

**13 SEPTEMBER 2004**

**Meeting No 1416**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.03pm on 13 September 2004 pursuant to Notice 14/1416 dated 9 September 2004.

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### PRESENT

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

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

At the commencement of business at 6.03pm those present were:-

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

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

### Opening Prayer

The Lord Mayor opened the meeting with prayer and, for the first time, included an Acknowledgement of Country, as follows:

I would like to acknowledge that we are here today on the land of the Gadi-Gal people who are the traditional owners of this land and who form part of the wider Aboriginal nation known as The Eora.

The Council of the City of Sydney also acknowledges the present Aboriginal and Torres Strait Islander people, who now reside within this area.

### **Apology**

Councillor Verity Firth extended her apologies for her inability to attend the meeting of Council as she was overseas.

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

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

Carried.

Note - Councillor McInerney left the meeting of Council at 9.28pm during discussion on Item 6.5 and returned at 9.31pm during discussion on Item 16.

## **ITEM 1. CONFIRMATION OF MINUTES**

### **Minutes of Council Meeting of Monday 23 August 2004**

Following discussion on matters relating to previous Questions Without Notice, it was -

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the minutes of the meeting of Council of Monday 23 August 2004, as circulated to Councillors, be confirmed.

Carried unanimously.

## **ITEM 2. DISCLOSURES OF INTEREST**

Pursuant to the provisions of Section 451 of the Local Government Act 1993, Councillor Chris Harris declared a non-pecuniary interest in Item 7.3, in that he has a business relationship with the Griffin Theatre Company. Councillor Harris took no part in discussion or voting on this matter.

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

### **ITEM 3A. PROVISION OF COUNCIL FACILITIES IN SURRY HILLS**

FILE NO:

DATE: 10/9/04

#### **MINUTE BY THE LORD MAYOR**

##### To Council:

Surry Hills is an inner-city “village” where the high quality and appropriately located facilities and services can help create community focus, community identity and a vibrant local community.

Council’s library building (at 405 Crown Street) is located in a central prominent position in the Surry Hills retail shopping strip, opposite the Shannon Reserve. The library building also houses the Surry Hills Neighbourhood Centre, which provides before and after school, vacation and occasional child care, along with multicultural services, and information and referral services. The Surry Hills Neighbourhood Centre hosts monthly markets and an annual community festival in the adjacent Shannon Reserve.

Other Council-owned facilities in Surry Hills include:

- Surry Hills Child Care Centre, 443-453 Riley Street;
- JJ Carroll Kindergarten and Playground, 2-14 Phelps Street;
- St Margaret’s stratum, 437 Bourke Street; and
- 303-307 Riley Street (formerly the Riley Street depot), which adjoins Frog Hollow Reserve.

A map showing the location of these facilities is attached to this Minute.

The current library building has a number of limitations:

- as with a number of other well-used facilities, the building is in poor condition and needs to be refurbished or replaced;
- the neighbourhood centre facilities are quite basic; and
- the space used for child care is not of high quality.

The condition of the library facilities was a factor that led to the previous South Sydney Council decision to accept the transfer of a stratum in the St Margaret’s hospital site, in exchange for the grant of additional floor space in the redevelopment of that site.

South Sydney City Council had a strategy to relocate the library to the St Margaret’s site, but the location is not suitable as a library. It is not as accessible to the Surry Hills community as the current location, and most of the St Margaret’s stratum is below ground.

Given that the library and other facilities have limited space, and the building is in poor condition, I have asked the General Manager to examine whether the existing building could be refurbished or replaced with a new building to provide increased space for the current uses. I also asked the General Manager to consider alternative locations for some of those services and facilities, particularly the need for quality child care facilities.

The General Manager's preliminary advice is that the former depot at 303-307 Riley Street could be suitable for an enhanced child care facility, while enabling the library and neighbourhood services to be enhanced and remain co-located at Crown Street. The former depot is adjacent Frog Hollow, which would allow the provision of more generous outdoor space for children and would help activate the reserve. There could also be improved space for parking and drop-off from Little Albion Street.

Residents of Surry Hills would benefit from updated facilities. With the proposed lease of the St Margaret's stratum, the income from that lease will assist to fund the overall expansion of those facilities.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on the Provision of Council Facilities in Surry Hills, it be resolved that:

- (A) The General Manager be requested to investigate:
- (i) retaining the Surry Hills Library and Neighbourhood Centre at the current Crown Street site, with services enhanced by redevelopment of that site; and
  - (ii) expanding child care facilities in Surry Hills, with conversion of the unused depot at 303-307 Riley Street to a child care facility as an option; and
- report back to the relevant Committee with a proposal; and
- (B) the income received from the leasing of the St Margaret's stratum be applied to assist in funding enhanced community facilities in Surry Hills.

(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 13 September 2004, on the Provision of Council Facilities in Surry Hills, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

**ITEM 3B. ERSKINEVILLE TOWN HALL – NEW COMMUNITY USES**

FILE NO:

DATE: 10/9/04

**MINUTE BY THE LORD MAYOR**To Council:

Since the amalgamation in February this year, the City has established a neighbourhood service centre (NSC) at Lawson Square in the space formerly occupied by the South Sydney Civic Centre, in addition to NSCs established by the former City of Sydney in Kings Cross and Glebe. The City has also been considering other potential locations for a NSC to better service the expanded local government area.

The NSCs already established have been successful examples of the place management approach to Council service delivery and community interaction.

The General Manager and the General Counsel (who manages the southern part of the City's property portfolio) have identified Erskineville Town Hall as a suitable location in the southern part of the city for a new NSC.

It is estimated that an Erskineville NSC would have comparable staffing and operational costs to the NSC currently operating at Glebe. The General Manager and the Manager Customer Service are preparing a proposed budget for Council consideration. In addition, there will be refurbishment and fit out costs to appropriately house the NSC and staff. A disabled access ramp will also need to be fitted at the front of the Town Hall (a ramp currently exists at the rear of the building).

At present, the Sydney Pride Centre is located at the Erskineville Town Hall. Pride is aware that the City is developing a policy relating to subsidised accommodation which will apply to all community organisations. The City proposes that Pride and Leather Pride would retain their office space in Erskineville Town Hall pending the adoption of the subsidised accommodation policy. Pride has indicated its acceptance of this proposal.

It is proposed to establish the NSC in the old council chamber room with NSC staff also using the board room for meetings, including planner consultations. Under this arrangement, the NSC would administer the hall for continued community use, including by Pride where required, and the City would retain the income from room hire.

The City's proposal to allow Pride and Leather Pride to occupy an area in Erskineville Town Hall would be on the basis that:

- (a) the space would be available for occupation under a licence, until the finalisation of the subsidised accommodation process later this year; and
- (b) the rental would need to be agreed.

**RECOMMENDATION:**

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on Erskineville Town Hall, New Community Uses, it be resolved that:

- (A) Council support the establishment of a new neighbourhood service centre (NSC) at Erskineville Town Hall at the earliest practicable opportunity to better service the community needs of the expanded local government area;
- (B) Council agree to the Sydney Pride Centre being granted a licence to occupy defined areas of Erskineville Town Hall on the terms set out in this Minute;
- (C) authority be delegated to the General Manager to take all necessary steps to implement the terms of this resolution;
- (D) the General Manager be requested to bring the proposed budget for the Erskineville NSC to Council for endorsement at the soonest possible Council meeting; and
- (E) Council's attorney be authorised to execute all necessary documentation.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on Erskineville Town Hall – New Community Uses, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

**ITEM 3C. WELCOME HOME PARADE AND LORD MAYOR'S RECEPTION  
AUSTRALIAN OLYMPIC TEAM 2004**

FILE NO:

DATE: 10/9/04

**MINUTE BY THE LORD MAYOR**

**To Council:**

On Wednesday 15 September 2004, Sydney will host the National Welcome Home Parade and Ceremony for the 2004 Australian Olympic Team, followed by the Lord Mayor's Reception.

