032440)

13. By Councillor Hoff

Question

Lord Mayor, as you are aware, I have been working with the Pyrmont community in relation to Waterfront Park in Pyrmont. This Park is being provided as the result of a development consent requirement set by the Sydney Harbour Foreshore Authority (SHFA). The community's main concern relates to the proposed design for the Park.

One issue is that a park which follows this design will be difficult to maintain and it would certainly be of concern to us if SHFA were then to transfer the Park to the City.

Could you inform Council of the action that has been taken to ensure that the design of this new park is more in line with what the community wants?

Answer by the Lord Mayor

Thank you Councillor Hoff. Council wrote to SHFA in August last year raising several issues about the design for Waterfront Park.

On Friday 8 October 2004, the Deputy Lord Mayor, Councillor McInerney, the Director City Planning (Northern Zone), Jason Perica, Council's Landscape Architect, Adam Fowler, and Larry Galbraith from the Office of the Lord Mayor met with representatives of the Pyrmont community and Gary Glore, the landscape designer, to discuss these concerns.

Mr Glore has now prepared an alternative design for the Park which addresses some of the issues that you have expressed concern about, Councillor Hoff.

Following on from that meeting, last Monday Councillor McInerney, the Manager Development, Giovanni Cirillo, and Mr Fowler attended a meeting between Lend Lease and community representatives to discuss the park design.

Lend Lease have sought additional information about the park design which the community has been happy to provide. Lend Lease have now - Lend Lease again setting the standard - suggested a workshop which would bring together its design team with the community and Council.

That is where it is at and I think it looks as though it is going to be a very productive outcome that will involve the community and Council and I strongly endorse that proposal and I endorse Council being involved in that workshop.

DEATH OF FORMER ALDERMAN CLIFF NOBLE (S032445)

14. By Councillor Pooley

Question

Lord Mayor, I was just hoping that we might have had a Mayoral Minute about the death of Cliffie Noble. I understood it had been suggested to your office. I am wondering whether that is something we might be able to expect at the next Council meeting or whether I should do it by way of a Notice of Motion.

Answer by the Lord Mayor

Councillor Pooley, I am happy to discuss with Councillors how we express sympathy for, and sorrow about, the death of people associated with the City. I would suggest, Councillor Pooley, that you might do it by way of a Notice of Motion, that might be the most appropriate way of doing it.

I might adhere to the practice of using Mayoral Minutes to mark the passing of former Lord Mayors.

I think that if you prepare a Notice of Motion that it will be welcomed by Council.

“WALK TO WORK DAY” (S032441)

15. By Councillor Black

Question

Lord Mayor, as I am a walker in this great City and as the City is committed to promoting walking, how is the City going to support “Walk to Work Day” on Friday 5 November?

Answer by the Lord Mayor

Councillor Black, we have a strong tradition of supporting “Walk to Work”. In recent years the City has promoted the day with City staff through “Round the Square” and posters in our offices and facilities. We have erected a stall in Wynyard Park to distribute muffins and fruit juice from 7.00 am to 9.30 am, as well as providing “Walk to Work Day” information. We provide a prominent location for a banner to be provided for “Walk to Work Day”. I have asked Council staff to work with the Pedestrian Council of Australia to provide support for the Day this year.

I would just like to say that I think this is a really important issue for us. More people walk to work in the area we represent than any other area in Australia. This is something that we are really committed to promoting.

We have already placed on the public record that we are allocating funding for a pedestrian plan. We want to create a much more pedestrian friendly environment in the City. We want to encourage more people to involve themselves in walking and cycling and using public transport, rather than using private vehicles, and I think that supporting “Walk to Work Day” in this way is another way the City can indicate that this is a very high priority, has very strong support and we are right behind it.

I commend the Pedestrian Council for their passionate and enthusiastic pursuit of the various issues that they do pursue in light of creating a more pedestrian friendly environment and I have to say that I very strongly support the principles that they adhere to.

FINANCIAL REPORTS (S032446)

16. By Councillor Mallard

Question

Lord Mayor, I am pleased tonight that we were able to adopt the Financial Reports from the Auditors unqualified. Could the Finance, Properties and Tenders Committee be supplied with copies of the Audit Reports for both Councils, as I understand there are some issues that were raised, which may have been addressed by the staff, but are not reflected in the report.

