

28 JUNE 2004

Meeting No 1413

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.10pm on 28 June 2004 pursuant to Notice 11/1413 dated 24 June 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 6.10pm those present were:-

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

Councillor Hoff left the meeting of Council at 9.47pm during discussion on Item 11 and returned at 9.50pm during discussion on Item 15 (the order of Items having been altered).

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from Channel 7 to film part of the Council meeting.

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

That authority be granted for Channel 7 to film part of the Council meeting.

Carried.

Order of Business

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, Council resolved that the order of business be altered such that the items be dealt with in the following order:

1. Confirmation of Minutes
2. Disclosures of Interest
- 3A. Independent Assessment of M5 East Health Study
- 3B. Inquiry into the Management of the Sydney Harbour Foreshore Authority
- 3C. Review to Rationalise Signage and Reduce Visual Clutter of Signage in City Streets
- 3E. Discussion with State Government on Domain Trees
- 3D. Former Councillor Julie Walton – Honour
4. Memoranda by the General Manager
5. Matters for Tabling
17. Ultimo Aquatic Centre (UAC) – Advancing the Project
6. Report of the Finance, Properties and Tenders Committee – 21 June 2004
7. Report of the Cultural and Community Care Committee – 21 June 2004
10. Palings Lane, Sydney Adjacent 330-338, 340-346 George Street – Request for Owner's Consent to Enable Lodgement of a Development Application
13. Development Application: 134-136A Darlinghurst Road, Darlinghurst/AKA 3-5 Hardie Street (City Car Mart)
12. Section 82A Review: 52 Regent Street, Paddington
16. Review of Gateway Projects and Speed Limits in the city of Sydney Local Government Area
8. Report of the Community Services, Small Business and Tourism Committee – 21 June 2004
9. Report of the Planning Development and Transport Committee – 21 June 2004
11. Victoria Park, Zetland – Request to Amend Parking Controls to Allow Residents to Access Parking Permits
14. Draft Submission on Mobile Advertising Vehicles to the NSW Roads and Traffic Authority
15. Draft Submission to the NSW Parliament Standing Committee on State Development – NSW Ports Growth Plan
18. Questions on Notice
19. Notices of Motion

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council Meeting of Monday 7 June 2004

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

That the minutes of the meeting of Council of Monday 7 June 2004, as circulated to Councillors, be confirmed, subject to the deletion of the word "Restaurant" in clause (B) on page 205.

Carried.

ITEM 2. DISCLOSURES OF INTEREST

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

ITEM 3A. INDEPENDENT ASSESSMENT OF M5 EAST HEALTH STUDY

FILE NO:

DATE: 23/6/04

MINUTE BY THE LORD MAYOR

To Council:

Lane Cove Council has asked the City of Sydney to help fund an independent examination of NSW Department of Health investigations into the possible health impacts of the M5 East Motorway Stack on the Turrella community.

Lane Cove Council and community groups are concerned that if the findings of these investigations are not tested, they may be used to justify claims that there are no health risks from air emissions from road tunnels other than the M5 East. These findings may be used to oppose in-tunnel filtration in Sydney's expanding network of road tunnels, including the Cross City Tunnel and the Eastern Distributor.

The second of two studies on possible health impacts of the M5 East Tunnel Stack concluded that there was no evidence of an association between prevalence of reported symptoms and modelled emissions from the M5 East stack and that further epidemiological studies were not scientifically justified.

Lane Cove Council's proposal

Lane Cove Council is seeking the support of Councils with existing or proposed road tunnels in their local government area to fund a review of these studies by three independent Australian experts on air pollution assessment, environmental statistics and sampling design and health impacts of air pollution. The estimated cost of the review is \$20,000. The estimated level of financial support needed from Council is between \$1,500 and \$2,000.

Background

The M5 East motorway is a 10 km long, four-lane dual carriage motorway in Sydney's southwest used by 82, 000 vehicles use the tunnels daily, with 6.9 per cent being heavy vehicles. Four kilometres of this are road tunnels ventilated via a single exhaust stack, located in Turrella.

After the tunnels opened to traffic in December 2001, over 80 local residents complained to NSW Health about odour and respiratory problems. They believed M5 East stack emissions were adversely affecting their health.

NSW Health studies

The Roads and Traffic Authority has commissioned the NSW Health Department to undertake two studies into possible health impacts of the M5 East stack on the Turrella community:

- Phase 1 – a cross-sectional assessment of potentially affected residents; and
- Phase 2 – a cross-sectional survey of symptom prevalence.

Phase 1 Study

The Phase 1 study was an exploratory, qualitative study to better define the nature of the symptoms residents were experiencing. Fifty-two residents who lived with 700 metres of the exhaust stack and two residents who previously complained to NSW Health took part in this study which involved a clinical examination by a medical specialist, allergy testing and completing a health status questionnaire.

Thirty-four participants (62.9%) had one or more symptoms that were likely to be associated with the stack. The most common were eye, nose and throat symptoms. Other less common symptoms related to chest, skin, headache and feelings of depression.

NSW Health officials who conducted the study concluded that they could “make no inference about the actual ‘cause/s’ of the symptoms being experienced”. They recommended a further analytical study to determine whether or not there is a real association between residential location and the symptoms residents experienced. They also recommended “an environmental investigation to better characterise pollutant exposure levels” if the analytical study demonstrated that there was an association.

Phase 2 study

The Phase 2 study, conducted during the second half of 2003, sought to:

- measure the prevalence of eye, nose and throat symptoms, identified in the Phase 1 study, in the community around the M5 East stack;
- determine whether the prevalence of symptoms is associated with the level of modelled pollutant exposure from the M5 East stack; and

- determine whether further epidemiological investigation of possible health effects was warranted.

1431 randomly selected residents took part in a telephone survey which sought information on eye, nose and throat symptoms, demographic characteristics, general health, exposure to tobacco smoke and other indoor pollutants.

At the end of this study, NSW Health researchers found that there was no evidence of an association between the prevalence of reported symptoms and M5 East stack emissions and concluded further epidemiological studies were not justified.

Concerns about the Phase 2 study

Lane Cove Council and community groups are concerned that the methodology and interpretation used by NSW Health in the Phase 2 Report are fundamentally flawed, both technically and analytically.

They are also concerned that the findings of the Phase 2 study are being cited as justification not to conduct further epidemiological studies into the reported health effects on the community surrounding the M5 East stack. This refusal ignores the body of international epidemiological studies which show conclusive links between vehicle emissions and health impacts.

The proposed review

The review being proposed by Lane Cove Council will aim to determine:

- (a) The robustness or otherwise of determining the likely impact zones of stack pollutants;
- (b) The strengths and weaknesses of the sampling methodologies used in both the Phase 1 and Phase 2 studies conducted by NSW Health, together with a listing of the assumptions made; and
- (c) The likely causes for the differences in conclusions between the two studies.

The review will be conducted by three independent Australian experts on air pollution assessment, environmental statistics and sampling design and health impacts of air pollution:

- Dr Peter Best of Katestone Environmental who will coordinate the review and undertake much of the work in item (a);
- Professor David Fox, Civil Engineering, University of Melbourne and CSIRO, Head of the Australian Centre for Environmetrics and a Chartered Statistician (Royal Statistical Society, London); and
- Professor Michael Moore, the Head of Ecotoxicology at Griffith University, Brisbane.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 28 June 2004, on the proposed independent examination of NSW Health Reports into possible health impacts of the M5 East Motorway Stack on the Turrella community, it be resolved that Council contribute up to \$2,000 towards the cost of conducting this study.

(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 28 June 2004, on Independent Assessment of M5 East Health Study, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

**ITEM 3B. INQUIRY INTO THE MANAGEMENT OF THE SYDNEY HARBOUR
FORESHORE AUTHORITY**

FILE NO:

DATE: 25/6/04

MINUTE BY THE LORD MAYOR

To Council:

The Sydney Harbour Foreshore Authority is responsible for the commercial and public management of 400 hectares of some of Australia's most valuable, prestigious and historically significant real estate.

Prime sites under SHFA's care and control that fall entirely within the City of Sydney's local government area include: The Rocks, Darling Harbour, and Pyrmont/Ultimo. SHFA also place manages the Circular Quay promenades and the King Street Wharf promenade.

The Legislative Council has resolved to conduct an inquiry into the Management of the Sydney Harbour Foreshore Authority, and in particular into:

- (a) *the role of the Chairman, past and present chief executive officers, the Sydney Harbour Foreshore Authority's Board, and other executive officers in the management of land development issues under its control,*
- (b) *lines of communication and accountability between the Sydney Harbour Foreshore Authority and relevant councils, the Premier and any other Ministers or their staff and advisors,*
- (c) *potential conflicts of interest in the Sydney Harbour Foreshore Authority's commercial relationships,*

- (d) the process by which the Sydney Harbour Foreshore Authority acquired enhanced consent powers, and the role of the Sydney Harbour Foreshore Authority as a consent authority for lands that it administers,*
- (e) the role of the Sydney Harbour Foreshore Authority following the sacking of the City of Sydney Council and the South Sydney Council, and the conduct of the multidimensional study of the Pyrmont Point site,*
- (f) the transparency of planning assessment methods and processes employed by the Sydney Harbour Foreshore Authority, and*
- (g) any other relevant matter.*

As SHFA's legislative boundaries fall largely within the City of Sydney's local government area, and as SHFA replicates most of Council's services and operations in their area of responsibility, it is important that the City makes a considered submission to this inquiry.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 28 June 2004, attaching a draft submission to the Legislative Council's Inquiry into the Management the Sydney Harbour Foreshore Authority (Attachment A), it be resolved that Council endorse the submission.

(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 28 June 2004, on Inquiry into the Management of the Sydney Harbour Foreshore Authority, it be resolved that the draft Submission to the Legislative Council's Inquiry into the Management of the Sydney Harbour Foreshore Authority, as shown at Attachment A to the subject Minute, be endorsed.

Carried unanimously.

ITEM 3C. REVIEW TO RATIONALISE SIGNAGE AND REDUCE VISUAL CLUTTER OF SIGNAGE IN CITY STREETS

FILE NO:

DATE: 25/6/04

MINUTE BY THE LORD MAYOR

To Council:

There is a proliferation of poorly placed street signage in many areas of Sydney City, creating an ugly clutter on our streetscapes and causing confusion for motorists, pedestrians and cyclists. By rationalising road signage and visual clutter, the City of Sydney can increase safety, reduce visual pollution, and improve amenity.

Some cities use painted markings on the road as indicators, rather than having a proliferation of signage. Such significant changes can be implementing through active coordination with State authorities and effective community education.

Some work has already been done to reduce visual pollution in the City with the introduction of “Smart Poles” and the rationalisation of signage.

The excessive use of signage in some areas is caused by poor planning and coordination. Speed signage is retained where it is no longer needed or multiple speed zone changes are implemented in a short distance. Decisions can be made at an engineering level to solve particular problems, without adequate consideration for existing signage and poles. The result is signs placed in front of each other, contradictory messages, visual confusion and ugliness.

The City would benefit from a review of traffic, road and parking signs by persons with expertise not only in traffic management, but also in urban design and planning. That review could form the basis for a coordinated strategy on the placement of street signage in our City. The long-term coordinated signage strategy should have as its objectives:

- more efficient and safe traffic and parking management through well located signage;
- visual pollution addressed by relocating and removing poorly placed signs;
- environmental and aesthetic criteria incorporated into the design, location and placement of future signs; and
- alternative methods for traffic and parking management implemented to minimise street signage and clutter.

The development and implementation of such a strategy would involve the City of Sydney working with the Roads and Traffic Authority, the NSW Police Service, transport authorities, community representatives, and persons with expertise in urban design and planning.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 28 June 2004, on a Review to Rationalise Signage and Reduce Visual Clutter of Signage in City Streets, it be resolved that Council, in conjunction with the Roads and Traffic Authority (RTA):

- (A) undertake a review of road signage in the City, with objectives to include identifying:
 - (i) signs that can be removed because they no longer serve any useful traffic management function or were erected for a temporary purpose;
 - (ii) signs that have been inappropriately placed on traffic management, pedestrian and cyclist access, environmental or aesthetic grounds;
 - (iii) areas where the use of signs can be better coordinated and effectively rationalised;
 - (iv) alternative options for traffic, parking, cycling and pedestrian management, including those available under NSW legislation and those in place in other jurisdictions; and
 - (v) other state authorities, community or private organisations that need to be involved to achieve effective change;
- (B) report back to Council with recommendations for a coordinated strategy to address visual pollution and improve streetscape amenity, while providing well designed signage, or alternatives that have proved adequate in other jurisdictions.

(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 28 June 2004, on Review to Rationalise Signage and Reduce Visual Clutter of Signage in City Streets, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

ITEM 3E. DISCUSSION WITH STATE GOVERNMENT ON DOMAIN TREES

FILE NO:

DATE: 28/6/04

MINUTE BY THE LORD MAYORTo Council:

This morning I met with the Minister for Environment Mr Bob Debus and the Minister for Planning and Infrastructure, Craig Knowles to discuss the trees in the Domain. I spent over two hours detailing Council's concerns with the Royal Botanic Garden Trust's revised Tree Replacement Plan for Hospital Road.

Despite my efforts to argue that there is a realistic alternative which will allow these wonderful Moreton Bay figs to stay, until new tree plantings get established, Minister Debus and the Trust remained adamant that their current Plan is the only option they are willing to accept.

The Trust's plan is to remove the five remaining 140 year old Moreton Bay figs and to spare one tree at the southern end of the group of figs, along Hospital Road.

The Trust and Minister Debus were unwilling to accept any of the Council's recommendations. They argued that Council's approach was one that the Trust itself had considered. Council's alternative Tree Replacement Plan for Hospital Road was based on expert advice and would have ensured these wonderful fig trees could remain for a further 15 to 25 years of their life, while new plantings of Moreton Bay figs get established.

To make absolutely sure that the Trust's Plan is implemented, Minister Debus, as the Minister responsible for the Royal Botanic Gardens Trust, has asked his colleague the Minister for Planning and Infrastructure to make an order under the model provisions of the Environmental Planning and Assessment Act. This order would ensure that Council has no jurisdiction over the Domain and Royal Botanic Gardens.

The new order, which the Government intends to make, will retain Council's current Tree Preservation Order, and will not permit it to be extended to cover the Domain and Botanic Gardens.