I warmly thank both the Commonwealth and New South Wales Governments who have responded so generously to the call for public recognition for the athletes who represented Australia with such distinction and honour in Athens.

The Sydney Town Hall will continue its proud tradition as the ceremonial heart of our city when events begin at 11.30am on Wednesday. Members the Official Party include the Governor General and Mrs Jeffrey, the Premier of New South Wales, The President of the Australian Olympic Committee and 2004 Olympic Chef de Mission John Coates.

The focus of the National Welcome Home Parade is our Olympic athletes and the officials who worked tirelessly to achieve results which have earned them the title of Australia's most successful Olympic Team ever.

I would also like to acknowledge the families and friends who provide ongoing support, not just during the Olympics but throughout each and every athlete's sporting career. We often focus on the highlights, but without the support and sacrifices of these families our athletes would not be able to continually strive for their personal best.

Sydney is very proud of this outstanding Australian Olympic team. The City of Sydney congratulates every athlete and official on being such wonderful ambassadors for Australia both on and off the field in Athens.

#### RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on the Welcome Home Parade and Lord Mayor's Reception for the Australian Olympic Team 2004, it be resolved that Council receive and note the report.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on Welcome Home Parade and Lord Mayor's Reception Australian Olympic Team 2004, it be resolved that the Minute by the Lord Mayor be received and noted.

Carried unanimously.

### **ITEM 3D. WILLIAM STREET UPGRADE AS PART OF THE CROSS CITY TUNNEL PROJECT**

FILE NO:

DATE: 10/9/04

#### **MINUTE BY THE LORD MAYOR**

##### To Council:

The upgrade of William Street will be delivered through the Cross City Tunnel Project. The project is one of the City's Gateways projects and its design has been jointly developed with the Roads and Traffic Authority (RTA). The upgrade commenced in August 2004 and is planned for completion in the latter part of 2005.

The upgrade of William Street is designed to take advantage of reduced traffic flows on the surface road to create cycle lanes, a shared bus lane, and one general traffic lane in each direction. As a result of the work, William Street will be transformed into a tree-lined boulevard with wider, granite paved footpaths, new street furniture, smart poles and parking bays.

I share residents' concerns that trees will be lost during the upgrade and I have been closely monitoring the RTA's planning. The Department of Infrastructure, Planning and Natural Resources set conditions on the RTA when they determined the Cross City Tunnel Environmental Impact Statement (EIS), which affect the way trees will be handled as part of the upgrade.

One of the DIPNR consent conditions states:

*A tree removal, replanting and public communication strategy for William and Park Streets shall be developed in agreement with Council. As part of the strategy, the RTA shall provide a progressive schedule of tree removal and replacement to Council."*

A further condition from DIPNR requires:

*The RTA shall, as a minimum, apply street tree planting detail in accordance with the City of Sydney's Interim Pavement Design and Construction Guidelines (Sept 1998). Higher quality planting details may be provided on agreement / negotiation with Council with respect to agreement on funding.*

Council officers, RTA staff and the Cross City Tunnel Joint Venture, Boulderstone Hornibrook Bilfinger Berger (BHBB) have now developed a planned schedule for the work that will take place, with the aim of minimising the disruption to businesses and residents in the area.

More than 80 Plane trees will be planted along the length of William Street. The new trees have been carefully selected. They are around 6 to 7 metres in height. The new trees will be planted in large tree pits with good soil. To ensure the trees establish successfully, they will be planted in spring and autumn.

In the first stage of the tree removal and planting program, which runs to the end of 2004, a total of 9 trees will be removed and 30 replanted. During the second stage, which goes till the tunnel opens, 27 trees will be removed and 53 new trees will be planted. In total 36 trees will be removed and 83 will be planted. Five plane trees, which have good form and which will add to the avenue, will be kept.

In the near future information will be letterboxed to the community to provide information on the William Street upgrade.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, in relation to the William Street upgrade and the tree replacement and planting program, it be resolved that Council receive and note the report.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on William Street Upgrade as part of the Cross City Tunnel Project, it be resolved that -

- (A) the Minute by the Lord Mayor be received and noted;
- (B) in negotiations with the Roads and Traffic Authority, Council will advocate the following matters -
  - (i) the change in designation from a T2 transit lane to a shared bus lane;
  - (ii) the combining of the cycle lane and bus lane into a single shared lane;
  - (iii) the altered alignment of a dedicated bike lane at bus stops; and
  - (iv) a 40 kph speed limit.

Motion carried.

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

### **ITEM 3E. COUNCIL'S GRAFFITI MANAGEMENT POLICY AND ELECTION CAMPAIGN POSTERS**

FILE NO:

DATE: 10/9/04

#### **MINUTE BY THE LORD MAYOR**

##### To Council:

Since the Federal Election was called for Saturday 9 October 2004, some people involved in the election campaign have raised concerns about City of Sydney contractors' removing candidates' posters.

Some posters have recently been removed by City contractors, in line with the City's graffiti management policy. This also occurred during the March 2004 local government election campaign. However, some posters have been removed by other people, as frequently occurs during the heat of a campaign. Council's contractors wear uniforms and drive clearly marked vehicles.

I believe election posters are a traditional part of the democratic process in Australia and the NSW law should reflect this practice and guard against abuse. Many candidates, including Government Ministers, display posters on telegraph and electricity poles in support of their campaigns.

However, the NSW Parliamentary Electorates and Elections Act 1912 bans the display of candidate's posters on property owned or used by government agencies and authorities. The Protection of the Environment Operations Act 1997 also prohibits the display of posters on a building without permission from the owner or the lessees. Some other planning, energy and traffic legislation also restrict the display of posters.

Since 1999, I have sought action from the State Government to improve the unrealistic and largely unenforceable legislation governing display of candidates' posters during election campaigns. I have proposed that:

- The Parliamentary Electorates and Elections Act be amended to explicitly permit the customary display of candidates' posters on telegraph poles;
- Candidates posters be limited in size and restricted to being put up no more than 28 days before an election and taken down within 14 days after the election; and
- Enforceable penalties apply for breaches.

The Premier has refused to amend the legislation to establish clear and enforceable provisions permitting the appropriate display of campaign posters.

In 1999 he wrote to me stating that he believed it important to maintain the prohibition on campaign posters on property owned by the Crown, or agencies or representatives of the Crown, or local councils. In 2000, he again replied refusing to support legislation permitting the display of candidates' posters to override other legislation.

Subsequently in Parliament, the Premier replied to my question without notice stated that he would “expect election candidates to exercise a sense of restraint and a feel for the aesthetics of the streetscapes that are the jewel of our polis” (NSW Legislative Assembly Hansard, 20/6/2000).

There has been growing community concern about the impact of campaign posters on the urban environment, particularly where candidates fail to remove their posters promptly. The challenge for candidates is to respond with creative, legal and environmentally sensitive approaches.

During recent consideration of a revised Graffiti Management Policy, Council debated these concerns about the balancing protection of the urban environment with the legitimate need to display community information. It was proposed that the City amend its policy to provide for the display of posters and notices of community interest by extending the removal period up to five or seven days. This Draft Graffiti Management Policy is currently on public exhibition.

The General Manager tells me that:

- Council rangers have a responsibility to take action when they see a person breaking the law. Anyone putting up a poster illegally risks enforcement action.
- The City has legal authority to remove illegal posters. However, Council has discretion to instruct its graffiti removal contractors in respect to the manner in which they operate.

In order to provide a balanced approach that does not provide benefits for election candidates that are not available to the general community, Council could implement an interim Graffiti Management Policy that provides for campaign posters throughout the city to be removed every 7 days, rather than more frequently.

This approach will permit campaign posters to be displayed in the week leading up to the Federal Election and to be removed promptly after the election.

#### RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, in relation to Council's graffiti management policy and election campaign posters, it be resolved that Council request that the General Manager implement an interim policy for the removal of candidates' campaign posters every seven days, enabling posters to be displayed in the lead up to the Federal Election while maintaining the principles of Council's Draft Graffiti Management Policy.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 13 September 2004, on Council's Graffiti Management Policy and Election Campaign Posters, it be resolved that Council request that the General Manager implement an interim policy for the removal of candidates' campaign posters every seven days, enabling posters to be displayed in the lead up to the Federal Election while maintaining the principles of Council's Draft Graffiti Management Policy.