I think it is important that we get to the depth of the Audit Report, not just have the Council’s report, and that those Reports come to the next meeting of the Finance, Properties and Tenders Committee.

Answer by the Lord Mayor

I invite the Acting General Manager to respond.

Acting General Manager

Lord Mayor, my understanding is that every year a management letter is given which raises issues identified by the Auditor which don’t warrant inclusion in the actual Financial Statements. I see no problem in circulating that to Councillors.

ITEM 15. NOTICES OF MOTION

FILE NO:

DATE: 7/10/04

REFUGEE SUPPORT PROJECT (S032462)**1. By Councillor Firth -**

The City of Sydney supports the continuing work of refugee support groups, such as Bridge for Asylum Seekers Foundation and Balmain for Refugees.

In association with Leichhardt Council, the City of Sydney will provide 50% of the funding required for a part-time co-ordinator position for these Refugee support groups. This is a once off grant, for one year, at a total cost of \$15,000.00

Both Bridge for Asylum Seekers Foundation and Balmain for Refugees make an extraordinary contribution to the lives of refugees in Sydney.

The Bridge for Asylum Seekers Foundation is a group of churches, human rights groups, unions, political representatives and individuals who are united to make a change to the current situation facing refugees.

Due to increased numbers of asylum seekers granted Bridging and Temporary Protection Visas over the last twelve months both refugee support groups are focusing on assisting visa holders in the community. This however has significantly affected their ability to raise funds. Both groups will be unable to sustain their programs at current required levels for much longer. It is predicted that approximately 100 new families will be on visas and require assistance in the next twelve months.

The provision of a part-time co-ordinator would allow the groups to lobby for the rights of asylum seekers, inspire and co-ordinate people to become a part of the community, to seek professional pro-bono assistance from lawyers, doctors, and other professionals, and to build up a central information source for asylum seekers and their helpers in the community such as council services, access to education, translators, and language learning services.

Amendment. At the meeting of Council, the content of the original Notice of Motion was varied by Councillor Firth. Subsequently, it was -

Moved by Councillor Firth, seconded by Councillor Pooley -

The City of Sydney supports the continuing work of refugee support groups, such as Bridge for Asylum Seekers Foundation and Balmain for Refugees.

Council requests that a report be brought to the next Finance Committee meeting regarding the funding of a Refugee Support Project in conjunction with Leichhardt Council, Balmain for Refugees and the Bridge for Asylum Seekers Foundation, as outlined in the submission circulated.

Both Bridge for Asylum Seekers Foundation and Balmain for Refugees make an extraordinary contribution to the lives of refugees in Sydney.

The Bridge for Asylum Seekers Foundation is a group of churches, human rights groups, unions, political representatives and individuals who are united to make a change to the current situation facing refugees.

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The provision of a part-time co-ordinator would allow the groups to lobby for the rights of asylum seekers, inspire and co-ordinate people to become a part of the community, to seek professional pro-bono assistance from lawyers, doctors, and other professionals, and to build up a central information source for asylum seekers and their helpers in the community such as council services, access to education, translators, and language learning services.

Amendment. At the request of Councillor Harris, and by consent, the varied motion was amended by the addition of the following paragraph:

The City of Sydney calls upon the Labor and Liberal Parties to end mandatory detention of refugees, especially children, and to develop humane and community based methods of housing refugees whilst assessments are carried out.

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

COUNCIL STAFF (S032463)

2. Moved by Councillor Pooley, seconded by Councillor Firth -

That this Council notes with dismay the loss of staff expertise since the amalgamation.

It further notes that this reduction in experience, skill and corporate knowledge will, unless halted, impact disproportionately on the area formerly represented by South Sydney Council.

That the next Finance Committee of Council be provided with a strategy paper that provides Councillors with the following information.

- Updated details on staff numbers who have exited since the amalgamation; and

- Information on the current status of the Council restructure, including total EFT employee targets; and
- Suggested strategies to limit further loss of experience and expertise.

That in the meantime, Council immediately seek an independent (ie, external to Council) review of Council's recruitment and appointment practices.