The Trust has failed to adequately consult the community on their Tree Replacement Plan for Hospital Road. In the recent Land and Environment Court case, the Trust acknowledged that its consultation process was fragmented and could have been undertaken in a better way.

The Trust told the public of its plans through a few articles in the Sydney Morning Herald and some signs in the Domain. It wrote to Members of Parliament justifying its actions in cutting down the trees. The Trust is telling the community what it proposes to do, not asking the community what it thinks is important.

Current legislation regulating the Trust's activities is clearly inadequate. The Trust has no requirement to properly consult with the community. Given the Government's action, I accept that Council has no power to prevent the Trust implementing its Tree Replacement Plan, I propose to write to Minister Debus asking that he amend the Royal Botanic Gardens and Domain Trust Act to require the Trust to consult with the community on its planning processes and to establish a Community Consultative Committee. This is a basic requirement for other managers of community lands. The Centennial Park and Moore Park Trust has a Community Consultative Committee. The Trust is managing the public domain on behalf of the community. They must be held accountable to the community in future.

RECOMMENDATION:

That the Minute be 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 28 June 2004, on Discussion with State Government on Domain Trees, it be resolved that the Minute by the Lord Mayor be noted.

The motion was carried on the following show of hands –

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

Noes (3) Councillors Firth, Lee and Pooley.

Motion carried.

3D. FORMER COUNCILLOR JULIE WALTON – HONOUR

FILE NO:

DATE: 28/6/04

MINUTE BY THE LORD MAYOR

To Council:

Former Councillor Julie Walton has been awarded the Medal of the Order of Australia (OAM) in the 2004 Queen's Birthday Honours List.

Ms Walton served on the Council of the City of Sydney for eight years from September 1991 to September 1999. Ms Walton was also a member of the Central Sydney Planning Committee for four years from September 1995 to September 1999.

During her time at Council, Ms Walton served on the following committees - Finance Committee; Cultural and City Services Committee; Planning Committee, Projects and Public Spaces Committee, and House Committee. Ms Walton was Chair of the Works Committee and also Chair of the Sydney Traffic Committee.

I have written to Ms Walton to say that her work for the community, through the City of Sydney Council, makes her a worthy recipient of this honour.

RECOMMENDATION:

That Council extend congratulations to former Councillor Julie Walton OAM on being awarded this honour.

(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 28 June 2004, on Former Councillor Julie Walton – Honour, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

Note – Councillors McInerney and Lee added their congratulations to Julie Walton OAM on her well deserved award.

ITEM 4. MEMORANDA BY THE GENERAL MANAGER

There were no Memoranda by the General Manager for this meeting of Council.

ITEM 5. MATTERS FOR TABLING

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

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

Carried.

**ITEM 17. ULTIMO AQUATIC CENTRE - ADVANCING THE PROJECT
(S020942)**

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

That arising from consideration of a report by the Senior Project Manager to Council on 28 June 2003, on Ultimo Aquatic Centre – Advancing the Project, it be resolved that:

- (A) the current tendering and contract process be affirmed, subject to the proposed amendments to include additional facilities desired by the community as described in clause (B);
- (B) authority be delegated to the General Manager to vary the design to include the additional facilities described in the subject report, namely, a combined 50 metre pool and program pool, a spa, sauna, and provision of limited exercise equipment, and to take all necessary steps to achieve that variation;
- (C) the revised proposal be notified for public exhibition and put to a meeting of concerned residents at the earliest opportunity;
- (D) authority be delegated to the General Manager (with the concurrence of the Lord Mayor) to vary the contract with Belmadar Constructions to give effect to clause (B) and, if the variation is not agreed, to terminate the contract with Belmadar (noting a termination payment, as disclosed in a confidential schedule, may be payable);
- (E) the costs of the variations be met through the capital works contingency fund;
- (F) authority be delegated to the General Manager to increase the contract price for the project as tendered until 16 August, by the addition of CPI since the tender submission in December 2003;
- (G) the provision of additional gym facilities be supported and the General Manager be requested to investigate the possibility of including gym facilities at the Ultimo Community Centre and to report back to Council; and
- (H) Council's attorney be authorised to execute all necessary documentation.

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

That the motion be amended by the deletion of clauses (A) to (G) and the substitution of the following clauses –

- (A) authority be delegated to the General Manager to issue tender documents to suitable contractors for the construction of the Ultimo Aquatic Centre (UAC) in accordance with the design approved by Minister Refshauge in 2002, as tabled;

- (B) it be noted that the Sydney Harbour Foreshore Authority (SHFA) agreed to provide the land for the UAC subject to commencement of the project in 2004; therefore, it be resolved that authority be delegated to the General Manager to negotiate with SHFA to extend the deadline for commencing that work to allow sufficient time for the new tender process referred to in clause (A) to be completed and for Council to approve it.

At this stage of the meeting, Councillor Lee foreshadowed a further amendment by the addition of the following clause, which was accepted by Councillor Harris as part of his amendment.

- (C) Council commit to:
- (i) refurbish the Prince Alfred Park Pool; and
 - (ii) construct an aquatic centre in Green Square with a budget at least equal to that committed to the Ultimo Aquatic Centre.

At 7.00pm, the Council resolved to form itself into a Committee of the Whole, pursuant to Section 373 of the Local Government Act 1993 for the purpose of enabling interested persons to address the Councillors on the subject matter.

Note – Mr Barry Dobson, Mr Paul Hannah, Mrs Yimmy Seifert, Ms Lalita Lakshmi, Mr Tony Hickey, Ms Margaret Clarence, Ms Narelle Thirkettle and Ms Meredith Thirkettle addressed the meeting on this issue.

At 7.21pm, the Council reconvened. No recommendations were made by the Committee of the Whole.

At the request of Councillor Lee, Councillor Harris agreed to delete clause (C) from his amendment. Councillor Lee foreshadowed that he would move clause (C) as a subsequent motion later in the meeting.

The amendment that had been moved by Councillor Harris was then put to the vote. A show of hands on the amendment resulted in an equality of voting as follows –

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

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

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

The amendment was declared lost.

During further discussion on this matter, the Chair (the Lord Mayor) withdrew her motion. It was subsequently –

Moved by Councillor McInerney, seconded by Councillor Hoff –

That consideration of this matter be deferred until after further public consultation at a community meeting which is to be held at the earliest opportunity.

Carried unanimously.

Business of which due notice had not been given

At this stage of the meeting, pursuant to the provisions of Clause 14(3) of the Local Government (Meetings) Regulation 1999, the following motion was -

Moved by Councillor Lee, seconded by Councillor Firth –

That, as a matter of urgency, Council consider the following motion:

That Council commit to:

- (A) refurbish the Prince Alfred Park Pool; and
- (B) construct an aquatic centre in Green Square with a budget at least equal to that committed to the Ultimo Aquatic Centre.

The motion that this matter be dealt with as a matter of urgency at this meeting was carried.

Following discussion, Councillor Lee indicated that he would not pursue his proposed motion at this stage. Council agreed that this matter be deferred for further consideration.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 21 JUNE 2004

PRESENT

Councillor Robyn Kemmis
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, The Hon Michael Lee, Shayne Mallard, John McInerney and Tony Pooley.

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

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

Councillor Lee arrived at the meeting of the Finance, Properties and Tenders Committee at 5.48pm during discussion on Item 6.7.

The Lord Mayor left the meeting of the Finance, Properties and Tenders Committee at 4.38pm at the conclusion of discussion on Item 6.4, which had been brought forward, and returned at 4.40pm prior to commencement of discussion on Item 6.2

Councillor Hoff left the meeting of the Finance, Properties and Tenders Committee at 5.33pm during discussion on Item 6.3 and returned at 5.42pm during discussion on Item 6.6.

The Lord Mayor left the meeting of the Finance, Properties and Tenders Committee at 5.34pm during discussion on Item 6.3 and returned at 5.38pm during discussion on Item 6.6.

Councillor Firth left the meeting of the Finance, Properties and Tenders Committee at 5.39pm during discussion on Item 6.6 and returned at 5.58pm during discussion on Item 6.8.

The Lord Mayor left the meeting of the Finance, Properties and Tenders Committee at 6.01pm during discussion on Item 6.11 and did not return.

Order of Business

The Finance, Properties and Tenders Committee agreed that the order of business be altered such that Items 6.5 and 6.4 were brought forward and dealt with before Item 6.1.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.03pm.

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 21 June 2004 be received, and the recommendations set out below for Items 6.3 and 6.6 to 6.11 inclusive be adopted, with Items 6.1 and 6.4 being noted, and Items 6.2 and 6.5 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

DISCLOSURES OF INTEREST**6.1**

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

CORPORATE PLAN 2005-2007 AND BUDGETS (S033451)**6.2**

That arising from consideration of a report to the Finance, Properties and Tenders Committee on 21 June 2004, and following the placement of the draft 2005-2007 Corporate Plan including the 2004-2005 Budget and Schedule of Fees and Charges on public exhibition for a 28 day period from Thursday, 20 May 2004 to Wednesday, 16 June 2004, it be resolved that:

- (A) Council approve the Corporate Plan 2005-2007, Budgets and Schedule of Fees and Charges for 2004/05 as amended and shown at Attachment K to the subject report;
- (B) Council adopt the Corporate Plan 2005-2007;
- (C) Council adopt the 2004/2005 Operating Budget, Plant & Assets Budget and Capital Budget as shown within the Corporate Plan which including amendments to the advertised Budget as discussed in the body of this report. The Budget provides for the following:
 - (i) A Net Surplus of \$72.8M.
 - (ii) A Plant and Assets program of \$18.7M
 - (iii) A Capital Works Program of \$203.6M.
- (D) Council make and levy the rates for the 2004/05 rating year, as shown within the Corporate Plan in respect of all land within the City of Sydney rateable as at 1 July 2004, or which becomes rateable during the rating year;

- (E) Council make and levy domestic waste management charges as shown within the Corporate Plan for each parcel of rateable land in the residential category;
- (F) Council adopt the Schedule of Fees and Charges as shown within the Corporate Plan, including amendments to the advertised Schedule as discussed within the body of the subject report, and amendments contained in the memorandum dated 3 June 2004 circulated at the meeting of the Finance, Properties and Tenders Committee;
- (G) authority continue to be delegated to the General Manager to vary fees and charges for commercial operations, and to waive or reduce fees in cases of financial hardship or for pressing community needs;
- (H) Council affirm that no expenditure from the General Contingency, the Building Maintenance Contingency, the Reserve for Special Organisational Needs nor the Special Contingency within the Capital Works Budget, is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds, and that a report will be presented to Council on a quarterly basis providing details on the expenditure of any funds drawn from these contingencies;
- (I) Council affirm that no expenditure from the General Manager's Contingency is to be made without the approval of the General Manager;
- (J) Council note that expenditure on each item of Plant and Assets will continue to require the approval of the General Manager; and
- (K) Council note that engaging consultants (for a value exceeding \$20,000) will continue to require the approval of the General Manager prior to incurring the expenditure.

Amendment. At the meeting of Council, at the request of Councillor Pooley and by consent, clause (F) was amended by the addition of the following words –

“and as further amended at the meeting of Council by reducing the amount of the Application Fee for the City of Sydney Partnerships Register from \$250 to \$150” (Fees and Charges at page 165 of the Corporate Plan 2005-2007).

Amendment. At the meeting of Council, at the request of Councillor Harris, and by consent, clause (F) was further amended to add the following words –

“and reducing the amount of a Consultation – residents only for Podiatry Services from \$15 to \$10” (Fees and Charges at page 162 of the Corporate Plan 2005-2007).

Motion, as amended by consent, carried.

Note – At the meeting of the Finance, Properties and Tenders Committee, the General Manager circulated to Councillors a memorandum dated 3 June 2004, relating to Fees at Pine Street Creative Arts Centre, recommending amendments to the Corporate Plan.

INVESTMENTS HELD BY COUNCIL AS AT 31 MAY 2004 (S02-0960)

6.3

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 21 June 2004, on Investments Held by Council as at 31 May 2004, it be resolved that the report be received and noted.

Carried.

PALINGS LANE, SYDNEY ADJACENT 330-338, 340-346 GEORGE STREET – REQUEST FOR OWNER’S CONSENT TO ENABLE LODGEMENT OF A DEVELOPMENT APPLICATION (S031070)

6.4

That consideration of this matter be deferred to the meeting of Council on 28 June 2004.

Carried.

(Note – This matter was be dealt with by Council as Item 10 on the Business Paper.)

Note – Mr Justin Hemmes addressed the meeting of the Finance, Properties and Tenders Committee on Item 6.4.

ALAN DAVIDSON OVAL, SYDNEY PARK - DRAFT LICENCE AGREEMENTS (1005934)

6.5

That arising from consideration of report by Manager Referrals and Strategy to the Finance, Properties and Tenders Committee on 21 June 2004, on Alan Davidson Oval, Sydney Park - Draft Licence Agreements, it be resolved that -

- (A) authority be delegated to the General Manager to finalise and enter into licence agreements, which are consistent with the subject report, for the use of Alan Davidson Oval, Sydney Park with -
 - (i) the South Sydney District Cricket Club for summer seasonal use from June 2000 for a 10 year term with a 10 year option, and
 - (ii) the Newtown Swans Junior Australian Rules Football Club for winter seasonal use from the date of the subject report for a five year term; and
- (B) all relevant documentation be executed by Council’s Attorney.

Amendment. At the meeting of Council, at the request of Councillor Pooley and by consent, the motion was amended by the addition of clause (A) (iii) –

- (iii) any dispute regarding the changeover period from cricket to Australian Rules be submitted to the General Manager for resolution.

Motion, as amended by consent, carried.

Note – Mr Rodney Monk and Mr Richard Acheson addressed the meeting of the Finance, Properties and Tenders Committee on Item 6.5.

Closed Meeting

At 5.38pm 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 Items 6.6 and 6.11 on the agenda as these matters 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 6.7 to 6.10 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 6.6 to 6.11 inclusive 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 in open session.