Amendment. Moved by Councillor Harris, seconded by Councillor Lee -

That the motion be amended by -

the deletion of the words "for the removal of candidates' campaign posters every seven days";

the addition of the words "for a period of three weeks" after the words "enabling posters to be displayed"; and

the addition of the words "and one week after the Election" after the words lead up to the Federal Election"

The amendment was lost on the following show of hands -

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

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

Amendment. At the request of Councillor Lee, and with the agreement of the mover and seconder of the original motion, the motion was amended by the addition of the words "but that no election campaign posters be removed in the lead up to the Federal Election commencing from midnight on Friday 1 October 2004."

The motion, including Councillor Lee's amendment, was carried on the following show of hands -

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

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

Motion carried.

**ITEM 4. PERSONNEL MATTERS (S033128)**

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

That consideration of the confidential Memorandum by the General Manager on Personnel Matters be deferred to the end of the meeting and dealt with in closed session.

Carried.

Note - the confidential Memorandum by the General Manager on Personnel Matters was circulated to all Councillors.

**ITEM 5. MATTERS FOR TABLING**

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

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

Carried.

**ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 6 SEPTEMBER 2004****PRESENT**

Councillor Robyn Kemmis  
(Chair)

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

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

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

**Apology**

Councillor Verity Firth extended her apologies for her inability to attend the meeting of the Finance, Properties and Tenders Committee as she was overseas.

Moved by Councillor Kemmis, seconded by Councillor Lee -

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

Carried.

Councillor Pooley left the meeting of the Finance, Properties and Tenders Committee at 4.45pm during discussion on Item 6.3 and did not return.

**Order of Business**

The Finance, Properties and Tenders Committee agreed that the order of business be altered such that Items 6.6, 6.7 and 6.8 were brought forward and dealt with before Item 6.5.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.33pm.

**Report of the Committee**

Moved by Councillor Kemmis, seconded by Hoff -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 6 September 2004 be received, and the recommendations set out below for Items 6.2, 6.4, 6.7 and 6.8 be adopted, with Items 6.1 and 6.3 being noted. Items 6.5 and 6.6 were dealt with at a later stage of the meeting in closed session.

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.

## **ST MARGARET'S - PROPOSED LEASE OF COUNCIL STRATUM (S033973)**

### **6.2**

That arising from consideration of a report by the Manager Property Strategy to the Finance, Properties and Tenders Committee on 6 September 2004, on St Margaret's - Proposed Lease of Council Stratum, it be resolved that -

- (A) the premises be leased in accordance with the lease terms and conditions as described in the subject report;
- (B) the land be classified as operational land, under the Local Government Act 1993;
- (C) authority be delegated to the General Manager to enter into a lease and any other necessary documentation to give effect to the proposed lease, including granting consent as owner to any development application relating to use of the stratum (but without fettering Council's discretion as consent authority); and
- (D) Council's Attorney be authorised to execute all necessary documentation.

Carried unanimously.

## **Closed Meeting**

At 4.28pm 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. 3, 6.4 and 6.5 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 6.6, 6.7 and 6.8 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

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 6.3 to 6.8 inclusive were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and Items 6.4, 6.7 and 6.8 were subsequently dealt with by Council in open session.

### **CHANGES TO PROPOSED LEASE FOR 112-126 BROADWAY (S025755)**

#### **6.3**

That consideration of this matter be deferred to the meeting of Council on 13 September 2004.

Carried.

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

### **LEASE OF GROUND FLOOR, 101-111 WILLIAM STREET, EAST SYDNEY (S032669)**

#### **6.4**

That arising from consideration of a report by the Property Strategist to the Finance, Properties and Tenders Committee on 6 September 2004, on Lease of Ground Floor, 101-111 William Street, East Sydney, it be resolved that:

- (A) Council approve in principle the leasing proposal set out in the subject report;
- (B) authority be delegated to the General Manager to finalise the terms of, and enter into, a lease on terms which are consistent with, or superior to, the terms outlined in the subject report; and
- (C) Council's attorney execute all relevant documentation.

Carried.

## **SYDNEY SQUARE**

### **6.5**

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

## **TENDER NO 0414: SUPPLY OF BARGE AND TUG HIRE FOR NEW YEAR'S EVE 2004 (S031819-01)**

### **6.6**

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

## **ANDREW (BOY) CHARLTON POOL MAINTENANCE AND OPERATION PLAN FOR 2004/2005 (S020325 Part 5)**

### **6.7**

That arising from consideration of a report by the Senior Contract Coordinator, Asset Management to the Finance, Properties and Tenders Committee on 6 September 2004, on Andrew (Boy) Charlton Pool Maintenance and Operation Plan for 2004/2005, it be resolved that –

- (A) the Maintenance and Operation Plan for 2004/2005, as shown at Attachment A to the subject report, be accepted with the following amendments:
  - (i) all categories of fee that incur an increase remain unchanged for a period of at least 12 months;
  - (ii) the proposed increase for pensioners who reside outside the City of Sydney local government area not proceed.
- (B) authority be delegated to the General Manager to resolve the claim from Belgravia regarding the cost of effecting public liability insurance.

Carried unanimously.

**PRINCE ALFRED PARK POOL OPERATIONS FOR SEASON 2004/05 –  
ACCEPTANCE OF TENDER NO. 0417 (S032171)**

**6.8**

That arising from the consideration of a report by the Senior Contract Coordinator, Asset Management, to the Finance, Properties and Tenders Committee on 6 September 2004, on Tender No. 0417 – Prince Alfred Park Pool Operations for Season 2004/05, it be resolved that:

- (A) the Tender submitted by the party named in paragraph 1 of the subject report be accepted to operate the pool for the 2004/05 swimming season for the cost outlined in paragraph 11 of the subject report;
- (B) authority be delegated to the General Manager to finalise and enter into a contract, including any minor amendments which the General Manager considers appropriate to protect Council's interests; and
- (C) Council's Attorney be authorised to execute all relevant documents.

Carried.

**ITEM 7. REPORT OF THE CULTURAL AND COMMUNITY CARE COMMITTEE - 6 SEPTEMBER 2004**

PRESENT

Councillor Phillip Black  
(Chair)

The Lord Mayor (Councillor Clover Moore MP), Councillors Chris Harris, Marcelle Hoff, Robyn Kemmis, The Hon Michael Lee, Shayne Mallard and John McInerney.

At the commencement of business at 5.34 those present were -

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

**Apologies**

Councillor Verity Firth extended her apologies for her inability to attend the meeting of the Cultural and Community Care Committee as she was overseas.

Councillor Tony Pooley extended his apologies for his inability to attend the meeting of the Cultural and Community Care Committee owing to urgent family matters.

Moved by Councillor Black, seconded by Councillor Lee -

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

Carried.

Councillor Hoff left the meeting of the Cultural and Community Care Committee at 5.50pm at the conclusion of discussion on Item 7.2 and did not return.

Councillor Harris left the meeting of the Cultural and Community Care Committee at 6.06pm during discussion on Item 7.3 and did not return.

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 6 September be received, and the recommendations set out below for Items 7.2 and 7.3 be adopted, with Item 7.1 being noted.

## DISCLOSURES OF INTEREST

### 7.1

At the meeting of the Cultural and Community Care Committee, pursuant to the provisions of Section 451 of the Local Government Act 1993, Councillor Chris Harris declared a non-pecuniary interest in Item 7.3, in that he has a business relationship with the Griffin Theatre Company. Councillor Harris took no part in voting on this matter.