Amendment. Moved by Councillor McInerney, seconded by Councillor Black –

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

That this Council –

(A) commends the commitment and expertise of senior management and staff of the combined Councils for its exceptional achievements in the following extraordinary circumstances:

1. the disruptive environment between the announcement of boundary changes in November 2001 and the proclamation giving effect to them in February 2003, with litigation between the former South Sydney Council and the NSW Government throughout the intervening period;
2. the disruption to each Council's operational activities caused by the boundary changes and the subsequent litigation between those Councils;
3. the forced amalgamation of the two Councils on 6 February 2004;
4. three Lord Mayors and three Administrators in less than a 12 month period;

and, in particular, the Council commends and acknowledges:

5. a record financial surplus;
6. improved services throughout the expanded local government area;
7. concurrently, being well advanced in integrating the two former Councils.

(B) notes that the management of the day to day functions of Council, and employment of staff, and their departure (particularly in applying the conditions of their employment contracts which existed prior to amalgamation) are a matter reserved to the General Manager by the provisions of section 335 of the Local Government Act;

(C) notes there is no demonstrated adverse effect on the performance of the organisation resulting from changes to staff; and

- (D) notes that Council has now commenced the process of appointing a new General Manager and would expect that this person, when appointed, would address any perceived shortage of staff expertise and any anomalies in Council's recruitment and appointment practices.

The amendment was carried on the following show of hands –

Ayes (6) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis and McInerney.

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

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

Ayes (6) The Chair (the Lord Mayor), Councillors Black, Harris, Hoff, Kemmis and McInerney.

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

Substantive motion carried.

APPOINTMENT OF NEW GENERAL MANAGER (S032463)

3. By Councillor Pooley

That in order to ensure at least some measure of fairness and transparency in the selection of a new General Manager, that Councillors meet within two weeks of this Council meeting to:

- Draft Job specifications/criteria for the position;
- Consider an appropriate tender process for the selection and briefing of Employment consultants to assist in the process prior to a final decision by Councillors.

Further, that in order to avoid a perception of bias or unfair advantage the position of Acting General Manager be rotated amongst Directors on a monthly basis until the position is permanently filled.

Note – at this stage of the meeting, Councillor Pooley withdrew his Notice of Motion on Appointment of New General Manager.

GREEN SQUARE (S032463)

4. Moved by Councillor Pooley, seconded by Councillor Firth -

In order to assist the Lord Mayor and Deputy Lord Mayor in their future discussions with the State Government on forward directions for Green Square, that Council be provided with a briefing paper at the first available opportunity which:

- (i) Details options for Council to consider in relation to any future Development Corporation; and
- (ii) Provides an update to Councillors (and local residents) on the current status of the Green Square Town Centre Masterplan.

Amendment. Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the motion be amended by the deletion of all the words following the words -

“In order to assist the Lord Mayor and Deputy Lord Mayor in their future discussions with the State Government on forward directions”

and the insertion of the following new words -

in relation to Green Square, the future of the South Sydney Development Corporation and related issues, this Council:

- (A) endorses the initiative of the Lord Mayor in meeting with the Director General of the Department of Infrastructure, Planning and Natural Resources and senior Council staff to explore alternative structures in providing essential infrastructure upgrades in the Green Square area; and
- (B) requests a status report to Council at the first available opportunity.

The amendment was carried unanimously.

The substantive motion was carried unanimously.

DEVELOPMENTS ON WATERWAYS LAND (S032460)

5. Moved by Councillor Harris, seconded by Councillor Hoff -

The City of Sydney expresses its concern about two developments on Waterways land on the foreshores encompassing Blackwattle Bay and Rozelle Bay. These proposals include:

- 1. a large slipway that will operate 24 hours per day, 7 days per week
- 2. a dry boat storage facility to house up to 850 power boats, marine retail complex, parking area for 400 cars and a large marina

Notwithstanding the community's acceptance of a slipway in Blackwattle Bay, issues of its scale, its visual impact and hours of operation are issues that need to be addressed before any DA is considered.

The proposal for a dry boat storage facility represents gross over-development of this environmentally sensitive area and will introduce activities that will totally dominate the waterway to the exclusion of other traditional activities such as rowing, dragon boat racing and passive recreation in the adjacent parkland.