COOK AND PHILLIP PARK MAINTENANCE AND OPERATIONS PLAN FOR 2004/05 (S020323 Part 6)

6.6

That arising from consideration of a report by the Senior Contract Coordinator, Asset Management to the Finance, Properties and Tenders Committee on 21 June 2004, on Cook and Phillip Park Maintenance and Operations Plan for 2004/05, it be resolved that –

- (A) subject to clause (C), the Maintenance and Operations Plan for 2004/05, as shown at Attachment A to the subject report, be accepted with the following amendments:
 - (i) the maximum general entry fee for pensioners to be \$3.60 (including GST);
 - (ii) the maximum multi-pass visit (20) fee for pensioners to be \$59.00 (including GST);

- (iii) all categories of fee that incur an increase remain unchanged for a period of at least 12 months.
- (B) the proposals to install permanent shelter over the sports hall courtyard and redevelop the river run are deferred for consideration as part of major works in 2005/06;
- (C) authority be delegated to the General Manager to negotiate an outcome within the requirements of the current Service Agreement regarding public liability insurance; and
- (D) authority be delegated to the General Manager to grant owner's consent in respect of the lodgement of a Place of Public Entertainment application, but without fettering Council's discretion as consent authority.

Carried unanimously.

STABILISATION WORKS AT MOUNT STREET CLIFF - APPROVAL TO ACCEPT TENDER (S032689)

6.7

That arising from consideration of a report by the Manager, Civil Engineering Services to the Finance, Properties and Tenders Committee on 21 June 2004, on Stabilisation Works at Mount Street Cliff - Approval to Accept Tender, it be resolved that:

- (A) Council accept the tender submitted by Mulligan's Drilling Pty Ltd. for the value stipulated in paragraph 6 of the subject report;
- (B) authority be delegated to the General Manager to finalise and enter into a contract for the performance of stabilisation works at Mount Street Cliff; and
- (C) Council's attorney be authorised to execute all necessary documentation

Carried unanimously.

SUPPLY OF ROAD MAKING MATERIALS AND SERVICES - APPROVAL TO ACCEPT SSROC TENDER – 2004 (S032682)

6.8

That arising from consideration of a report by the Manager, Civil Engineering Services to the Finance, Properties and Tenders Committee on 21 June 2004, on the Supply of Road Making Materials and Services - Approval to Accept SSROC Tender, it be resolved that

- (A) Council accept the tenders recommended by the Southern Sydney Regional Organisation of Councils Tender Review Panel for the Supply of Road Making Materials and Services, as detailed in paragraph 6 of the subject report;

- (B) authority be delegated to the General Manager to finalise and enter into contracts to give effect to this resolution; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

PURCHASE OF TWO FOOTWAY SWEEPING MACHINES – APPROVAL TO ACCEPT TENDER (S033441)

6.9

That arising from consideration of a report by the Manager, Heavy Fleet to the Finance, Properties and Tenders Committee on 21 June 2004, on Purchase of two Footway Sweeping Machines - Approval to Accept Tender, it be resolved that:

- (A) Council accept the tender submitted by MacDonald Johnston Engineering Company Pty Ltd for the supply and delivery of two Compact 40 footway sweepers for the value stipulated in paragraph 5 of the subject report;
- (B) authority be delegated to the General Manager to finalise and enter into a contract for the supply of two Compact 40 footway sweepers; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

PURCHASE OF TWO LARGE ROAD SWEEPING MACHINES – APPROVAL TO ACCEPT TENDER (S032727)

6.10

That arising from consideration of a report by the Manager, Heavy Fleet to the Finance, Properties and Tenders Committee on 21 June 2004, on Purchase of two large Road Sweeping Machines - Approval to Accept Tender, it be resolved that:

- (A) Council accept the tender submitted by Schwarze Industries Australia Pty Ltd for the supply and delivery of two A6500XL regenerative air sweeping machines (Isuzu Cab Chassis) for the value stipulated in paragraph 5 of the subject report;
- (B) authority be delegated to the General Manager to finalise and enter into a contract for the supply of two A6500XL regenerative air sweeping machines (Isuzu Cab Chassis); and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

PROPOSED LEASE - 112-126 BROADWAY (S025755)

6.11

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 21 June 2004, on Proposed Lease - 112-126 Broadway, it be resolved that:

- (A) a lease be granted to Jian Bo Huang and David Tran, on the terms set out in the subject report;
- (B) authority be delegated to the General Manager to finalise this matter and enter into all relevant documents;
- (C) authority be delegated to the General Manager to give consent for the lodgement of a development application for the purposes set out in the subject report; and
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 7. REPORT OF THE CULTURAL AND COMMUNITY CARE COMMITTEE - 21 JUNE 2004

PRESENT

Councillor Phillip Black
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors 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 -

Councillors Black, Firth, Harris, Hoff, Lee, Mallard, McInerney and Pooley.

The Lord Mayor arrived at the meeting of the Cultural and Community Care Committee at 6.06pm during discussion on Item 7.2.

Councillor Kemmis also arrived at the meeting of the Cultural and Community Care Committee at 6.06pm during discussion on Item 7.2.

The meeting of the Cultural and Community Care Committee concluded at 6.08pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor Hoff -

That the Report of the Cultural and City Care Committee of its meeting of 31 May 2004 be received, and the recommendations set out below for Item 7.2 be adopted, with Item 7.1 being noted.

The Committee recommended the following:-

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 Cultural and Community Care Committee.

WALTER READ RESERVE AND PADDINGTON RESERVOIR DRAFT PLAN OF MANAGEMENT AND MASTER PLAN. (2021301)

7.2

That arising from consideration of a report by Manager Referrals and Strategy to the Cultural and Community Care Committee on 21 June 2004, on the Walter Read Reserve and Paddington Reservoir Draft Plan of Management and Master Plan, it be resolved that Council:

- (A) approve the adoption of the advertised Draft Plan of Management as shown at Attachment A to the subject report as the Walter Read/ Paddington Reservoir Plan of Management and Master plan (2003);
- (B) undertake further user needs assessment to determine the type of cultural/community facilities to be provided and the merit of incorporating ancillary commercial facilities such as café/restaurant amenities; and
- (C) engage a quantity surveyor consultant to develop a detailed project costing report based on the Plan of Management/Master Plan for Council's consideration, for which funds of \$50,000 have been allocated in the draft 2004/05 Works Program.

Carried unanimously.

ITEM 10. PALINGS LANE, SYDNEY ADJACENT 330-338, 340-346 GEORGE STREET – REQUEST FOR OWNER’S CONSENT TO ENABLE LODGEMENT OF A DEVELOPMENT APPLICATION (S031070)

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

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 21 June 2004 on Palings Lane, Sydney Adjacent 330-338, 340-346 George Street – Request for Owner’s Consent to enable lodgement of a Development Application, it be resolved that:

- (A) authority be delegated to the General Manager to grant consent as owner (of Palings Lane) to the lodgement of a development application, upon the General Manager being satisfied:
- (i) (in consultation with the Chairman of the Development and Transport Committee) the proposed development complies with all applicable planning controls, and (without limitation):
 - (a) which is generally consistent with the proposal described in this report, but includes amendments so as to be consistent with the requirements of this resolution;
 - (b) that clause 2.2 of the Central Sydney DCP 1996 (CSDCP) in relation to street wall heights is complied with. In relation to George Street, the proposal shall provide a generally consistent height with the adjoining heritage items to the south (including the Societe Generale building) and include retention of the trachyte columned portico;
 - (c) in relation to Ash Street, in view of clause 2.2 of the CSDCP and the Ash Street streetscape being listed on Schedule 3 of the Heritage LEP 2000, significant portions of the Ash Street façade of the existing building are to be retained. Some reduction in height and deletion of the northern bay (being later additions), may be appropriate;
 - (d) that the new lane will have comparable or superior accessibility for persons with a disability than that provided by Palings Lane;
 - (e) that there be active frontage and uses to Ash Street and the new lane;
 - (ii) (in consultation with the Chairman of the Development and Transport Committee), that the proposed development complies with the heritage report which is attachment C to the subject report;
 - (iii) that the owner of 330-338 George Street and 340-346 George Street (“Owner”) has entered into a binding agreement with Council which requires the transfer in fee simple to Council (at no cost) of a laneway at least the same width as Palings Lane (2.438 metres), unlimited in height and depth, along the northern boundary of 330-338 George Street, prior to or concurrently with the transfer of Palings Lane to the Owner;

- (iv) that the Owner has entered into a binding agreement with Council which requires the upgrade of Ash Street in accordance with Council's requirements, to a minimum value of \$1 million;
 - (v) the Ash Street upgrade works will provide (among other things):
 - (a) for the regrading of the northern end of Ash Street, so that Ash Street will be approximately level;
 - (b) that the adjoining owner of the 'Lowes' site shall consent in writing to the change in the finished level of Ash Street, notwithstanding that it may result in their inability to use Ash Street for vehicular access;
 - (vi) that the Owner has provided a bank guarantee for \$1 million to secure the Owner's obligation to carry out the Ash Street upgrade works
 - (vii) that the Owner will construct the new lane in accordance with Council's requirements, at no cost to Council;
 - (viii) any development application for which owner's consent was not given has been irrevocably withdrawn;
 - (ix) all owners of property having a frontage to Ash Street whose access will be affected by the proposal have given written agreement to the relocation of the lane;
 - (x) that the City's costs in this matter will be met by the Owner;
- (B) owner's consent does not fetter Council's discretion as consent authority;
- (C) Palings Lane be transferred to the Owner on the terms set out in this resolution and the subject report;
- (D) authority be delegated to the General Manager to enter into an agreement with the Owner:
- (i) upon or after being satisfied that the conditions in paragraph (A) above have been satisfied;
 - (ii) which requires the transfer in fee simple to Council (at no cost) of a laneway at least the same width as Palings Lane (2.438 metres), unlimited in height and depth, along the northern boundary of 330-338 George Street, prior to or concurrently with the transfer of Palings Lane to the Owner;
 - (iii) which provides for the transfer of Palings Lane to the Owner, upon the other matters in this resolution (and the agreement proposed by it) being satisfied;
 - (iv) which requires the upgrade of Ash Street in accordance with Council's requirements, to a minimum value of \$1 million;
 - (v) which requires the provision of a bank guarantee for \$1 million to secure the Owner's obligation to carry out the Ash Street upgrade works;

- (vi) which requires the Owner to construct the new lane in accordance with Council's requirements, at no cost to Council;
- (vii) which requires that the Ash Street upgrade works are to provide (among other things):
 - (a) for the regrading of the northern end of Ash Street, so that Ash Street will be approximately level;
 - (b) that the adjoining owner of the 'Lowes' site shall consent in writing to the change in the finished level of Ash Street, notwithstanding that it may result in their inability to use Ash Street for vehicular access;
- (viii) which provides that the City's costs in this matter will be met by the Owner;
- (ix) which includes such other conditions as the General Manager considers appropriate to protect Council's interests;
- (E) the Owner not be allowed to use Palings Lane in connection with the adjoining land until Palings Lane has been transferred to it, unless the General Manager agrees otherwise on terms required by him;
- (F) authority be delegated to the General Manager to give consent as owner to a development application for the Ash Street upgrade works to be carried out by Hemmes, without fettering Council's discretion as consent authority;
- (G) if the proposed development at the Site includes any structure below the surface of the proposed new lane and/or Ash Street, authority be delegated to the General Manager to:
 - give consent as owner to that development application, without fettering Council's discretion as consent authority; and
 - enter into a long term lease (up to 40 years) on commercial terms (having regard to valuation advice) in respect of any such structure;
- (H) all relevant documentation to give effect to the terms of this resolution be executed by Council's attorney.

Carried unanimously.

ITEM 13. DEVELOPMENT APPLICATION: 134 – 136A DARLINGHURST ROAD, DARLINGHURST/AKA 3-5 HARDIE STREET (CITY CAR MART) (D04/00158)

Moved by Councillor McInerney, seconded by Councillor Firth -

That arising from consideration of a report by the Planner to the Planning Development and Transport Committee on 21 June 2004, and to Council on 28 June 2004, in relation to Development Application D2004/00291 made by Renato's Performance Centre Pty Ltd for 134-136A Darlinghurst Road, Darlinghurst, for the use part of existing automotive and mechanical workshop for motor vehicle sales, it be resolved that consent be granted for the use, subject to the following conditions:

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2004/00291 dated 18 March 2004 and the information and drawings attached, as amended by the following conditions:

TRIAL PERIOD

- (2) The use of the site for motor vehicle sales shall be subject to a trial period of 1 year (ending 21 June 2005). The trial period shall only commence in accordance with the terms of the consent and be subject to the following:
 - (a) Prior to the commencement of the trial period the applicant shall give written notification to the Director Planning – Northern Zone of the intention to commence the trial.
 - (b) Prior to the completion of the 1 year trial period the applicant is to submit an application (Section 96 or development application) to Council to continue the use. In determining such an application, regard will be given to the nature of the trial period, any objections received and compliance with conditions of consent.
 - (c) Notwithstanding the terms of condition (2) the consent shall be surrendered by the applicant if any of the conditions of this consent are proven to be breached. If such breach occurs the use shall cease within thirty (30) days of Council notifying the applicant in writing that the conditions have been breached.

HOURS OF OPERATION

- (3) The hours of operation for the car sales use shall be limited to between 8:00am to 5:00pm Mondays to Fridays and 8:00am to 12 noon on Saturdays.

MANAGEMENT

- (4) The total number of vehicles on the premises at any one time must not exceed ten (10).

- (5) All vehicles, whether awaiting sale or mechanical repairs, being repaired and those having been repaired must stand wholly within the premises at all times.
- (6) All negotiations regarding motor vehicles sales and mechanical repairs must be conducted wholly within the premises and not on the public footpath or street.
- (7) The auctioning of vehicles on the footpath is prohibited.
- (8) The placement of goods of any kind on the footpath is prohibited.
- (9) No persons (such as commonly known as spruikers) or recording or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore the sound level of any spruiking or amplified noise generated within the property must not be audible on Council's footpath adjoining the subject premises.
- (10) No brake testing of any motor vehicle is to be conducted on Hardie Street.

VISITOR BEHAVIOUR

- (11) The management shall ensure that the behaviour of visitors entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by visitors of the premises and shall ensure that visitors leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

NOISE - USE

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

- (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

NOISE - MECHANICAL PLANT

- (13) 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.