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

## 2004/05 COMMUNITY GRANTS PROGRAM - ALLOCATION (S032628)

### 7.2

That arising from consideration of a report by the Manager Cultural and Community Affairs to the Cultural and Community Care Committee on 6 September 2004, on 2004/05 Community Grants Program - Allocation, it be resolved that the following grants be allocated:

| No. | Organisation Name   | Amount  |
|-----|---|---------|
| 2   | Aids Council Of NSW   | \$3,000 |
| 3   | Angel St Permaculture Garden Inc  | \$1,000 |
| 6   | Asylum seekers Centre Inc   | \$1,800 |
| 7   | Aunties & Uncles Cooperative Family   | \$3,000 |
| 8   | Australia Breastfeeding Assoc   | \$1,800 |
| 9   | Australia China Exchange Association (ACEA)   | \$1,500 |
| 11  | Australian Chinese Community Association of NSW (Healthy Aging Program)                       | \$3,000 |
| 12  | Australian Chinese Community Association of NSW (Research into Elderly Chinese service needs) | \$4,000 |
| 13  | Australian Institute of Eastern Music   | \$3,000 |
| 15  | Australian Red Cross  | \$2,000 |
| 17  | Botany Migrant Resource Centre  | \$4,500 |
| 18  | Brackets and Jam Inc.   | \$2,500 |
| 19  | Cana Communities Inc (Zoo Children's Day)   | \$640   |
| 20  | Cana Communities Inc (Weekend camp for marginalised people)                                   | \$3,000 |
| 21  | Cana Communities Inc (Mattresses for shelter for homeless)                                    | \$1,300 |
| 22  | Waterloo Multicultural Cooking Group (auspiced by Centacare)                                  | \$3,500 |
| 27  | Chinese Heritage Association Inc  | \$1,200 |
| 29  | Clean Up Australia Ltd  | \$4,000 |
| 30  | Club Amigos   | \$3,000 |
| 31  | Club Wild (auspiced by St Laurence's Community Services Inc)                                  | \$4,000 |
| 35  | Eastern Respite & Recreation (disabled children's siblings support camp)                      | \$5,000 |
| 36  | Eastern Respite & Recreation (disabled children's parents support group)                      | \$3,000 |
| 38  | ECHO Neighbourhood Centre   | \$3,500 |

|     |   |         |
|-----|---|---------|
| 39  | Environmental Defender's Office (NSW)   | \$3,000 |
| 40  | Erskineville Kids Organisation Inc.   | \$3,000 |
| 43  | Fireart Fanatics Inc  | \$2,000 |
| 44  | Firstdraft Gallery  | \$2,000 |
| 45  | Foley House Inc   | \$1,000 |
| 46  | Forest Lodge Public School P&C Assoc.   | \$2,000 |
| 47  | Free Broadcast Inc.   | \$2,500 |
| 48  | “Girl Goss” (auspiced by Glebe Youth Service)   | \$4,830 |
| 49  | Girl Guides Association NSW (East Metropolitan Region)  | \$3,000 |
| 50  | Glebe Leichhardt Police Community Youth Club  | \$2,500 |
| 51  | Glebe Art Show  | \$3,000 |
| 52  | Glebe Basketball Association Inc.   | \$2,000 |
| 53  | Glebe Urban Research Association Inc.   | \$1,000 |
| 55  | Greek Orthodox Community of NSW   | \$2,000 |
| 56  | Greek Welfare Centre  | \$3,000 |
| 58  | Harris Community Scholarship Fund Association Inc   | \$3,000 |
| 59  | Holy Trinity Anglican Church  | \$1,000 |
| 61  | Inner Sydney Regional Council for Social Development Co-op  | \$2,500 |
| 62  | Inner West Cultural Services  | \$5,000 |
| 64  | Jessie St National Women's Library  | \$2,500 |
| 65  | Jewish Care   | \$2,500 |
| 66  | Kathleen York House - Alcohol and Drug Foundation NSW   | \$5,000 |
| 72  | Life for Kids (auspiced by St Canice's Church)  | \$2,500 |
| 73  | Luncheon Club AIDS Support Group Inc  | \$5,000 |
| 75  | Mathew Talbot Hostel  | \$2,000 |
| 78  | Middle Aged Dames Group (auspiced by Salvation Army Oasis Youth Support Network)                                | \$4,972 |
| 79  | Millers Point Youth and Employment Taskforce (MPYET)  | \$4,000 |
| 81  | Museums and Galleries Foundation NSW  | \$3,000 |
| 83  | Newtown Junior Australian Football Club (Aboriginal Junior Football Scholarships)                               | \$3,000 |
| 84  | Newtown Junior Australian Football Club (Signage and amenities)   | \$1,550 |
| 85  | Newtown Main Street (Marrickville Council)  | \$5,000 |
| 89  | Our Lady of Mt Carmel Primary School  | \$1,000 |
| 94  | Poet's Corner Pre-school  | \$2,500 |
| 97  | RecLink Inc   | \$3,500 |
| 98  | ReconciliACTION Network (auspiced by Australians for Native Title and Reconciliation)                           | \$2,000 |
| 100 | Redfern and Waterloo Neighbourhood Advisory Boards (Inner Sydney Regional Council for Social Development Co-op) | \$1,000 |
| 103 | Redfern/Waterloo Arts and Crafts Exhibition   | \$1,000 |
| 104 | REM Theatre Company Ltd   | \$4,813 |
| 106 | Rowe Street History Group Inc   | \$1,000 |
| 111 | South East Neighbourhood Centre (multicultural sewing class)  | \$2,000 |
| 112 | South East Neighbourhood Centre (English outreach class)  | \$2,000 |
| 113 | South East Neighbourhood Centre (Spanish Choir and Social Group)  | \$1,000 |
| 118 | South Sydney Callisthenic Club  | \$2,500 |

|     |   |          |
|-----|---|----------|
| 120 | South Sydney PCYC (Little Athletic coach training and equipment)  | \$2,500  |
| 122 | South Sydney PCYC (Learn to swim)   | \$2,500  |
| 124 | St Barnabas Anglican Church, Broadway   | \$2,000  |
| 126 | St Johns Anglican Church, Darlinghurst (Community Training Program)   | \$2,500  |
| 127 | St Johns Anglican Church, Darlinghurst (Rough Edges Club)   | \$2,500  |
| 128 | St Johns Anglican Church, Glebe   | \$2,500  |
| 129 | St Vincent de Paul Society Family and Welfare Centre  | \$5,000  |
| 131 | Sth Sydney Aboriginal Corporation Resource Centre   | \$2,500  |
| 133 | Sth Sydney Community Aid Coop Ltd   | \$2,500  |
| 135 | Sugar Pig Productions (auspiced by Kings Cross Arts Guild)  | \$2,000  |
| 136 | Surry Hills CDAT (auspiced by ACON)   | \$2,500* |
|     | <i>(* At least 50% of the cost of the program is to be met by the licensed and sex-on-premises venues.)</i> |          |
| 137 | Surry Hills Neighbourhood Centre  | \$2,000  |
| 138 | The Devonshire Garden Group (auspiced by Surry Hills Neighbourhood Centre)                                  | \$1,750  |
| 140 | Sydney Australian Chinese Children's Art Theatre inc.   | \$1,000  |
| 143 | Sydney Youth Orchestra Association  | \$2,000  |
| 145 | Sydneysiders Against Polluting Stacks (auspiced by Harris Community Centre)                                 | \$2,500  |
| 148 | Teekee Media Inc  | \$2,000  |
| 150 | The Eddie Dixon Centre (Paddington Uniting Church)  | \$4,920  |
| 152 | The Glebe Society Inc   | \$2,500  |
| 153 | The Lions Club of Sydney Inc  | \$2,000  |
| 154 | The Mercy Arms  | \$1,000  |
| 155 | The Mustard Seed/Uniting Church Ultimo  | \$2,500  |
| 157 | The Play Society  | \$4,000  |
| 159 | The Salvation Army Oasis Youth Support Network  | \$2,500  |
| 164 | The Shop Women & Children's Centre Inc (Playgroup in the Park – joint project)                              | \$3,000  |
| 167 | The Shop Women & Children's Centre Inc (Multicultural Cooking and Exercise Class)                           | \$1,000  |
| 168 | The Shop Women & Children's Centre Inc (Migration Agent Registration)                                       | \$1,400  |
| 170 | The Women's Library Association Inc   | \$3,500  |
| 173 | University of NSW Community Development project (South Sydney Volunteer project)                            | \$5,000  |
| 175 | University of NSW Community Development project (Redfern/Waterloo Community Gardens)                        | \$2,500  |
| 177 | VIM Inc   | \$5,000  |
| 178 | Vincentian Village  | \$2,500  |
| 179 | Walla Mulla Family & Community Support Ltd  | \$2,500  |
| 180 | Waverley Action Youth services  | \$2,500  |
| 181 | Wayside Chapel  | \$2,500  |
| 182 | Wesley Mission, Sydney (The Uniting Church in Australia Property Trust NSW)                                 | \$3,000  |
| 185 | Windgap Foundation Ltd  | \$3,000  |
| 187 | Women in Film and Television NSW Inc  | \$1,000  |

|   |                  |
|---|------------------|
| 188 Wyanga Aboriginal Aged Care Program | \$5,000          |
| 190 Youth off the Streets Ltd           | \$2,825          |
| <b>TOTAL</b>                            | <b>\$282,800</b> |