Council further resolves to set aside an initial allocation of \$10000 as a fund to assist residents to oppose the dry boat storage proposal and to seek modifications to the slipway proposal.

Additionally Council resolves to work with Leichhardt Municipal Council to make representations to Waterways, SHFA and the Minister to ensure that this environmentally sensitive waterway is preserved for the enjoyment of all of Sydney and is not handed over to power boat users.

Amendment. At the request of Councillor McInerney, and by consent, the motion was amended by the deletion of the second last paragraph and the insertion of the following new paragraph -

Council further resolves to consider an appropriate allocation of funds to assist residents to oppose the dry boat storage proposal and to seek modifications to the slipway proposal.

Motion, as amended by consent, carried unanimously.

Closed Meeting

At 10.10pm, it was -

Moved by the Chair (the Lord Mayor), seconded by Council McInerney –

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 4B and 16 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on persons with whom the council is conducting (or proposes to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 17 and 6.6 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

A show of hands on the motion moved by the Chair (the Lord Mayor) resulted in an equality of voting as follows -

Ayes (5) The Chair (the Lord Mayor), Councillors Black, Hoff, Kemmis and McInerney.

Noes (5) Councillors Firth, Harris, Lee, Mallard and Pooley.

The Chair (the Lord Mayor) exercised her casting vote in favour of the motion.

The motion was declared carried.

Items 4B, 16, 17 and 6.6 were then dealt with by Council while the meeting was closed to the public.

ITEM 4B. ULTIMO AQUATIC CENTRE

Note - in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until a contract has been entered into.

ITEM 16. CASTLEREAGH STREET, SYDNEY TUNNEL LINK BETWEEN DAVID JONES MARKET STREET AND ELIZABETH STREET STORES - PROPOSED LEASE (L02/00859)

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 11 October 2004, and to Council on 18 October 2004, on Castlereagh Street, Sydney Tunnel Link between the David Jones Market Street and Elizabeth Street Stores – Proposed Lease, it be resolved that -

- (A) Council approve the granting of a lease pursuant to section 149 of the Roads Act 1993, to David Jones Limited for the existing stratum under Castlereagh Street, as shown on the plan at Attachment A to the subject report;
- (B) the lease term be 20 years, with the rent payable to be in accordance with the proposal set out in paragraph 8 of the subject report;
- (C) authority be delegated to the General Manager to finalise the terms of a lease, which shall include such conditions to protect Council's interests as the General Manager considers appropriate and shall include the schedule of conditions at Attachment B to the subject report;
- (D) authority be delegated to the General Manager to terminate the existing licence to David Jones, as referred to in the subject report; and
- (E) Council's Attorney be authorised to execute all necessary documentation.

The motion was carried on the following show of hands -

Ayes (9) The Chair (the Lord Mayor), Councillors Black, Firth, Harris, Hoff, Kemmis, Mallard, McInerney and Pooley.

Noes (1) Councillor Lee.

Motion carried.

ITEM 17. PRINCE ALFRED PARK, SURRY HILLS – PLAN OF MANAGEMENT AND MASTER PLAN - ACCEPTANCE OF TENDER

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Manager Referrals and Strategy to the Finance, Properties and Tenders Committee on 11 October 2004, and to Council on 18 October 2004, on Prince Alfred Park Plan of Management and Master Plan, it be resolved that Council:

- (A) accept the Tender submitted by Environmental Partnership for the Prince Alfred Park Plan of Management and Master Plan for the amount shown in paragraph 4 of the subject report;
- (B) authority be delegated to the General Manager to finalise and enter into a contract, including any minor amendments which the General Manager considers appropriate to protect Council's interest; and
- (C) Council's attorney be authorised to execute all relevant documents.

Carried unanimously.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 11 OCTOBER 2004 (CONTINUED)

The Committee recommended the following:-

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the recommendations of the Finance, Properties and Tenders Committee of its meeting of 11 October 2004 for Item 6.6 be adopted.

Carried.

TENDER NO 0414: SUPPLY OF THEATRICAL LIGHTING EQUIPMENT HIRE FOR NEW YEAR'S EVE 2004 (S031819-01)

6.6

Note - in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until a contract or contracts have been executed.

Monday 18 October 2004

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At 10.54pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 15 November 2004 at which
meeting the signature herein was subscribed.