SIGNS

- (14) The existing signs on the premises, reading "Renato's Performance Centre" and "City Car Mart" must be removed. Any new signage must comply with the provisions of the City of Sydney Signage and Advertising Structures Development Control Plan 2003. In this regard, the signage must be sympathetic with the character and streetscape within which the site is located. Details of the design, materials and colours of all proposed signs must be submitted for the approval of Council prior to the commencement of the trial period.
- (15) Portable signs or goods for sale or display must not be placed on the footway or other public areas.

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

Note - Councillor Mallard requested that his name be recorded as voting against the motion.

Motion carried.

ITEM 12. SECTION 82A REVIEW: 52 REGENT STREET PADDINGTON (U03-00378)

Moved by Councillor McInerney, seconded by Councillor Black -

That, further to Resolution of Council of 10 September 2003, and arising from consideration of a report by the Senior Development Assessment Officer to the Planning Development and Transport Committee on 21 June 2004, and to Council on 28 June 2004, in relation to the Section 82A Review of Development Application 378/2003 made by Marshall Architects for the site at 52 Regent Street Paddington, for Demolition of an Existing Dwelling and the Construction a New Dwelling, it be resolved that –

- (A) the applicant be invited to lodge a refined proposal that contains as much as possible of the original fabric of the front façade of the terrace, with replacement fabric being based on the original material;
- (B) the refined plan is to be lodged within 60 days of notification of the Council decision; and
- (C) determination of this matter be brought back to the Planning Development and Transport Committee.

The motion was carried on the following show of hands –

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

Noes (3) Councillors Firth, Lee and Pooley.

Motion carried.

ITEM 16. REVIEW OF GATEWAY PROJECTS AND SPEED LIMITS IN THE CITY OF SYDNEY LOCAL GOVERNMENT AREA (S015054/3)

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Manager Transport Management to Council on 28 June 2004, on Review of Gateway Projects and Speed Limits in The City Of Sydney Local Government Area, it be resolved that Council:

- (A) modify the Oxford Street Gateway project to provide a widened 4 metre wide bus/parking lane along Oxford Street, which will be shared by cyclists, rather than dedicated cycle paths as had been proposed;
- (B) in addition, provide alternative less stressful cycle routes along Burton and Campbell Streets to form continuous cycle network links parallel to Oxford Street as outlined in the Central Sydney Bike Plan;
- (C) note that the proposed kerb alignments in the Oxford Street and Broadway Gateway Projects are appropriate for current transport and traffic conditions, as well as being appropriate for future improvements to public transport, such as the expansion of the Light Rail network;
- (D) further improve safety and amenity for pedestrians and cyclists by agreeing in-principle to the provision of a 40km/h speed limit in central Sydney, Oxford Street and Devonshire Street in accordance with Attachment C to the subject report, noting that -
 - (i) the proposal be placed on public exhibition for a period of not less than 28 days;
 - (ii) the views of key stakeholders are to be sought, including community groups, public transport operators, business organisations and the like; and
 - (iii) subject to the satisfactory outcome of the public consultation, which will be reported back to Council, the City of Sydney will request the Roads and Traffic Authority to implement 40km/h in the endorsed locations.

Amendment. Moved by Councillor Mallard, seconded by Councillor Harris –

That the motion be amended by the deletion of clause (A) and the substitution of the following new clauses, with consequential renumbering of the remaining clauses –

- (A) Council modify the Oxford Street and Broadway Gateway projects to provide a 1 metre wide dedicated cycle track adjacent to the footpath and at an intermediate level between the footpath and roadway in the style of Option 4 from the Oxford Street Bike Facilities workshop (diagram circulated at the meeting of Council by Councillor Mallard), with a 4.2 metre footpath;
- (B) Council call upon the Roads and Traffic Authority and State Government to implement similar dedicated cycle tracks on the William Street Upgrade;

- (C) the Gateway modifications be subject to community consultation which will be reported back to Council.

Following lengthy discussion, Councillor Mallard, with the concurrence of his seconder, withdrew his amendment. The mover of the motion, with the concurrence of his seconder, withdrew his motion and, by consent, the following motion was carried.

That arising from consideration of a report by the Manager Transport Management to Council on 28 June 2004, on Review of Gateway Projects and Speed Limits in The City Of Sydney Local Government Area, it be resolved that Council -

- (A) call for a further report on the option of modifying the Oxford Street Gateway project to provide a widened 4 metre wide bus/parking lane along Oxford Street, which will be shared by cyclists, rather than dedicated cycle paths as had been proposed;
- (B) also call for a report on the option of modifying the Oxford Street and Broadway Gateway projects to provide a 1 metre wide dedicated cycle track adjacent to the footpath and at an intermediate level between the footpath and roadway in the style of Option 4 from the Oxford Street Bike Facilities workshop (diagram circulated at the meeting of Council by Councillor Mallard), with a 4.2 metre footpath;
- (C) provide alternative less stressful cycle routes along Burton and Campbell Streets to form continuous cycle network links parallel to Oxford Street as outlined in the Central Sydney Bike Plan;
- (D) further improve safety and amenity for pedestrians and cyclists by agreeing in-principle to the provision of a 40km/h speed limit in central Sydney, Oxford Street and Devonshire Street in accordance with Attachment C to the subject report, noting that -
- (i) the proposal be placed on public exhibition for a period of not less than 28 days;
 - (ii) the views of key stakeholders are to be sought, including community groups, public transport operators, business organisations and the like; and
 - (iii) subject to the satisfactory outcome of the public consultation, which will be reported back to Council, the City of Sydney will request the Roads and Traffic Authority to implement 40km/h in the endorsed locations; and
- (E) as a matter of urgency, a Council sub-committee, chaired by the Lord Mayor, or her nominee, and comprising interested Councillors, be set up to address the issues raised at the meeting by Councillors McInerney, Black, Harris and Mallard and the Executive Director City Development so that Oxford Street and Broadway particularly can be progressed.

Carried.

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 23(3) of the Local Government (Meetings) Regulation 1999, it was –

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

That Councillor Mallard be granted an extension of time of five minutes to speak on this matter.

Carried.

During further discussion on this matter, it was–

Moved by Councillor Mallard, seconded by Councillor McInerney –

That Councillor Harris be granted an extension of time of five minutes to speak on this matter.

Carried.

ITEM 8. COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 21 JUNE 2004

PRESENT

Councillor Marcelle Hoff
(Chair)

The Lord Mayor (Councillor Clover Moore MP), 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 6.09pm those present were -

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

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.28pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor Black -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of 21 June 2004 be received, with Item 8.1 being noted and Item 8.2 being dealt with as shown immediately following that item.

The Committee recommended the following:-

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 Community Services, Small Business and Tourism Committee.

AQUATICS DEVELOPMENT STRATEGY – PRELIMINARY DIRECTIONS

8.2

That arising from consideration of a report by the Manager Referrals and Strategy to the Community Services, Small Business and Tourism Committee on 21 June 2004, on the Aquatics Development Strategy – Preliminary Directions, it be resolved that:

- (A) the Aquatics Development Strategy – Preliminary Directions, as shown at Attachment B to the subject report, be received and noted;

- (B) consultants be engaged to prepare a more comprehensive study to test and assess the feasibility of the directions outlined in the Preliminary Directions report for which funds of \$100,000 are listed in the draft 2004/2005 capital works program; and
- (C) the importance of open space to the City be addressed and any reduction in public open space only be done after very serious consideration.

Amendment. At the meeting of Council, at the request of Councillor Mallard and by consent, the motion was amended by the deletion of clause (C) and the substitution of the following two clauses –

- (C) Council note the high importance and shortage of parkland and open space in the Local Government Area and exclude Perry Park, Alexandria Park and Redfern Park and Oval for consideration as potential sites for an aquatic centre development; and
- (D) existing parkland should also be excluded except in very special circumstances where the cost of providing required facilities on any other site would be prohibitive.

Motion, as amended by consent, carried unanimously.

Note – At the meeting of the Community Services, Small Business and Tourism Committee, Councillor Mallard requested that his name be recorded as being opposed to the motion.

Note – Mr Paul Hannah addressed the meeting of the Community Services, Small Business and Tourism Committee on Item 8.1.

ITEM 9. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 21 JUNE 2004**PRESENT**

Councillor John McInerney
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors - Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Robyn Kemmis, The Hon. Michael Lee, Shayne Mallard and Tony Pooley.

At the commencement of business at 6.29 pm in the Finance Committee Room those present were -

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

Adjournment

At 6.30 pm, it was moved by the Chair (Councillor McInerney), seconded by Councillor Hoff -

That the meeting of the Planning Development and Transport Committee be adjourned for a period of 15 minutes.

Carried.

Resumption

At the resumption of the meeting of the Planning Development and Transport Committee at 6.43 pm in the Council Chamber those present were -

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

Order of Business

The Planning Development and Transport Committee agreed that the order of business be altered such that the agenda items be dealt with in the following order:

1. Disclosures of Interest
5. Section 82A Review: 52 Regent Street Paddington
7. Development Application: 24-28 Roslyn Street, Rushcutters Bay (St Canice's Church)
2. Design Competition Report: Carlton United Breweries Site (Balfour Park) Design Excellence Competition
10. Development Application: 134-136A Darlinghurst Road Darlinghurst/AKA 3-5 Hardie Street (City Car Mart)

3. Development Application: City of Sydney Convenience Store DCP 2004-Proposed Amendments
4. Victoria Park, Zetland - Request to Amend Parking Controls to Allow Residents to Access Parking Permits
6. Development Application: 503-505 Kent Street Sydney
8. Development Application; 58-60 Buckingham Street Surry Hills
9. Development Application: 29-33 Lachlan Street Waterloo

The meeting of the Planning Development and Transport Committee concluded at 9.57 pm.

Report of the Committee

Moved by Councillor McInerney, seconded by Councillor Hoff -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 21 June 2004 be received, and the recommendations set out below for Items 9.2, 9.3 and 9.6 to 9.9 inclusive be adopted with Items 9.1, 9.4, 9.5 and 9.10 being noted.

Carried.

The Committee recommended the following:-

DETERMINED BY COUNCIL

DISCLOSURES OF INTEREST

9.1

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.

DESIGN COMPETITION REPORT: CARLTON UNITED BREWERY SITE (BALFOUR PARK) DESIGN EXCELLENCE COMPETITION

9.2

That arising from consideration of a report by the Executive Director, Design, and Director City Planning (Northern Zone), to the Planning Development and Transport Committee on 21 June 2004, in relation to the Design Competition for the site known as Carlton United Breweries Site, Sydney, it be resolved that: -

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

Carried.

Note - Mr Simon Flynn, Ms Lindsay Charles and Ms Jeanette Brokman addressed the meeting of the Planning Development and Transport Committee on Item 9.2.

CITY OF SYDNEY CONVENIENCE STORE DCP 2004 - PROPOSED AMENDMENTS (S025028)

9.3

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 21 June 2004, in relation to the City of Sydney Convenience Store Development Control Plan 2003, it be resolved that:

- (A) Council place the amended City of Sydney Convenience Store Development Control Plan (DCP) 2003, as shown at Attachment "A" to the subject report, on public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000; and
- (B) authority be delegated to the General Manager to make any minor drafting changes that may be required as a result of the Central Sydney Planning Committee's consideration of the DCP shown at Attachment "A" to the subject report.

Carried.

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee on Item 9.3.

VICTORIA PARK, ZETLAND - REQUEST TO AMEND PARKING CONTROLS TO ALLOW RESIDENTS TO ACCESS PARKING PERMITS (2029433)

9.4

That consideration of this matter be deferred to the meeting of Council on 28 June 2004.

Carried.

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

Note - Ms Kristina Keneally MP addressed the meeting of the Planning Development and Transport Committee on Item 9.4.

SECTION 82A REVIEW: 52 REGENT STREET PADDINGTON (U03-00378)

9.5

That -

- (A) consideration of this matter be deferred to the meeting of Council on 28 June 2004; and
- (B) a site inspection of the subject site be undertaken by Councillors on Saturday 26 June 2004.

Carried.

Note - This matter was dealt with by Council as Item 12 on the Business Paper.

Note - Mr Adrian Boss, Mr Chris Stephen, Mr Rob Muller, Mr Michael Schneider, Mr Andrew Cutbush, Dr Richard Janus and Mr Sam Marshall addressed the meeting of the Planning Development and Transport Committee on Item 9.5.

**DEVELOPMENT APPLICATION: 503-505 KENT STREET, SYDNEY
(D03/01148)**

9.6

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 21 June 2004, in relation to Development Application 2003/01148 made by NSW Property Holdings Pty Ltd c/- GMD Architects for the site at 503-505 Kent Street, Sydney, for the demolition of the existing building and construction of a new 13 level commercial/retail building, containing ground floor and basement retailing and no car parking, it be resolved that consent be granted subject to the following conditions:-

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. 2003/01148 dated 29 October 2003 and the following information and drawings:
 - (a) Drawings numbered 1-5 of job no 02580 revision C, dated 22-03-2004, prepared by AT of Garry Michael Design Architects;
 - (b) Revised finishes schedule board, entitled "Proposed Commercial Building 503-505 Kent Street" prepared by Garry Michael Design Architects;
 - (c) Energy Performance Statement – revision 2 prepared by EMET Consultants Pty Ltd dated April 2004;
 - (d) Wind environment Statement, ref no W640-01F02(rev0) dated 25 September 2003 prepared by Windtech Consultants Pty Ltd;

- (e) Solar Reflectivity Analysis ref no W640-01F03-SR dated 25 September 2003 prepared by Windtech Consultants Pty Ltd;

and as amended by the following conditions:

DESIGN MODIFICATIONS - ROOF TOP AWNING/TERMINATION

- (2) The roof top feature awning to Kent Street is to be reduced in size so that it does not extend beyond the envelope of the eastern glazed enclosed floor plate extensions underneath the feature awning. This will require the feature awning to be reduced by a minimum of 3.1metres from the south and a minimum of 800mm from the east. Revised details are to be submitted for approval of the Director Planning – Northern Zone, prior to the release of the Construction Certificate.

MATERIALS AND DESIGN OF TOWER BALCONIES

- (3) The proposed arctic blue glazing for the enclosed tower balconies is to be replaced with clear glazing or other appropriate glazing to improve the perception of depth from the street frontage to the tower. Details shall be to the satisfaction of the Council prior to release of the Construction Certificate.