Carried unanimously.

### **SPONSORSHIP, GRANTS AND EVENTS GUIDELINES (S031204)**

#### **7.3**

That arising from consideration of a report by the Manager Cultural and Community Affairs to the Cultural and Community Care Committee on 6 September 2004, on Sponsorship, Grants and Events Guidelines, it be resolved that:

- (A) Council receive and note the subject report, and adopt the Sponsorships, Grants and Events Guidelines, as shown at Attachment A to the subject report, as an interim operational measure pending the adoption of the City of Sydney Cultural Plan, subject to the addition of the following paragraph after point 9 in Tier 4:

“The City negotiates with all sponsored organisations to leverage benefits back to the City and its residents.”

- (B) Council sponsor the S.H. Ervin Gallery to a value of \$10,000 per annum for financial years 2005/2006 and 2006/2007;
- (C) Council sponsor Pinchgut Opera to a value of \$20,000 per annum for financial years 2005/2006 and 2006/2007, to be applied exclusively to Pinchgut Opera’s use of the City Recital Hall;
- (D) Council sponsor Griffin Theatre Company to a value of \$15,000 per annum for financial years 2005/2006 and 2006/ 2007;
- (E) Council sponsor Historic Houses Trust for Sydney Open (or an event of a similar nature) to a value of \$20,000 per annum for financial years 2006/2007 and 2008/2009;
- (F) authority be delegated to the General Manager to negotiate and enter into appropriate sponsorship agreements to give effect to the above; and
- (G) Council’s attorney execute all relevant documentation.

Carried unanimously.

**ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 6 SEPTEMBER 2004****PRESENT**

The Deputy Lord Mayor Councillor John McInerney  
(Chair)

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

At the commencement of business at 6.17 pm those present were:

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

Councillor Pooley arrived at the meeting of the Planning Development and Transport Committee at 6.41 pm during discussion on Item 8.2. Councillor Pooley left the meeting of the Planning Development and Transport Committee at 7.35pm during discussion on Item 8.8, which had been brought forward, and returned to the meeting at 8.10 pm, during discussion on Item 8.10, which had also been brought forward. Councillor Pooley was not present for voting on Item 8.8, nor for discussion and voting on Item 8.6, which had also been brought forward.

Councillor Hoff arrived at the meeting of the Planning Development and Transport Committee at 7.15pm during discussion on Item 8.2.

**Apologies**

Councillor Verity Firth extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee as she was overseas.

Moved by Councillor McInerney, seconded by the Lord Mayor -

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

Carried.

**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
2. Home Occupation Sex Services Premises - Status Report
8. Development Application: 217 Cleveland Street, Redfern
6. Section 82A Review: 41-41B Elizabeth Bay Road, Elizabeth Bay
10. Development Application: 360-364 Victoria Street, Darlinghurst
5. City of Sydney Convenience Stores Development Control Plan 2004 - Report on Submissions
11. Development Application: 21 Oxford Street, Darlinghurst
3. Draft South Sydney Local Environmental Plan 1998 - Amendment No. 16 Local Environment Plan: Report on Submissions
4. South Sydney Development Control Plan 1997: Draft Amendment No. 6: 27-31 Hughes Street, Potts Point
7. Section 96(2) Application: 147 King Street, Sydney
9. Development Application: 33-37 Mentmore Avenue, Rosebery

The meeting of the Planning Development and Transport Committee concluded at 9.55 pm.

#### Report of the Committee

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 6 September 2004 be received, and the recommendations set out below for Items 8.7, 8.8, 8.9 and 8.11 be adopted, with Items 8.1, 8.6 and 8.10 being noted, and Items 8.2, 8.3, 8.4 and 8.5 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

#### **DETERMINED BY COUNCIL**

#### **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 Planning Development and Transport Committee.

**HOME OCCUPATION SEX SERVICES PREMISES - STATUS REPORT  
(S032260)****8.2**

That arising from consideration of a report by the Acting Assistant Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to the review of home occupation sex services premises, it be resolved that the report be received and noted.

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

- (B) the good work done by Council's Sex Industry Liaison Officer in relation to this matter be acknowledged.

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

Note - Dr Jody Hanson, Ms Erica Red, Ms Maria McMahon, Ms Kylie Matthews, Mr Thomas O'Halloran, Mr David Buchanan, Dr Christine Harcourt and Norrie May-Welby addressed the meeting of the Planning Development and Transport Committee on Item 8.2.

**DRAFT SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 –  
AMENDMENT NO. 16 LOCAL ENVIRONMENTAL PLAN: REPORT ON  
SUBMISSIONS (2029465)****8.3**

That arising from consideration of a report by the Heritage Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to the exhibition of Draft South Sydney Local Environmental Plan 1998 – Amendment No. 16, it be resolved that:

- (A) Council adopt the amended Draft South Sydney Local Environmental Plan 1998 – Amendment No. 16 shown at Attachment "A" to the subject report, as amended at the meeting of the Planning Development and Transport Committee as follows -
- Under Schedule 2 Heritage Items, at Item 935A, Riley Street, Surry Hills, the deletion, under the heading "Name and Description", of the words "- facades and overall form to Ann, Riley and Mackey Streets only".
- (B) Council forward Draft South Sydney Local Environmental Plan 1998 – Amendment No. 16 to the Department of Infrastructure, Planning and Natural Resources under Section 69 of the Environmental Planning and Assessment Act 1997; and

- (C) authority be delegated to the General Manager to make any minor drafting changes required to Draft South Sydney Local Environmental Plan 1998 – Amendment No. 16 as a result of consideration by the Central Sydney Planning Committee, the Council, and any further amendments made by the Parliamentary Counsel in finalising the plan.

At the meeting of Council, at the request of Councillor McInerney, and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion -

That arising from consideration of a report by the Heritage Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to the exhibition of Draft South Sydney Local Environmental Plan 1998 – Amendment No. 16, it be resolved that consideration of this matter be deferred to allow a future site inspection by members of the Central Sydney Planning Committee, particularly of the former electricity sub-station at Collins and Bourke Streets, Alexandria.

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

Note - Mr Mark Hovey addressed the meeting of the Planning Development and Transport Committee on Item 8.3.

#### **SOUTH SYDNEY DEVELOPMENT CONTROL PLAN 1997: DRAFT AMENDMENT NO. 6: 27-31 HUGHES STREET, POTTS POINT (S033930)**

##### **8.4**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to the South Sydney Development Control Plan 1997 – Urban Design: Draft Amendment No. 6: 27-31 Hughes Street, Potts Point, it be resolved that Council:-

- (A) endorse the public exhibition, in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000, of the South Sydney Development Control Plan 1997 – Urban Design: Draft Amendment No. 6: 27-31 Hughes Street, Potts Point, as shown at Attachment “A” to the subject report, and as amended at the meeting of the Planning Development and Transport Committee such that the Floor Space Ratio for the subject site be 2.5:1; and
- (B) authorise the Lord Mayor to make any minor drafting amendments that may be required as a result of the Central Sydney Planning Committee and the Council’s consideration of the South Sydney Development Control Plan 1997 – Urban Design: Draft Amendment No. 6: 27-31 Hughes Street, Potts Point.