APPROVED DESIGN ROOF-TOP PLANT

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

ENERGY EFFICIENCY OF BUILDINGS

- (5) The design of the building and its services must achieve a rating of 4.5 stars under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating Scheme. This can be demonstrated by:
- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with SEDA, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their construction certificate application; and

- (b) Providing a copy of the independent energy assessment report submitted to SEDA and submitted as part of the construction certificate application, that follows the current guidelines in SEDA's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review.xls. This report should be based on the same documents as submitted with the construction certificate.

Note:

- (c) Definitions referred to in clause 1(a) above:-
 - (i) Commitment Agreement means an agreement that is set out in accordance with SEDA's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between SEDA and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
 - (ii) Star rating refers to the benchmarking system applied by SEDA for measuring the energy efficiency of a building, and known as the Australian Building Greenhouse Rating Scheme.
 - (iii) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services (Source: SEDA, September 2001).
 - (iv) Base building means central services and common areas of a building (Source: SEDA, September 2001).
 - (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs (Source: SEDA, September 2001)

FLOOR SPACE RATIO

- (6) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 9.99:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 2,089sqm.
 - (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, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

BUILDING HEIGHT

(7)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL66.68 (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).

AWNING

- (8) The awning is to comply with the City of Sydney Awning Policy 2000, including being setback 800mm from the kerb alignment and is to match the alignment of the adjoining awning. Details are to be submitted for approval of the Council, prior to the release of the Construction Certificate.

SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (9) A cash contribution comprising 1% of the total cost of the development, is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act and the "City of Sydney Section 61 Contributions Plan 2003" in accordance with the following:-
 - (a) Prior to the release of the construction certificate, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) The contribution shall not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development shall be completed and submitted to Council by the CERTIFYING AUTHORITY, together with copies of the plans the subject of the application for the construction certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CERTIFYING AUTHORITY accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

PHYSICAL MODELS

- (10) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (11) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager Architecture and Urban Design should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.

- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

EXTERNAL LIGHTING

- (12) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

ELECTRICITY SUBSTATION

- (13) The applicant must liaise with Energy Australia regarding their requirements for any electrical substations on the site. (Details of the size, design and location of any substation/s shall be incorporated within the building envelope to satisfaction of Energy Australia.)

METROWEST INVESTIGATION AREA

- (14) The applicant must liaise with the Rail Infrastructure Corporation (RIC) and have regards to any of their requirements relating to the proposed tunnels for the Metrowest Rail Link that may be constructed close to the subject site in the future prior to the issue of a Construction Certificate.

Notes: Notices by the applicant to RIC must be addressed to the Metrowest Rail Link Project Manager, Planning and Project Development, Strategy and Planning Division, Rail Infrastructure Corporation, Level 15, 55 Market Street, Sydney NSW 2000 (or such other person as may be nominated in writing by RIC) and received by the Metrowest Rail Link Project Manager in person or by facsimile to 02 9224 3098 (or such other facsimile number as may be nominated in writing by RIC) between 8.00am and 5.00pm on a working day.

SEPARATE DEVELOPMENT APPLICATION

- (15) A separate development application must be submitted at the appropriate time for the fitout and use of the retail spaces. No approval for specific use or hours of operation have been given in this approval

SIGNS

- (16) 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.

PUBLIC ART

- (17) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

BOUNDARY WINDOWS COVENANT

- (18) All windows adjacent to the northern and western boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

- (19) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Schedule 1B**Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority**

- (20) 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.

EXHAUST FOR FOOD

- (21) Adequate provision shall be made in the retail tenancies for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation can be carried out.

INSTALLATION OF DUAL-FLUSH TOILETS

- (22) All toilets installed within the dwelling 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 development under the Environmental Planning and Assessment Act 1979.

INSTALLATION OF WATER-EFFICIENT SHOWER HEADS AND TAPS

- (23) All shower heads and taps installed shall be water efficient 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 development under the Environmental Planning and Assessment Act 1979.

PLANTATION OR RECYCLED TIMBERS

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

GREY WATER

- (25) The applicant is to investigate the installation of appropriate technologies within the development to enable to the collection and re-use of the rainwater. A Report addressing this matter is to be submitted and approved by Council prior to the release of the Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (26) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to 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, 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 show the removal of the vehicle crossing.
- (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.

- (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
- (e) 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.
- (f) 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:

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

DISABLED ACCESS

- (27) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under 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.

PAVING MATERIALS

- (28) 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.

STORAGE AND WASTE HANDLING

- (29) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.

- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of an Certificate.

- (30) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (31) Any metal fixings for facade panels or curtain walls to a building must be stainless steel (Grade 303) unless the element/component is designed principally as a flexural member as follows:-
 - (a) The fixing shall be designed so that in the event of imminent corrosion failure, the deformation in the fixing/s should cause the panel to displace downward (and preferably outward at the bottom of the panel).
 - (b) The flexural member/component may then be Hot Dipped Galvanised Steel and designed so that the design life of the fixing is minimum 100 years, using:-
 - (i) Average Corrosion Rate of Hot Dipped Galvanised Coating to be 2 microns per year; and
 - (ii) The Average Corrosion Rate of mild steel in the facade environment taken to be 20 microns per year; and
 - (iii) The Pitting Rate of mild steel taken to be 10 times the Average Corrosion Rate; and
 - (iv) After the section has corroded full thickness at Pitting Corrosion Rate, the Average Corrosion Rate doubles.

BCA – ALTERNATE SOLUTIONS

- (32) 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.

RECEPTACLES FOR CIGARETTE BUTTS

- (33) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building;
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
 - (f) emptying of receptacle/s must be carried out on a daily basis.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (34) 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).
- (a) 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).
 - (b) **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.

TELECOMMUNICATIONS PROVISIONS

- (35) 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.

EXTERNAL RECEIVING DEVICE

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

GLAZING

- (37) All external glazing in the development must be clear and untinted.
- (38) The visible light reflectivity from building materials used on the facade of the building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

UTILITY SERVICES

- (39) 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 (eg. 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.

ALIGNMENT LEVELS

- (40) The following requirements apply to telecommunication facilities in the building:-
- (a) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
 - (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.
- (41) The waste/recycling storage facility for commercial use shall be located within the site in a position that can be accessed by a commercial contractor.

- (42) Construction, containerisation and handling of waste arising from the commercial development shall be in accordance with Council's Code for Waste Handling in Buildings.

RECYCLING AREAS

- (43) 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.

SANITARY FACILITIES

- (44) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

GEOTECHNICAL REPORT AND CERTIFICATION

- (45) 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

- (i) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - a. Appropriate tertiary qualifications in civil or geotechnical 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.
- (ii) 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 INSPECTION & TESTING

- (46) 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.

BCA - MATERIALS

- (47) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

BCA- GLAZING

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

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**

- (49) 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

- (50) 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.
- (51) 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.

(52) The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

(53) 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (54) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

APPLICATION FOR A ROAD OPENING PERMIT

- (55) 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:-

- (a) Excavation in or disturbance of a public way, or
 - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).
- (56) Documents required with the Road Opening Permit application include:-
- (a) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
 - (b) Evidence that public utility drawings have been inspected;
 - (c) 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;
 - (d) A Security Deposit for reinstatement of public way.
- (57) The Road Opening Permit will be subject to further conditions that shall be complied with.
- (58) 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.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (59) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.

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

CONTROL OF VERMIN

- (60) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

USE OF MOBILE CRANES

- (61) 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

- (62) 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.
- (63) 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.

Schedule 1D

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

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (64) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.

- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (65) 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:

- (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.
- (ii) 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.
 - a. 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.
 - b. Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

DEMOLITION WORKS

- (66) 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.
- (67) Demolished combustible materials shall not be stockpiled. Material must be removed regularly.

HOURS OF WORK AND NOISE

- (68) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building 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 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) **Note:** The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (69) 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, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

LOADING AND UNLOADING DURING CONSTRUCTION

(70) The following requirements apply:-

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (d) 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.
- (e) 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.

(71) 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.

- (72) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- (73) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

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

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (74) 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 Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.
- (75) All work involving demolition, excavation and construction activity shall comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (76) No "offensive noise" as defined under the Protection of the Environment Operations Act, 1997 shall be created during the demolition, excavation and construction activities associated from the site.
- (77) All associated mechanical plant, equipment and the like used on site during the demolition, excavation and construction phases of the proposed development shall use all practical and reasonable noise attenuating devices and measures to minimise noise being transmitted from the site.

ENVIRONMENTAL MANAGEMENT PLAN

- (78) Prior to the commencement of any demolition, excavation or construction activities, an Environmental Management Plan (EMP) shall be developed and submitted to Council's Health Unit for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not necessarily be limited to the following measures:
- (a) Measures to control noise emissions from the site.
 - (b) Measures to suppress dust emissions from the site.
 - (c) Soil and sediment control measures.

- (d) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos.
- (e) Community consultation.

COMPLAINTS HOTLINE

- (79) A 24-hour Complaints Hotline shall be provided and displayed on site by the applicant (clearly visible from the site) with complaints directed to a designated person to receive and act upon all complaints in respect to noise from demolition, excavation and construction activities from the building site.

ENVIRONMENTAL PROTECTION

- (80) 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.

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

- (81) 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.

- (82) A Fire Safety Certificate (in accordance with Clause 174 of the Environmental Planning and Assessment Regulation 2000) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the An Certificate must be submitted to Council if it was not the PCA.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (83) 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

- (84) 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.
- (85) That certificates of design compliance and system performance for the mechanical ventilation systems shall be provided to Council or the Certifying Authority, certifying the design and upon commissioning of the mechanical ventilation systems certifying performance. The certificate of performance shall be in a form acceptable to Council and be accompanied by details of the test carried out in respect of:-
- (a) Ventilation;
 - (b) Acoustics.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (86) 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.
- (87) 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.
- (88) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

NUMBERING

- (89) 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.

COOLING SYSTEMS

- (90) All warm water or water cooling systems installed on the premises must comply with the requirements of the Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and Australian Standard 3666 – Air-handling and water systems of buildings - Microbial Control.
- (91) Prior to commencement of use the owner or occupier of the premises must apply to Council for the registration of water cooling systems and warm water systems installed on the premises in accordance with the Public Health (Microbial Control) Regulation 2000

VENTILATION

- (92) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2).
- (93) That the separation, distances and positioning between air intakes, exhausts, natural openings and cooling towers shall comply with the strict requirements of Australian Standard 1668.1 & 2.

AIR HANDLING

- (94) That all air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000.

MICROBIAL CONTROL

- (95) That all water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000 before being commissioned.

CERTIFICATION OF GEOTECHNICAL INSPECTION

- (96) 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.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

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

NOISE - USE

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

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

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

NOISE - MECHANICAL PLANT

- (99) Noise associated with mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

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

CARE OF BUILDING SURROUNDS

- (100) 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.

WINDOW CLEANING

- (101) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.
- (102) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Clause 22 of the Noise Control (Miscellaneous Articles) Regulation 1995, and Australian Standard 2201.

- (103) No waste is to be placed on the public way (eg. Footpaths, roadways, plazas, reserves or building colonnade areas) at any time.
- (104) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1997, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

MICROWAVE/LASER COMMUNICATION SYSTEM

- (105) Any microwave/laser communication system devices/apparatus must incorporate all necessary safety features to prevent any person being exposed to radiation in excess of that permitted by the Radiation Control Act 1990, and Regulations thereunder, Australia Standard 2772 - 1990 and any other relevant Code or Standard.
- (106) Noise and vibration from the use of any plant, equipment and/or building service associated with the premises shall not cause a nuisance.
- (107) Air conditioning or refrigeration systems which contain R11 or R12 or any other controlled substance as defined in the Ozone Protection Regulation 1997, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

NO OBSCURING OF SHOPFRONT GLAZING

- (108) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

AIR HANDLING - FOOD

- (109) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668.

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.

Carried.

DEVELOPMENT APPLICATION: 24-28 ROSLYN STREET, RUSHCUTTERS BAY (ST CANICE'S CHURCH) (D2003/00939)

9.7

That arising from consideration of a report by the Planner to the Planning Development and Transport Committee on 21 June 2004, in relation to Development Application D2003/00939 made by Michael Musgrave for the site at 24-28 Roslyn Street, Rushcutters Bay, for the use of the existing church hall as a homeless shelter on Thursday nights, it be resolved that -

- (A) the application be approved subject to the following conditions -

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2003/00939 dated 10 September 2003 and the information and drawings attached, as amended by the following conditions:

TRIAL PERIOD

- (2) The use of the premises associated with this development application, shall be subject to a trial period of 1 year. The trial period shall only commence in accordance with the terms of the consent and the applicant shall:
 - (a) Prior to the commencement of the trial period, give written notification to the Director Planning – Northern Zone of the intention to commence the trial.
 - (b) Prior to the completion of the 1 year trial period the applicant is to submit an application (Section 96 or development application) to Council to continue the use. In determining such an application, regard will be given to the nature of the trial period, any objections received, the views expressed by the NSW Police Service and compliance with conditions of consent.

HOURS OF OPERATION

- (3) The hours of operation of the use of the hall as a homeless shelter shall be between 8:00pm on Thursday nights and 7:00am on Friday mornings.

MANAGEMENT

- (4) The homeless shelter shall be operated in strict accordance with a Management Plan and Communication Strategy, to be based on the submitted drafts, but more specifically addressing in greater detail the issue of managing homeless persons occupying the site at times other than Thursday nights, and in outdoor areas, the final details of which are to be approved by the Director Planning – Northern Zone. The plans are to be submitted to Council within thirty (30) days of the date of this consent.
- (5) A maximum of 25 homeless persons shall be accommodated in the hall at any one time.
- (6) A receptacle shall be provided for the disposal of cigarette butts.
- (7) A minimum of two staff, paid or volunteer, shall supervise the running of the centre overnight.
- (8) A register of names of persons staying overnight in the centre shall be kept on the premises.
- (9) No bedding material is to be provided for use on public land.

VISITOR BEHAVIOUR

- (10) The Church management shall ensure that the behaviour of visitors entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by visitors of the premises and shall ensure that visitors leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

RESTRICTIONS ON ENTRANCE

- (11) All visitors to the homeless sleepover must enter and exit the property from the Roslyn Street gateway unless there are exceptional circumstances, such as if the person is mobility impaired.

NOISE - USE

- (12) 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.
- (13) 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.

HEALTH CONDITIONS

- (14) A minimum space of 3.25 square metres per person of bed space shall be provided.
- (15) All mattresses shall have an impermeable protective covering.
- (16) All beds shall be provided with clean bed linen, clean blanket, pillow and pillowcase for each new person accommodated.
- (17) All bed linen shall be washed after each use.
- (18) A fresh clean towel shall be provided to each resident upon request for bathing.
- (19) Soap or liquid soap dispenser shall be provided in the male and female bathrooms.

SANITARY FACILITIES

- (20) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

VENTILATION

- (21) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

- (23) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (B) a report about the operation of the premises be prepared by City staff and submitted to Council six months after the commencement of the trial.

Carried.

Note - Mr Toad Sheehan, Mr Barry McGuren, Mr Andrew Woodhouse, Mr Ivan Myndreskou, Ms Joanne Bottcher, Mr Michael Musgrave and Father Stephen Sinn addressed the meeting of the Planning Development and Transport Committee on Item 9.7.

DEVELOPMENT APPLICATION: 58-60 BUCKINGHAM STREET, SURRY HILLS (U03-00938)**9.8**

That arising from consideration of a report by the Assessment Officer to the Planning Development and Transport Committee on 21 June 2004, in relation to Development Application U03-00938 made by Artech Design and Construction for the site at 58-60 Buckingham Street, Surry Hills, to demolish the existing building and erect a four storey building with commercial and three car parking spaces at ground level and 4 x 1 bedroom and 2 x 2 bedroom residential units above, it be resolved that -

- (A) Council grant deferred commencement consent, which is not to operate and not be acted upon until the Council or its delegate is satisfied as to the following matters:-
- (1) That a Site Audit Statement prepared by a NSW EPA accredited auditor is to be submitted to Council certifying that the site is suitable for the intended use. Where the Site Audit Statement is subject to conditions that require ongoing review by the auditor or Council, these should be discussed with Council before the Site Audit Statement is issued.
 - (2) That a Construction Management Plan shall be submitted to Council's satisfaction.
 - (3) That an access door in compliance with the BCA shall be provided directly from the commercial tenancy into the rear parts of the building at ground floor level. Amended plans indicating this shall be submitted for approval.

- (4) That the windows to the residential units looking out into the internal void shall have sill heights above 1.7 metres from floor level. Amended plans indicating this shall be submitted for approval.
- (5) That screening in the form of obscure glazing or similar shall be provided to a height of 1.8 metres from floor level on the rear boundary (Little Buckingham Street frontage) of the communal open space at roof level. Amended plans indicating this shall be submitted for approval.
- (B) evidence of the matters listed in clause (A) must be produced to the Council or its delegate within six (6) months or such further period as Council may determine is appropriate upon application in writing being made to Council otherwise the Consent will not operate; and
- (C) subject to the completion of the above requirements, the development consent shall operate subject to the following conditions and any other conditions reasonably arising from clause (A) above:
- (1) That the development shall be generally in accordance with plans numbered 0333 Sheets 1C – 7C, dated 27/04/04 and drawn by Artech Design and Construction subject to compliance with the conditions below;
- (2) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$ 3 350

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

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

where:

- C is the original contribution amount as shown above;
- CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the Dec Quarter 2004

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the Construction Certificate. Copies of the Section 94 Contributions plan may be inspected at Council's Redfern Neighbourhood Centre presently located at Tower B, 1 Lawson Square, Redfern;

(3) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 2003, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space/LGA Works Programme	\$ 2 954
Open Space/Green Square	\$26 603
Accessibility And Transport	\$ 50
Road Infrastructure/Green Square	\$ 1 055
Management	\$ 706
Total	\$31 368

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.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI2}}{\text{CPI1}}$$

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 the Dec Quarter 2004.

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

Payment shall be made before the release of the Construction Certificate.

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

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

To support the case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards.

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

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

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

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

Copies of the Section 94 Contributions plan may be inspected at Council's Redfern Neighbourhood Centre presently located at Tower 2, 1 Lawson Square, Redfern;

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10 830.00 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (5) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, to the value of \$2400 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (6) That a separate development application shall be lodged for the specific use of the commercial tenancy at ground floor level. Details lodged with the application shall include hours of operation, number of staff, traffic generation, waste removal etc;
- (7) That only one common television aerial shall be provided on the building;
- (8) That any external glazing shall have a reflectivity not exceeding 20%;
- (9) That any letterboxes to be constructed shall be designed to be accessible and in accordance with South Sydney Council's Exempt and Complying Development provisions;
- (10) That the street number shall be clearly displayed, with such number being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (11) That the parking spaces shall be allocated on the basis of 2 for residents, being 1 to each of the 2 bedroom units, and 1 for commercial premises/servicing.
- (12) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (13) That the current-parking restrictions around the site shall not be altered for any proposed vehicles servicing for the site after an occupation certificate has been issued;
- (14) That the applicant shall ensure that there shall be no encroachments over the public way;

- (15) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (16) That the applicant shall meet with Councils Waste Services Operations Manager prior to issuing a construction Certificate to discuss suitability of the storage area and to present a waste management plan including expected waste generation rates, general requirements regarding collection services and waste management responsibilities;
- (17) That the applicant shall ensure that the enclosed domestic garbage storage area is of sufficient size to accommodate 2 x 240-litre sulo bins for domestic refuse and 2 x 240-litre sulo recycling bins;
- (18) That the applicant shall ensure that a suitable separate enclosed garbage storage area shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by commercial tenants;
- (19) That the applicant shall ensure that the commercial tenants must engage services of a private waste contractor for removal of waste and recycling;
- (20) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works;
- (21) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (22) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (23) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;

- (24) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in any existing or proposed Council on-street resident parking schemes. Signs to this effect shall be located in prominent places, to Council's satisfaction, such as at display units and on all directory boards or notice boards, where they can easily be observed and read by persons entering the building. The sign shall read, "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council". The signs shall be erected in conjunction with all display units and within completed building prior to release of an occupancy certificate and shall be maintained in good order at all times;
- (25) That at all times the loading space, car parking spaces and access driveways shall be kept clear of good and shall not be used for storage purposes, including garbage storage;
- (26) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (27) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (28) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of City Works;
- (29) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (30) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;

- (31) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (32) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (33) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (34) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, irrigation system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (35) That the impact of the proposed construction works on existing trees either on site, within the footway, or on neighbouring properties, shall be assessed by a suitably qualified arborist. The arborist shall then submit a tree survey report to Council, providing accurate location, height, canopy spread, species and condition, with any protection and mitigation measures require for each specimen. These measure shall be approved by Council's Tree Management Officer and implemented under the supervision of a suitably qualified arborist, prior to the application of the Construction Certificate. Should the protection and mitigation measures not be adhered to, the developer shall be liable for fines in accordance with Council's Tree Preservation Order. If the construction period extends beyond 6 months, 3 monthly arborist reports shall be submitted to Council's Tree Management Officer to assess whether these protection and mitigation measures are being implemented effectively;
- (36) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003;
- (37) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);

- (38) That the application shall submit a waste management plan as outlined in Council's Code for Waste Minimisation in new developments prior to the issue of a Construction Certificate. This condition applies to all residential, commercial and mixed-use developments;
- (39) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
- (a) Construction periods of 4 weeks and under:
- The LA10 level measure over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.
- (b) Construction periods of greater than 4 weeks and not exceeding 26 weeks;
- The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.
- (c) Construction hours being limited to:
- Monday to Friday, 7.00am to 5.00pm
Saturday, 7.00am to 3.00pm
- No construction work outside of the above hours is permissible without the prior approval of Council;
- (40) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT – Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (41) That the generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste shall be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority waste tracking requirements. For further information contact the EPA on 133 372;

- (42) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged construction certificate until a construction certificate application has been approved for each stage;
- (43) That all relevant sections of the BCA shall be complied with;
- (44) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (45) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (46) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (47) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (48) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (49) That an application for an Occupation Certificate shall be submitted on the completion of the building works;
- (50) That the requirements of the Work Cover Authority shall be complied with;
- (51) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (52) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (53) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;

- (54) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (55) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (56) That the demolition work shall comply with Australian Standard 2601-1991;
- (57) That if the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (58) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished
- (Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;
- (59) That the applicant be advised that this application has not been assessed for compliance with the Building Code of Australia;

- (60) That construction, containerisation and handling of residential garbage and recyclables shall be in accordance with Council's Waste Management/minimisation Fact Sheets. Details to be submitted with the applications for a Construction Certificate;

NOTE:

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

Carried.

DEVELOPMENT APPLICATION: 29-33 LACHLAN STREET, WATERLOO (U04-00065)

9.9

That arising from consideration of a report by the Senior Town Planner to the Planning Development and Transport Committee on 21 June 2004, in relation to Development Application U04-00065 made by City West Housing Pty Ltd for the site at 29-33 Lachlan Street, Waterloo, for demolition of existing structures and erection of part 6 part 8 storey mixed use development comprising 29 affordable housing units, retail/café shop and basement parking for 16 cars, it be resolved that -

- (A) a deferred commencement consent be granted in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979, with commencement of the consent being subject to the satisfaction of the following matters within 6 months of the date of this deferred commencement consent:-
- (i) A Remedial Action Plan (RAP) which complies with the NSW Environment Protection Authority "Guidelines for Consultants Reporting on Contaminated Site", Planning NSW Planning Guidelines "Managing Land Contamination Planning Guidelines" and Council's DCP Contaminated Land;
 - (ii) The RAP shall be reviewed by a NSW EPA accredited Site Auditor and include a statement issued by that auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use;

- (iii) The ground level open space area to be redesigned to reduce the size of the drying area to the minimum space required, and subsequently increase the size of the landscaped area to the rear of the site to provide additional communal space for the occupants and increased planting areas;

(B) subject to satisfaction of (A) above, the following conditions of consent shall apply:-

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.

- (1) That the development shall be generally in accordance with plans numbered and dated subject to compliance with the conditions below;

DA2000 Amendment A1-04-04 received 15 April 2004-06-01;
DA2001 Amendment A1-04-04 received 15 April 2004-06-01;
DA2002 Amendment A1-04-04 received 15 April 2004-06-01;
DA2003 Amendment A1-04-04 received 15 April 2004-06-01;
DA2004 Amendment A1-04-04 received 15 April 2004-06-01;
DA2005 Amendment A1-04-04 received 15 April 2004-06-01;
DA3000 Amendment A1-04-04 received 15 April 2004-06-01;
DA3001 Amendment A1-04-04 received 15 April 2004-06-01;
DA3002 Amendment A1-04-04 received 15 April 2004-06-01;
DA3003 Amendment A1-04-04 received 15 April 2004-06-01; and
DA2001 Landscape Plan received 11 February 2004.

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$33,280 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, to the value of \$13,150.80 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$17,408

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

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

where:

- C is the original contribution amount as shown above;
 CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the December Quarter 2004

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

Copies of the Section 94 Contributions Plan may be inspected at Council's offices located at Tower 1, Lawson Square Redfern;

(5) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and Sydney City Council Section 94 Contributions Plan 2003, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space: LGA Works Programme	\$15,392
Open Space: New for Green Square	\$201,853
Accessibility and Transport	\$259
New Road Infrastructure/Green Square	\$81,609
Community Facilities/Green Square	\$69,719
Public Art Program	\$5,607
Library Resources	\$5,481
Management	\$3,700
Total	\$383,620

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

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

where

- C is the original contribution amount as shown above;
- CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
- CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December Quarter 2004

The above amount must be paid to the Council in cash or by unendorsed bank cheque.

Payment shall be made before the release of the Construction.

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 or deed of agreement referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

Part B

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

To support the case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards.

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

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

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

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

Copies of the Section 94 Contributions Plan may be inspected at Council's offices located at Tower 1, Lawson Square Redfern;

Schedule 1B

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

- (6) 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

- (7) 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.

TELECOMMUNICATIONS PROVISIONS

- (8) 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.

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

- (9) The balconies to Units 5 and 10 are to be increased in size to a minimum area of 8sqm and a minimum depth of 2m in accordance with South Sydney Development Control Plan 1997: Urban Design, with the plans amended prior to the issue of the Construction Certificate.
- (10) Natural light and ventilation is to be provided to the bathroom and laundries of Units 3, 8, 13, 17, 21, 25, 27 and 29, with the plans amended prior to the issue of the Construction Certificate.
- (11) Privacy screens are to be provided to the side elevation of balconies which face each other on the same level of differing units, with the plans amended prior to the issue of the Construction Certificate.
- (12) The development is to comply with the requirements of the NatHERS Report submitted with the application, with the plans detailed accordingly, prior to the issue of the Construction Certificate.

- (13) No structures are to be located within a 1.6m setback from the Amelia Street frontage, with the plans amended generally in accordance with sketch plans titled DA2001 Amendment A 28 May 2004, prior to the issue of the Construction Certificate.
- (14) Passive surveillance to the breezeway on each level of the building is to be improved by providing the walling to the court and void to the units facing the breezeway to be in the form of a privacy screen, with details to be provided on the plans prior to the issue of the Construction Certificate.
- (15) The storage space at basement level is to be deleted to ensure the development complies with the maximum floor space ratio provision, with the plans to be amended prior to the issue of the Construction Certificate.
- (16) The development shall provide a minimum of nineteen (19) on site car parking spaces, with the plans to be amended to incorporate 3 car stackers prior to the issue of the Construction Certificate.
- (17) Electronic signals, signage and linemarking are to be provided to the car park to control priority on the driveway, with the signals to give priority to entering vehicles over exiting vehicles. A waiting bay is to be clearly linemarked inside the car park in a location that allows vehicles to enter the car park. The plans are to be amended prior to the issue of the Construction Certificate.
- (18) That the applicant shall provide a system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property. Details shall include the provision and maintenance of overland flow-paths and shall be approved together with the Construction Certificate. Such approval may, wholly or in part, rely on a certificate issued by a Council-registered stormwater certifier. If it is to be connected into Council's Stormwater System the maintenance procedures for the entire system shall be documented on the Certificate of Title for the property in the form of a "positive covenant";
- (19) "A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.";

- (20) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass.
- (21) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks/QCV's installed in private landscape areas are to be at a minimum one per 80m² of landscaped area, or one for each separate private or communal landscaped space. The owner/applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;
- (22) A detailed set of plans and a specification for the site (to a standard suitable for construction) shall be prepared by a qualified Landscape Architect. The plans shall be submitted to the Certifying Authority (and/or Council) prior to the application for a Construction Certificate.