Note - The Planning Development and Transport Committee resolved to make this recommendation to Council on the following show of hands -

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

Noes (2) - Councillors Lee and Pooley.

Amendment. At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Kemmis, that the motion be amended by the addition of clause (C) as follows -

(C) note that a sub-committee of the Central Sydney Planning Committee has been established comprising:

- Councillor John McInerney
- Councillor Chris Harris
- Mr Neil Bird
- Mr Peter Mould

and that the sub-committee will advise the City on the current design and recommend improvements to address concerns identified in the proposal.

The motion was carried on the following show of hands -

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

Noes (2) Councillors Lee and Pooley.

Motion carried.

## **CITY OF SYDNEY CONVENIENCE STORES DEVELOPMENT CONTROL PLAN 2004 – REPORT ON SUBMISSIONS (S025028-02)**

### **8.5**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to the City of Sydney Draft Convenience Stores Development Control Plan 2004, it be resolved that:-

- (A) Council approve the Development Control Plan, shown at Attachment “A” to the subject report, pursuant to Clause 21(1)(b) of the Environmental Planning and Assessment Regulation 2000 as the City of Sydney Draft Convenience Stores Development Control Plan 2004 with its operation to commence from the date of publication of its Notice of Approval;
- (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 and the Council’s consideration of the City of Sydney Draft Convenience Stores Development Control Plan 2004;

- (C) Council repeal the City of Sydney Convenience Stores Development Control Plan 2003 under the provisions of Clause 22 of the Environmental Planning and Assessment Regulation 2000 from the date which the City of Sydney Convenience Stores Development Control Plan 2004 takes effect; and
- (D) submitters be advised of the outcome of Council's decision.

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

- (E) Council commence discussions with convenience store operators to develop a voluntary accord to address the lighting and signage issues that are of concern to Council.

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

Note - Mr Peter Strudwick addressed the meeting of the Planning Development and Transport Committee on Item 8.5.

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

**8.6**

That consideration of this matter be deferred to the meeting of Council on 13 September 2004.

Carried.

Note - This matter was dealt with by Council as Item 9 on the Business Paper.

Note - Mr Nicola Severino and Mr Graham Humphrey addressed the meeting of the Planning Development and Transport Committee on Item 8.6.

**SECTION 96(2) APPLICATION: 147 KING STREET, SYDNEY (D02/00288)****8.7**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to the Section 96(2) application made by ECL Group Constructions for the site at 147 King Street Sydney, for the modification of Consent No. D02/00288 to carry out additional conservation works and seek an increased award of heritage floor space, it be resolved that consent be granted and that conditions (1) and (2) of the consent be amended as follows:-

**APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D/02/00288 dated 10 May 2002; and:

Statement of Environmental Effects, prepared by Paul Rappoport Architect Pty Ltd, dated May 2002; and

Heritage Impact Statement (Amended), prepared by Paul Rappoport Architect Pty Ltd, dated November 2002; and

Conservation Management Plan (Amended, Volumes 1 and 2), Paul Rappoport Architect Pty Ltd, dated November 2002; and

*Heritage Report Section 96(2) Application prepared by Brian McDonald, dated 12 December 2003; and*

*Supplementary Heritage Impact Statement prepared by HBO + EMTB dated 2 February 2004; and*

drawings, prepared and dated as follows:

| <b>Drawing Number</b>  | <b>Prepared by</b>         | <b>Date</b>          |
|--|----------------------------|----------------------|
| DA01/B   | Ashington Group            | 11.12.02             |
| DA02/B   | Ashington Group            | 11.12.02             |
| <i>01 ('Additional windows in East Wall 2<sup>nd</sup> Floor')</i> | <i>HBO+EMTB</i>            | <i>December 2003</i> |
| <del>DA03/B</del>  | <del>Ashington Group</del> | <del>11.12.02</del>  |
| <i>02 ('Additional windows in East Wall 3<sup>rd</sup> Floor')</i> | <i>HBO+EMTB</i>            | <i>December 2003</i> |
| <i>03 ('Additional windows in East Wall 4<sup>th</sup> Floor')</i> | <i>HBO+EMTB</i>            | <i>December 2003</i> |
| <del>DA04/B</del>  | <del>Ashington Group</del> | <del>11.12.02</del>  |
| <i>04 ('Additional windows in East Wall 5<sup>th</sup> Floor')</i> | <i>HBO+EMTB</i>            | <i>December 2003</i> |
| <i>05 ('Additional windows in East Wall 6<sup>th</sup> Floor')</i> | <i>HBO+EMTB</i>            | <i>December 2003</i> |

| <b>Drawing Number</b> | <b>Prepared by</b> | <b>Date</b> |
|-----------------------|--------------------|-------------|
| DA05/B                | Ashington Group    | 11.12.02    |
| DA06/B                | Ashington Group    | 11.12.02    |
| DA07/B                | Ashington Group    | 11.12.02    |
| DA08/B                | Ashington Group    | 11.12.02    |
| DA09/B                | Ashington Group    | 11.12.02    |
| DA10/B                | Ashington Group    | 11.12.02    |
| DA11/B                | Ashington Group    | 11.12.02    |
| DA12/B                | Ashington Group    | 11.12.02    |
| DA13/C                | Ashington Group    | 11.12.02    |
| DA14/B                | Ashington Group    | 11.12.02    |
| DA21/B                | Ashington Group    | 11.12.02    |
| DA22/B                | Ashington Group    | 11.12.02    |
| DA23/C                | Ashington Group    | 11.12.02    |
| DA24/D                | Ashington Group    | 11.12.02    |

and as amended by the following conditions:

#### **AWARD OF HERITAGE FLOOR SPACE**

- (2) The owner may be awarded ~~1,115 sq.m~~ **1420sq.m** of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
  - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
    - (i) ensure the continued conservation and maintenance of the building; and
    - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 3,457.3sqm.
- Note:** The above figure represents the gross floor area of the heritage building (147 King Street), ie, the total GFA of the subject building, minus the floor area of 141-145 King prior to the approval of the recent strata subdivision.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.

- (d) The owner will **only** be registered as the owner of ~~1,115sqm~~ **1420sq.m** of heritage floor space following the completion of paragraphs (i) - (iii) of this condition.
- (e) On the satisfactory completion of (i) - (iii) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

Carried unanimously.

**DEVELOPMENT APPLICATION: 217 CLEVELAND STREET, REDFERN (U04-00362)**

**8.8**

That arising from consideration of a report by the Development Assessment Officer to the Planning Development and Transport Committee on 6 September 2004, in relation to Development Application U04-00362 made by Mr F Lin and Mr J Wong for the site at 217 Cleveland Street, Redfern, to use the existing dwelling as a brothel, it be resolved that:-

(A) consent be refused for the following reasons:-

- (1) That the proposal does not comply with the Mixed Uses No. 10 Zone objectives (a), (b), (c), (e), (f), (g) and (h) of South Sydney Local Environmental Plan 1998, having regard to section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- (2) That the proposal does not comply with Clause 37 of South Sydney Local Environmental Plan 1998 in regard to non-residential development in Zone No. 10, having regard to section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- (3) That the proposal does not comply with Section 4 of Part F of South Sydney Development Control Plan 1997 relating to the proportion of non-residential to the residential component of the building, having regard to section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- (4) That the proposal does not comply with the provisions of South Sydney Development Control Plan No. 11 – Transport Guidelines for Development and the South Sydney Sex Industry Policy, in regard to the provision of off-street car parking spaces, having regard to section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- (5) That the proposal does not comply with Part 2 of the South Sydney Sex Industry Policy in relation to location, amenity, waste disposal, accessibility for people with disabilities and parking, having regard to section 79C(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979.