The Landscape Plans undertaken by a qualified Landscape Architect (not Landscape Contractor) shall nominate:

- (a) Materials and Finishes - Plans, sections, elevations, details and schedules to fully indicate type, extent, layout, setout, installation requirements of all hardworks, materials and surface finishes (ie. functional and aesthetic lighting, wall, balustrading and fence treatments, paving finishes, raised planters, furniture and bollards). The drawings shall include the relationship to adjoining finishes (public domain and built form). Materials shall be of a high quality that compliments the architecture and character of the development and its environs.
- (b) Levels and Drainage - Plans, elevations, details and/or sections to fully describe existing and proposed levels, walls, stairs and ramps for disabled access, gradients, fall arrows, inlet pit size and type, sub surface drainage, tactile pavers, to a refined level suitable for construction.
- (c) Planting Plan - Plan and schedules indicating layout, location, species, size at installation, staking an/or tree guard requirements and numbers of each species. Details of ground preparation, soil mix (including planter box mixes). Mass planting areas shall be mulched in hardwood chip at 75mm depth.

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

Material	Nominal Height	Min. Spacing	Min. Size
Trees	Varies	As shown	100L (min. 2.0m tall)
Large Shrubs	>1.5m	3- 6 per m ²	10L
Shrubs	600mm-1.5m	4-9 per m ²	5L or 200mm pot
Groundcovers	<500mm	4-10 per m ²	150mm pot

- (23) Permanent bench seating for passive recreation is to be provided in the communal area with the landscape plans detailed prior to the issue of the Construction Certificate.
- (24) The entrance area between the two buildings shall be redesigned/reconfigured to create a level transition. The entry to the common open space shall not start and finish with a ramp with landings at the top and bottom of the steps to be flush with the adjacent ground level, with the landscape plan amended prior to the issue of the Construction Certificate.
- (25) The access gate shall have two leaves to be able to open to the same width as the path (1.8 metres). The gate and fence shall be sensitively designed to tie in with the material palette for the building, and where possible planting shall be incorporated into the fence design to minimise the impact. The landscape plans are to be amended prior to the issue of the Construction Certificate.
- (26) Details shall be provided as to the design and height of the rear boundary fence treatment. The fence treatment shall be in keeping with the architecture of the building and be sympathetic to the neighbouring communal open space. The details are to be provided on the landscape plans prior to the issue of the Construction Certificate.
- (27) That a minimum of 10 bicycle parking lockers are provided for residents to AS2890.3 Class 1 standard in the area designated for bicycle parking on the plans and 5 spaces for visitors to Class 3 rail standard are located at grade outside the building. The details are to be provided on the plans prior to the issue of the Construction Certificate.
- (28) That the development shall be provided with access and facilities for people with disabilities in accordance with AS1428.2-1992 Design for Access and Mobility Part 2: Enhanced and Additional Requirements with the plans detailed prior to the issue of the Construction Certificate;
- (29) That the recommendations of the Acoustic report submitted with the application shall be encompassed into the design and construction of the development, with details provided with the submission of the 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

- (30) The footway treatment shall be in accordance with the McGregor and Partners Public Domain plans. Liaison shall take place with Council's Green Square team prior to the submission of the Construction Certificate to approve surface treatments.
- (31) A copy of the Construction Certificate drawings shall be submitted to the Green Square team for reference.
- (32) That all relevant sections of the BCA shall be complied with.
- (33) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged construction certificate until a construction certificate application has been approved for each stage.
- (34) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced.
- (35) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment.
- (36) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work.
- (37) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work.
- (38) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance.
- (39) That an application for an Occupation Certificate shall be submitted on the completion of the building works.
- (40) That the requirements of the Work Cover Authority shall be complied with.

- (41) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays.
- (42) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (43) Footpath works are to include all adjustments to stormwater drainage pits and lines, underground services and service pit lids, minimum road restoration requirements for disturbed road pavement, construction of pram ramp crossings, upgrading of retained vehicle crossings, sub-soil drainage lines and inspection fees (charged at \$100 plus 2.5% of the cost of the work).
- (44) The design and construction of these works will need to take into account all necessary authority approvals, traffic and pedestrian management planning as well as service adjustments, level adjustments, service pit adjustments, and reinstatement of disturbed areas.
- (45) In order for Council to certify the public domain works, evidence of public liability insurance must be furnished, for an amount not less than \$20,000,000. Prior to commencing construction, road occupancy certificates and road opening permits must be obtained from the Roads and Traffic Authority and City of Sydney respectively.
- (46) The street lighting upgrade for Amelia Street must be endorsed, in writing, by Energy Australia. This process is required in order to ensure future supply, connection and maintenance by Energy Australia. Details of the approved street light upgrade must be completed prior to the release of the Occupation Certificate for the development.
- (47) Construction plans and specifications for all works on Council property shall comply with Council's Development Specification for Civil Works (DSCW Design and Construction volumes) and Streetscape Masterplan (SSMP) which may be purchased from Council's One Stop Shop.
- (48) Before construction and pursuant to Part 9 Division 3 of the Roads Act 1993, the above plans and specifications shall be approved by Council regardless of who is nominated as the certifier for on-site works, and the works constructed strictly in accordance with these approved plans.
- (49) Construction of the works on Council property will be subject to terms negotiated with the Executive Director City Development (the contact for future liaison is Green Square Project Engineer, Alf Rajaratnam on (02) 9246 7553). All works will need to be fully constructed and approved by Council prior to the issue of the Occupation Certificate.

- (50) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include:
- (a) Siltation fencing
 - (b) Protection of the public stormwater system; and,
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;

Schedule 1D

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

- (51) Splays are to be provided on each side of the access driveway in accordance with the requirements of AS 2890.1 to provide adequate sight distance.

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (52) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:

- (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

Schedule 1E

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

- (53) 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.
- (54) That only one common television aerial (for each building where relevant) shall be provided;
- (55) That any external glazing shall have a reflectivity not exceeding 20%;
- (56) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;
- (57) That any letterboxes are to be constructed shall be designed to be accessible and in accordance with Sydney City Council's Exempt and Complying Development provisions;

- (58) That the owner shall dedicate for road purposes, free of cost to Council, a 1.6m widening along the site frontage to Amelia Street, to be detailed in a plan of subdivision/consolidation of the land. This plan to be registered at the Land and Property Information Centre (formerly Land Titles Office) prior to issuing an Occupation Certificate;
- (59) That any lighting on the site shall be designed to ensure no adverse impact on the amenity of the surrounding area by light overspill. Lighting shall comply with the AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting.
- (60) Lighting shall also provide a safe and comfortable visual environment for pedestrian movement at night. Lighting shall comply with the AS/NZS 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements;
- (61) That the applicant shall submit to the Certifying Authority and Council's Landscape Architect an annual maintenance program for landscape works, prior to the issue of Occupation Certificate. A copy is to be supplied to the Owner/Body Corporate for ongoing maintenance of the site. The Owner/Body Corporate shall be responsible for a defect liability and maintenance period of 12 months for landscape works undertaken on Council owned land, to the satisfaction of Council's Landscape Architect;
- (62) That the Certifying Authority (council or private) shall arrange for a qualified Landscape Architect to inspect the works during construction (minimum of four site inspections at key hold points), and upon practical completion of the landscape works to certify adherence to the DA conditions and Construction Certificate drawings. The Landscape Architects role shall be to ensure the quality of the works in accordance with the documentation and quality standard of finishes. The inspections and associated site instructions shall be documented by the Landscape Architect. Poor quality finishes shall not be accepted. Should the quality be insufficient as deemed by the Landscape Architect, the applicant/developer shall be responsible for rectifying finishes at his/her own cost. The landscape works undertaken on Council owned land are subject to final approval by Councils Landscape Architect. Landscape works, both on private and Council owned land are to be completed prior to the issue of an occupation certificate.
- (63) The applicant shall provide Council's Green Square Team with a set of 'as built' drawings upon practical completion.
- (64) That the parking spaces shall be allocated on the basis of 16 spaces for the residential units, 2 spaces for visitors and 1 space for the retail shop/café, appropriately line marked and labelled prior to issuing the Occupation Certificate.
- (65) That the bicycle storage area is well lit with lighting according to AS1158.1.

Schedule 1F

Conditions to be complied with during the use of Premises

CARE OF BUILDING SURROUNDS

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

REMOVAL OF GRAFFITI

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

WINDOW CLEANING

- (68) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.
- (69) That a separate development application shall be lodged for the specific use of retail shop/café and SOHO unit;
- (70) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (71) That of the required car parking spaces, at least 1 space shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;
- (72) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (73) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (74) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996. In particular the development must have satisfactory:

- (a) Ramp grades and transitions
 - (b) Clearances
 - (c) Aisle widths
 - (d) Width of car parking spaces
 - (e) Width of vehicular entrances
 - (f) Designated visitor spaces
 - (g) Designated spaces for people with disabilities
 - (h) Designated bicycle spaces
- (75) That the applicant shall ensure that there shall be no encroachments over the public way;
- (76) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (77) That the applicant shall ensure that there is separate enclosed garbage room for commercial waste only. This room must comply with Council's Code for Waste Minimisation and be approved by Council prior to the issuing of a Construction Certificate;
- (78) That the applicant shall ensure that all waste and recycling bins are located kerbside for the proposed weekly collection;
- (79) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works;
- (80) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (81) That prior to the commencement of any work on the public way a Road Opening Permit shall be obtained for any excavation or building works, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (82) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;

- (83) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (84) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (85) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (86) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in any existing or proposed Council on-street resident parking schemes. Signs to this effect shall be located in prominent places, to Council's satisfaction, such as at display units and on all directory boards or notice boards, where they can easily be observed and read by persons entering the building. The sign shall read, "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council". The signs shall be erected in conjunction with all display units and within completed buildings prior to release of an occupancy certificate or prior to council issuing final strata subdivision approval (whichever occurs first) and shall be maintained in good order at all times;
- (87) That the visitor parking spaces shall not at any time be allocated, sold or leased to an individual owner/occupier and shall be strictly retained as common property by the Owners Corporation of the site;
- (88) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (89) That at all times the car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (90) That all vehicles shall always be driven onto and off the site in a forward direction;
- (91) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift lobby in accordance with the design requirements of the relevant Australian Standards;
- (92) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;

- (93) That the applicant must make an application to utilise the public way for the loading and unloading of materials associated with the building site, but NOT for the stockpiling of construction materials, to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Works Zone. If a Works Zone is not obtained then all loading & unloading of materials must occur on-site. It should be noted that it is not always possible to provide a Works Zone at every building site, for example at intersections, near traffic signals or pedestrian crossings, in narrow streets or where Clearway restrictions exist;
- (94) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of City Works;
- (95) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (96) That the applicant shall submit a Construction Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. A copy of the Construction Management Plan is available from Council's One Stop Shop;
- (97) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (98) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
- (99) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (100) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;

- (101) That the applicant shall submit an Overland Flowpath Plan for approval by the Director of City Works prior to the release of the Construction Certificate. The Plan shall provide information regarding the extent of the one in 100 year flood that traverses the property and how the flow is to be safely managed so that it is not diverted onto adjoining properties and does not flood into underground carparks or other underground areas. A Drainage Easement, with rights vested in Council, is also to be created over the property to encompass the extent of the overland flowpath and any stormwater pipeline. If significant overland flows emanate from upstream private properties the applicant shall create the necessary private Easement to Drain Water with rights vested in the upstream properties;
- (102) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003;
- (103) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (104) That the applicant shall submit a waste management plan as outlined in Council's Code for Waste Minimisation in new developments prior to the issue of a Construction Certificate. This condition applies to all residential, commercial and mixed-use developments;
- (105) That the applicant shall enter into a commercial contract for the collection of trade waste and recycling. A copy of the agreement shall be held on the premises at all times;
- (106) That the applicant shall provide a system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property. Details shall include the provision and maintenance of overland flow-paths and shall be approved together with the Construction Certificate. Such approval may, wholly or in part, rely on a certificate issued by a Council-registered stormwater certifier. If it is to be connected into Council's Stormwater System the maintenance procedures for the entire system shall be documented on the Certificate of Title for the property in the form of a "positive covenant";

- (107) That each dwelling shall have a solar hot water heating system (electric or gas boosted). For each one bedroom and two bedroom dwelling, the solar hot water heating system shall have a tank with a capacity of 180 litres (one panel system) and for each three bedroom dwelling, the heating system shall have a capacity of 300 litres (2 panel system). Should the design, layout and orientation preclude a solar hot water heating system, a heating system with a minimum energy star rating of 3.5 stars shall serve as a replacement system. A statement from a suitably qualified energy adviser shall be submitted with the Construction Certificate, indicating the suitability of the solar hot water heating system in terms of orientation, location and capacity;
- (108) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (109) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997.

Schedule 2

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

- (110) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;

(111) That toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:-
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

- accredited sewage management facility means a sewage management facility to which Part 3 Division 4A of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.
- approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.
- public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.
- sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

Council strongly encourages the developer to link the employment (and training) opportunities associated with the development to local people, enhancing the positive social impacts. In addition to the direct positive impacts of the employing local unemployed people, research and literature suggests that the employment of local people both (during both construction and operation phases) will result in many secondary positive impacts including reduced crime, increase ownership and sense of place, and positive relationships between existing and new residents. The employment of local people is also in accord with the principles of ecologically sustainable development. The contact details of three local employment service providers are:

- Naamoro Aboriginal Employment Services Inc
104 Lawson St Redfern 2016 (02) 9318 2159
- Redfern Aboriginal Corporation
11 Gibbons St Redfern 2016 (02) 8399 0187
- Workventures Employment Services
Level 1 Suite 105a/100 William St Woolloomooloo 2011 (02) 9360 1566

- (C) Council enter into negotiations with the Roads and Traffic Authority (RTA) and the applicant to establish the most appropriate temporary treatment for the road reserve in front of the site to ensure adequate pedestrian safety and to discourage vehicles from parking on the road reserve area after the construction of the proposed development. The cost of any temporary works shall be the responsibility of the RTA as the owner of the land.

Carried.

**DEVELOPMENT APPLICATION: 134 – 136A DARLINGHURST ROAD,
DARLINGHURST/AKA 3-5 HARDIE STREET (CITY CAR MART) (D04/00158)**

9.10

That -

- (A) consideration of this matter be deferred to the meeting of Council on 28 June 2004;
and
- (B) a site inspection of the subject site be undertaken by Councillors on Saturday 26 June 2004.

Carried.

Note - This matter was dealt with by Council as Item 13 on the Business Paper.

Note - Mr Toad Sheehan, Ms Heather Bain and Mr Shaun Perrett addressed the meeting of the Planning Development and Transport Committee on Item 9.10.

ITEM 11. VICTORIA PARK, ZETLAND – REQUEST TO AMEND PARKING CONTROLS TO ALLOW RESIDENTS TO ACCESS PARKING PERMITS (2029433)

Moved by Councillor McInerney, seconded by Councillor Harris -

That arising from consideration of a report by the Manager Transport Management to the Planning Development and Transport Committee Meeting on 21 June 2004, and to Council on 28 June 2004, in relation to residents request to be permitted to access the Resident Parking Permit Scheme in Victoria Park Zetland (Area 37), it be resolved that:-

- (A) Council retain the existing restriction that residents of new dwellings approved after 8 May 1996 are ineligible to access resident parking permits;
- (B) a report be referred to the Sydney Traffic Committee to amend the existing on-street parking controls for streets within Victoria Park to allow 4-hour parking between 8am to 6pm from Monday to Friday inclusive;
- (C) details of restricted access to resident parking permits be provided as a notation on Planning Certificates issued by Council, and the existing parking explanatory brochure issued by the former South Sydney City Council as an attachment to Planning Certificates be updated and continue to be provided by the City;
- (D) notwithstanding clause (A), Council recognise difficulties being experienced by a small number of residents without on site parking and who were apparently misled regarding unrestricted kerbside parking, and that a possible resolution to this particular matter be delegated to the Chair of the Planning Development and Transport Committee in consultation with the Traffic Committee and Landcom; and
- (E) residents of Victoria Park and the Member for Heffron be advised of the decision and advised that parking restrictions will be amended and enforced.
- (F) Council request Landcom to erect appropriate signage in the Tote Building at Zetland detailing parking restrictions in the area.

Carried unanimously.

ITEM 14. DRAFT SUBMISSION ON MOBILE ADVERTISING VEHICLES TO THE N.S.W. ROADS AND TRAFFIC AUTHORITY

Moved by Councillor McInerney, seconded by Councillor Pooley -

That arising from consideration of a report by the Director City Planning (Northern Zone) to Council on 28 June 2004, on Draft Submission on Mobile Advertising Vehicles to the NSW Roads and Traffic Authority, it be resolved that –

- (A) the submission contained at Attachment A to the subject report be endorsed; and
- (B) authority be delegated to the Lord Mayor to finalise the submission, addressing any issues and comments from the Council meeting.

Carried unanimously.

ITEM 15. DRAFT SUBMISSION TO THE NSW PARLIAMENT STANDING COMMITTEE ON STATE DEVELOPMENT - NSW PORTS GROWTH PLAN (S016796)

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

That arising from consideration of a report by the Manager Strategic Planning to Council on 28 June 2004, on the Draft Submission to the NSW Parliament Standing Committee on State Development - NSW Ports Growth Plan, it be resolved that:

- (A) Council endorse the draft submission at Attachment A to the subject report; and
- (B) authority be delegated to the Lord Mayor to approve the final submission for lodgement to the NSW Parliament Standing Committee on State Development – Inquiry into Ports Infrastructure.

Carried unanimously.

Note – The Chair (the Lord Mayor) commended the Manager Strategic Planning on the fine submission she had produced.

ITEM 18. QUESTIONS ON NOTICE

FILE NO:

DATE: 22/6/04

BROADWAY GATEWAY PROJECT (S032453)

1. By Councillor Firth

Question

Can the Council be provided with an update on the Broadway Gateway project, together with an analysis of any increases made to the original budget for the project?

Answer by the Lord Mayor

The development application for the Broadway upgrade was approved on 10 March 2004, following extensive community consultation. I have asked the General Manager to circulate, via the Councillors' Information Service, a copy of that confidential report to Council of 13 February 2004 and resolution of Council on 16 February 2004. These documents set out the reasons for Council's changes to the Capital Works Budgets, including the Broadway Gateway project.

The confidential report of 13 February 2004 includes information about projects that Council has yet to put to tender. Council's General Counsel tells me that, if the information in this report is released publicly at this time, it could disadvantage Council's commercial position when tendering for these projects.

FISH MARKET MASTER PLAN (S032453)

2. By Councillor Firth

Question

Could Councillors please be provided with an update as to the current status of the Fish Market Master Plan?

Answer by the Lord Mayor

The City is not the consent authority for this development. The Minister for Infrastructure and Planning and Minister for Natural Resources is yet to determine the proposal. The City previously made an objection to the proposal and raised concerns particularly about the height; dominance of a public car park; poor pedestrian amenity, particularly to the rear of the site and linkages to Ultimo/Pymont; and the quality of the public domain.

QUESTIONS WITHOUT NOTICE**COUNCIL BUILDINGS - ACCESS FOR PEOPLE WITH DISABILITIES
(S032443)**

1. By Councillor Lee

Question

Lord Mayor, would you consider asking Council officers to conduct an audit of all Council buildings and provide a report to Councillors on disabled access to all of the accessible Council buildings?

Answer by the Lord Mayor

Councillor Lee, I certainly would but first I will ask the General Manager to provide some advice on that.

General Manager

Lord Mayor, we can certainly provide a report. I think, as everybody understands, the Council owns a lot of properties and to progressively work through these to ensure they adequately meet access requirements for people with disabilities is a long and expensive exercise.

Take one example - after 8 May 2003, when the City took over the Glebe Town Hall from Leichhardt Council, it had no disabled access whatsoever. We established a Neighbourhood Service Centre there. We established a temporary disabled access ramp, a wooden structure, leading in from the back of that building. The process of establishing proper permanent disabled access just to the ground floor would take quite some time, as it has to go through the Heritage Council, and the cost of installing a lift to get people to the first level in that one building is about \$250,000. So that is just one building in a property portfolio of hundreds of buildings.

It is a slow, expensive, and time consuming process but, yes, we are progressively working through our buildings and ensuring that we are doing the best we can to provide proper access, but is not something that can be done overnight.

Answer by the Lord Mayor (continued)

Councillor Lee, yes, that report will be provided.

FORMER WATER POLICE SITE, PYRMONT POINT (S032438)

2. By Councillor McInerney

Question

Lord Mayor, could I ask what progress has been made in regard to negotiations with the Sydney Harbour Foreshore Authority over the former Water Police Site at Pyrmont Point?

Answer by the Lord Mayor

Councillor McInerney, I can inform the Council that I will be making a statement about that tomorrow.

UNDER THE FREEWAY, ULTIMO - LIGHTING (S032444)

3. By Councillor Firth

Question

Lord Mayor, I know you have heard a lot tonight about the walk-around I had with the Ultimo residents on Saturday, and one of the things they showed me was the lights.

We walked under the freeway to where that old walkway, that now actually ceases to exist, cuts off half way. If you are at Harris Street, it is where you walk under the freeway from Fig Street through to Darling Harbour.

Firstly, the Roads and Traffic Authority (RTA) are intending to build a bus lane over the part where there is the only bit of natural light left, which means it will be totally dark. There is virtually no lighting at all. There is just these funny, flickering lamps.

I am not normally an exponent of closed circuit television cameras for civil liberty reasons but, in this instance, I think this is actually an area that is quite dangerous.

I'm not sure whether it is the RTA's responsibility or Council's, but the residents seem to think it is the Council's responsibility - that needs to be clarified.

Could a report be provided on improving safety in that location?

Answer by the Lord Mayor

Councillor Firth, I will ask that a report be provided on this matter.

GRAFFITI (S032442)

4. By Councillor Harris

Question

Lord Mayor, at the Council meeting on 17 May 2004, I asked the General Manager to look at ways our graffiti policy could be implemented in such a way that important neighbourhood information such as election posters, lost dog notices, notices advertising share accommodation and other community notices are left in place and not removed. Could you let me know how this report is progressing?

Answer by the Lord Mayor

General Manager, has any work been done on that yet?

General Manager

Lord Mayor, I think I indicated at the time the difficulty in the fact that we use contractors and you are asking contractors to be the determiners of whether something is political or artistic expression, or whether it is graffiti. I think at the time I understood the Councillors to be saying that there needed to be a policy developed. That hasn't been done yet.

Supplementary Question

Lord Mayor, what does one have to do to develop a policy?

Answer by the Lord Mayor

Councillor Harris, we have undertaken that we want a policy developed. That hasn't yet been done. I am committed to that policy too, as I have said on a number of public occasions. We need to be able to identify how we can achieve our outcome.

I ask that the Executive Director City Development prepare a report on developing such a policy, please? I think he understands what we are trying to achieve.

RETIREMENT OF MR RON WILCOXON (S032445)

5. By Councillor Pooley

Question

Would you extend Council's sincere congratulations to Mr Ron Wilcoxon on his impending retirement? I hope it is a long and healthy one. Would you also extend Council's best wishes to his wife, Margaret?

I just conclude by mentioning in passing, Lord Mayor, he was a very good friend to South Sydney Council - residents and Councillors - and I didn't want to let the occasion pass without some recognition.

Answer by the Lord Mayor

Councillor Pooley, I support those comments. I was going to make a statement at the end of the meeting, so I will make it now. As many of you would be aware, Mr Ron Wilcoxon, Director for City Works (Southern Zone) is retiring after a distinguished 38 year career in local government. Ron has spent the past 12 years with the former South Sydney Council and the recently amalgamated City of Sydney.

Ron was appointed Director of City Works at the former South Sydney Council in 1995 and was Assistant Director prior to that.

All those who have worked with Ron over the years will be sorry to see him depart at the end of this week. He is tremendously well-regarded and respected for his management style and personal integrity and has made a major contribution to local government. Ron has been instrumental in ensuring the stability and success of February's Council amalgamation.

I am sure that all the staff will join with me in congratulating Ron for his achievements, and wishing him the very best for the future and making sure he has a fond and fitting farewell.

I invite other Councillors to speak.

Councillor Mallard

Lord Mayor, I echo those comments. I don't need to say anymore than that. Ron Wilcoxon knows the high regard in which I hold him. In fact, every former Councillor of South Sydney that I served with would hold Ron in high regard because of the professional way he dealt with us and responded to our needs and the challenges we had as Councillors.

Note - Councillors, staff and the public gallery responded to the Lord Mayor's remarks by acclamation.

EXHIBITION OF DEVELOPMENT APPLICATIONS (S032444)

6. By Councillor Firth

Question

Lord Mayor, I am sure all Councillors received an email from Debra Berryman about displaying development applications at the local One Stop Shops, which I thought was actually a very good idea. It was just local development applications, so if there were development applications for the Glebe area, would they be displayed at the Glebe Neighbourhood Service Centre?

Answer by the Lord Mayor

I invite the General Manager to respond.

General Manager

Lord Mayor, we already do that.

REVIEW AND EVALUATION OF SELECTED INFRASTRUCTURE IN PYRMONT (S032444)

7. By Councillor Firth

Question

Lord Mayor, I refer to my Question Without Notice at Council on 7 June 2004, about including Ultimo in the infrastructure and open space study for Pyrmont. I just wanted confirmation that that was happening because some of the residents didn't think it was.

I think it should, because the last time I asked you said Yes - on page 279 of the minutes the Answer by the Lord Mayor states - "I certainly can".

Answer by the Lord Mayor

I invite the Director for City Planning (Northern Zone) to respond.

Director for City Planning (Northern Zone)

Lord Mayor, I thought we were going to wait for the study that is being undertaken by the consultants, given they were going to do a review of the wider traffic in the area, and assess the necessity after the feedback from the study before we vary the contract and go to the added expense of voluntary expansion.

The hope is that it will be covered by the existing works but, given we haven't had the feedback, the other option is to wait for the initial study to review that.

Councillor Firth

So the answer is No?

Director for City Planning (Northern Zone)

No, is it not No. The existing traffic study does require a contextual analysis even though it deals with Pyrmont. The option is to wait to see how well that is addressed in the existing study. The existing expenditure is \$100,000 for that study in Pyrmont, before embarking on doubling it.

So, I don't know that the answer is No. I would have thought that the prudent approach would be to see how the existing study goes and how well it is addressed.

We are waiting to see the contextual analysis. I am not suggesting we say No, but I just think that maybe we wait for the first draft and see how well it may be addressed.

Answer by the Lord Mayor (continued)

Can I make the comment that relates to the other policy that Councillor Harris asked about too. That is being followed up. I made a special request that matters are followed up, specifically for Council and Community Forums. It is being followed up but it hasn't reached that point where it is included.

Can I also say that we are now working on a traffic plan for the whole enlarged City area and we are doing that through a transport committee that we are on with the State Government, so we are looking at the whole area now.

But Ultimo will be included in Pyrmont, I can assure you of that. It just hasn't happened yet.

DEVELOPMENT APPLICATIONS (S032442)

8. By Councillor Harris

Question

Lord Mayor, in relation to development applications, residents in Kings Cross have complained that DA documents cannot be copied and taken away to be examined. I am told this was not the case under South Sydney Council. Can this be addressed?

Answer by the Lord Mayor

I believe Councillor Pooley wishes to respond.

Councillor Pooley

Councillor Harris, it was not the case at South Sydney that DA documents could be copied and taken away.

ITEM 19. NOTICES OF MOTION**SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (SSROC)**

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

The City of Sydney Council confirms its membership of the Southern Sydney Regional Organisation of Councils (SSROC).

The two (2) delegates and two (2) alternate delegates to SSROC are to be decided at the Council meeting.

At the meeting of Council, it was agreed that the two delegates be -

Councillors Pooley and Kemmis

and the two alternate delegates be –

Councillors Mallard and Black.

Carried.

At 10.10pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 2 August 2004 at which
meeting the signature herein was subscribed.