- (6) That the proposal does not provide adequate garbage storage and disposal in accordance with Section 1.9 of Part E of South Sydney Development Control Plan 1997 – Urban Design, having regard to section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
  - (7) That the proposal will have an adverse impact on the amenity of the surrounding residential properties and the safety and security of the locality, having regard to section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979.
  - (8) That the proposal is unsuitable and inappropriate for the site and its surrounding context, having regard to section 79C(1)(b), (c) and (d) of the Environmental Planning and Assessment Act 1979.
  - (9) The proposal will formalise an unauthorised use which has had a history of poor environmental performance, having regard to section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979.
  - (10) That the proposal is not in the public interest, having regard to section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.
- (B) Council advise those persons who made written submissions of the decision in regard to this proposal.

Carried unanimously.

Ms Jennifer Pilon, Mr Peter Somerville, Mr Bradley Grimshaw, Ms Bernadette Skuse, Mr Ian Straiton and Mr Geoff Corkin addressed the meeting of the Planning Development and Transport Committee on Item 8.8.

#### **DEVELOPMENT APPLICATION: 33-37 MENTMORE AVENUE, ROSEBERY**

##### **8.9**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to Development Application 455/2003 made by Dayho Pty Ltd for the site at 33-37 Mentmore Avenue Rosebery, for demolition of existing improvements and the erection of a Mixed Use Development, it be resolved that:-

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

- (1) For above ground works not directly ancillary to the remediation process, a Site Audit Statement prepared by an EPA Accredited Site Auditor is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under consent. In circumstances where the site audit statement conditions (if applicable) are not consistent, the consent shall prevail to the extent of inconsistency and a S.96 Application pursuant to the Environmental Planning and Assessment Act 1979 will be required;
- (2) 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;
- (3) The owner shall enter into a Deed of Agreement prepared by the Council that the owner shall design, construct and meet all costs associated with public domain works associated with the development, as outlined in that Deed of Agreement. The owner shall bear the cost of design and construction of public domain and construction of public domain improvements to a value of \$907,147 determined as  $4,515\text{m}^2 \times 0.45 \times 0.8795$  at \$475/sq.m plus  $4,515\text{m}^2 \times 0.45 \times 0.0617$  at \$275/sq.m plus  $4,515\text{m}^2 \times 0.45 \times 0.0588$  at \$200/sq.m. This amount shall be indexed in a similar fashion to Section 94 contributions.

The elements with the public domain improvement package include but are not limited to the following and are to be undertaken in the following order of priority (and as detailed in Council's letter regarding the floor space bonus package and the Deed of Agreement signed by Council) and in accordance with the conditions of consent:-

- (a) Land Dedication for new laneway to the value of \$165,785.90;
  - (b) Road Infrastructure - New Public Laneway to the value of \$373,018;
  - (c) Green Square Town Centre Infrastructure Development to the value of \$203,175;
  - (d) Public Art – Urban Design Elements to the value of \$100,000; and
  - (e) Balance of funds to be allocated at Council's discretion.
- (4) That the applicant shall submit detailed public art documentation that further defines the public art concept plan that is an annexure to the Deed. The detailed public art documentation shall be developed by an experience public artist and shall specify:
    - (a) The typology and the criteria within the Green Square Public Art and Water Features Strategy (2001) that the public art has relationship with;
    - (b) The commission type;
    - (c) A description of the work through drawings and / or photo montages;
    - (d) All media to be used in construction of the work;
    - (e) An installation plan (integrating the installation of the public art with the provision of other public domain works); and

- (f) The maintenance requirements and the projected the life span of the work.

The detailed public art documentation shall be submitted to Council's Green Square Team for approval prior to the release of an operative consent.

- (5) That a set of specifications for the construction and installation of the proposed public art shall be prepared by an experienced public artist and if required by Council because of safety issues, developed in collaboration with an appropriately qualified engineer. A certificate to this effect shall be submitted to and approved by Council's Green Square Team before the issue of an operative consent.
- (B) The applicant must provide to Council evidence sufficient to enable it to be satisfied of the matters in Clause (A) within 12 months from the date of this consent or such further period as Council may determine is appropriate upon application in writing being made to Council; and
- (C) Upon compliance with the requirements of Clause (A), a full consent will be issued subject to the following conditions -

## **Schedule A**

### **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 the issue of Occupation Certificate, where indicated.

#### **APPROVED DEVELOPMENT**

- (1) That the development shall be generally in accordance with plans numbered Job No 209 Drawing No's DA 108, DA 101, DA 102, DA 103, DA 104, DA 105, DA 106, DA 201, DA 202 Amendment G prepared by McGregor Westlake Architecture, dated 8 July 2004 and subject to compliance with the conditions below;

#### **FUTURE SUBDIVISION REQUIREMENTS**

- (2) That a separate development application for subdivision is to be lodged with Council prior to the issue of an Occupation Certificate for the new buildings on the site associated with this Development Application. The separate application is to address the legal provisions for the underground pedestrian link between the basement carpark and Building D;

## MONETARY CONTRIBUTIONS

- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$66,375 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;
- (4) 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 \$14,000 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (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, and Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

| Contribution Category           | Amount       |
|---------------------------------|--------------|
| Open Space/LGA Works Programme  | \$ 34,349.00 |
| Open Space/Green Square         | \$399,770.00 |
| Accessibility And Transport     | \$ 557.00    |
| New Roads Lands/Embellishment   | \$159,525.00 |
| Community Recreation Facilities | \$136,292.00 |
| Public Art Program              | \$ 10,956.00 |
| Library Resources               | \$ 12,794.00 |
| Management                      | \$ 6,674.00  |
| Total                           | \$760,917.00 |

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.

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

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 March Quarter 2003/2004.

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 offices located at Tower 2, 1 Lawson Square, Redfern;

- (6) 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 | \$41,668.00 |

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

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

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 the consent being March Quarter 2003/2004.

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 2, 1 Lawson Square, Redfern;

## AFFORDABLE HOUSING CONTRIBUTION

- (7) In accordance with Clause 27P of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Infrastructure, Planning and Natural Resources (DIPNR) 20 Lee Street, Sydney or a bank guarantee in favour of DIPNR to the value of the required contribution has been lodged. The contribution shall be \$725,929.32 based on the in lieu monetary contribution rate for non-residential development at \$38.61 per square metre of total floor area 404 square metres and for residential development at \$115.84 per square metre of total floor area 6,123 square metres. Contributions will be indexed in accordance with the formula set out below.
- (8) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

### NOTES:

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

Forms A, B and C must be obtained from the City of Sydney. Form A - Bank Guarantees must be lodged with the Housing Market Team, DIPNR, 20 Lee Street, Sydney. All Form's B & C – Bank Cheques to be lodged with cashier at DIPNR.

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

Contributions at Time of Payment =  $C \times \text{HPI } 2 / \text{HPI } 1$ , where:

- C is the original contribution amount as shown above;  
 HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and  
 HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being the 1 March 2004.

## **Schedule B**

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

#### **HEALTH**

- (9) That the recommendations of the report prepared by Garry Melik on “Electromagnetic field emission from the Electricity substation into residential Apartments” dated 5 March 2004 be adopted and integrated into the design of the development as follows:
- (a) The path for the Consumer Mains cables that connect the substation to the customer Main LV switchboard should not be taken through the retail shop, but should be provided through the areas marked “Entry”, “Store”, “Garbage”, on the ground floor to the west of the substation.
  - (b) The kiosk substation should be erected such that its LV side, the high EMF emitting side is facing the street and that the substation is located further than 1 m away from the northern wall of the designated substation site.
  - (c) The incoming and outgoing LV street services cable that are connected to the kiosk substation should not be located closer than 2 metres to the northern wall of the designated substation site.
  - (d) The inner walls of the LV side of the substation housing should either be doubled in thickness (this can be done in the factory by installation of additional layer of 2 mm thick mild steel sheets) or they should be laminated with high permeability ( $\mu \geq 2800$ ) shielding metal of 0.65 mm thick.

Details of the integration of these design measures are to be provided to the Certifying Authority prior to the release of the Construction Certificate.

#### **FLOOR SPACE RATIO**

- (10) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.45:1 and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate.

#### **ENGINEERING**

- (11) That the following minimum pavement thickness details and design specifications for the proposed public road shall apply: -

- (a) 25mm AC 10 surfacing;
- (b) 75mm AC 14 surfacing;
- (c) 200mm DGB 20 base course;
- (d) 100mm DGS 40 sub base course;
- (e) The sub base and base layers shall extend a minimum of 150mm behind the rear face of the kerb and gutter;
- (f) The asphaltic concrete surfacing shall extend to the gutter face/lip;
- (g) A minimum 10mm primer seal shall be provided below the asphalt surfacing.

A certificate to this effect shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.

- (12) That prior to issue of a Construction Certificate, the developer shall give Council written notification of the appointment of either:
- (a) a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works, or
  - (b) a survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc., or
  - (c) An accredited certifier in civil engineering

as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above Specification, and the requirements of all legislation relating to environmental protection and occupational health and safety,

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the works as executed plans are a true and correct record of what has been built. The works supervisor shall be independent of the private certifying authority designing the works.

- (13) That a set of construction specifications for the construction of the proposed public road shall be prepared by an appropriately qualified civil engineer in accordance with the following specification: -

- (a) Development Specification for Civil Works (Version 1) – Construction (South Sydney City Council).

A certificate to this effect shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development;

- (14) That three copies of a detailed public domain plan for the footpath and verge works on Dunning and Mentmore Avenue shall be prepared by an appropriately qualified landscape architect and civil engineer and shall be approved by Council prior to the issue of a construction certificate. The public domain plans shall be as follows: -

- (a) Drawn at a scale of 1:100;
- (b) Depict the entire scope of works on Council property including intersection treatments with the proposed public road;
- (c) Nominate the location, type and material of all existing and proposed public pavement elements including street trees, paving, kerb and gutter, road restoration, pram ramps, vehicle crossings, street furniture, utility poles, and service pits;
- (d) 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. The longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 vertical scale;
- (e) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings;
- (f) Include specifications for the proposed works;
- (g) Ensure maximum footpath crossfalls of 2.5% from building line to top of kerb.

- (15) 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;

- (16) That prior to the issue of a construction certificate the applicant shall submit to Council detailed design and construction documentation for the public artwork in accordance with Council's Green Square Public Art and Water Features Strategy (2001) and the supporting public art documentation submitted to Council with respect to the conditions of deferred commencement consent.

A certificate to this effect shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development;

- (17) That the stormwater management system for the site be designed in accordance with drawing No's: H-01, H-02, H-03 and H-04 all revision B, project no: 202-177 prepared by Greenarrow Hydraulics Pty Ltd. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information: -

- (a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Runoff, 1987 Edition;
- (b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit;
- (c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the roof, paved and grassed area categories;
- (d) Proposed finished surface levels and grades of car parks, internal driveways and access aisles that are related to Council's footpath design alignment levels and the public road design alignment levels;
- (e) That a life-cycle management strategy for the stormwater reuse system, including a protocol and frequency for equipment maintenance be documented and submitted to the principal certifying authority and Council;

- (f) That signage be provided in a visually prominent area adjacent to all stormwater reuse facilities promoting the environmental benefits of stormwater treatment and reuse, and advising of the potential health risks of primary contact.
- (18) The proposed public road shall be designed by an appropriately qualified civil engineer in accordance with the following plans and design specifications: -
- (a) Sheet Title: Road Design, Drawing No: RD-01, Revision: B prepared by Greenarrow Hydraulics Pty Ltd;
  - (b) Development Specification for Civil Works (Version 1) – Design (South Sydney City Council).
- (19) Engineering calculations and plans with levels reduced to Australian Height Datum in relation to the proposed public road shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information: -
- (a) General subdivision plan with contour details and a clear indication of the extent of work;
  - (b) Typical road cross sections showing road widths, pavement configuration, batter slopes, kerb and gutter types;
  - (c) Plan and longitudinal section of the public road showing services;
  - (d) Road cross sections and kerb returns at 5 metre intervals;
  - (e) Intersection layout details including linemarking, pavement marking and signposting;
  - (f) Erosion and sedimentation control plans.
- (20) That a design certification report for the proposed public road be prepared by an appropriately qualified civil engineer and submitted to the principal certifying authority prior to a construction certificate being issued for the development. The design certification report shall be strictly in accordance with the format outlined in the Development Specification for Civil Works (Version 1) – Design. A copy of the design certification report shall be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

(21) That a set of construction specifications for the construction of the proposed public road shall be prepared by an appropriately qualified civil engineer in accordance with the following specification:

- (a) Development Specification for Civil Works (Version 1) – Construction (South Sydney City Council).

A certificate to this effect shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.

(22) That the applicant shall provide a system of underground electricity supply and street lights system along the northern side of the proposed public road. Construction plans and specifications in relation to the underground electricity supply and street lighting system shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

(23) The street lighting system for the proposed public road be designed to comply with the following criteria: -

- (a) Street lighting be designed to enable the site to be treated as a contestable site under the Electricity Supply Act;
- (b) Comply with the relevant Australian Standards;
- (c) Comply with Energy Australia's street lighting standards such that it can be connected to their street lighting network;
- (d) All fixtures and fittings shall be compatible with those used in Energy Australia's street lighting network;
- (e) Street lighting design specifications and drawings be submitted to Council for consideration and approval;

A certificate to this effect shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.

(24) That the applicant shall submit to Council details of the following works prior to the issue of any construction certificate: -

- (a) Street signs (directional);
- (b) Pedestrian and traffic management facilities, treatments and signs;

- (c) All sign posting and line marking details on Dunning Avenue, Mentmore Avenue and the proposed public road. Such details shall be in accordance with the Australian Road Rules (current edition).
- (25) That the applicant shall ensure the installation of the following works prior to the issue of any occupation certificate for the site: -
- (a) Street signs (directional);
  - (b) Public Art;
  - (c) Pedestrian and traffic management facilities, treatments and signs;
  - (d) All sign posting and line marking details on Dunning Avenue, Mentmore Avenue and the proposed public road.
- (26) That the following footpath and verge works shall be undertaken on the Mentmore and Dunning Avenue frontages of the site prior to the issue of an occupation certificate: -
- (a) Footpaths to be reconstructed to concrete and grass verge to South Sydney Streetscape Masterplan detail;
  - (b) Kerb and gutter is to be fully reconstructed, including 300mm wide road restoration detail;
  - (c) Provision of new concrete pram ramps at public road intersections to South Sydney Streetscape Masterplan detail;
  - (d) Street trees of minimum size 100L at maximum 10m spacings in accordance with the Street Tree Master Plan Report (2001) to South Sydney Streetscape Masterplan detail (*Cupaniopsis anarcardioides*);
  - (e) All adjustments to underground services and pit lids, restoration of disturbed road pavement, removal of redundant vehicle crossings and sub-soil drainage lines
- (27) That the proposed pedestrian tunnel structure shall be designed by an appropriately qualified structural engineer in accordance with the requirements of the AUSTRROADS code and any other relevant Australian Standard required to execute the design. A certificate to this effect shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.
- (28) That pursuant to Part 9 Division 3 of the Roads Act 1993, all detail design and construction documentation for works within the public domain shall be submitted to and approved by Council prior to the release of the Construction Certificate, regardless of who is nominated as the certifier for on-site work.

- (29) That the applicant shall provide all utility services to meet the future needs of the development outside of the proposed public road. Prior to the issue of a construction certificate suitable documentation shall be provided from each service provider and forwarded to Council certifying that the utility services have not been located within the proposed public road.
- (30) That the construction of any public domain works shall not commence until the applicant has had construction plans and specifications approved by Council, and at least two days written notice of the intention to commence work has been provided to Council. All works within the public domain shall be constructed strictly in accordance with the approved plans and any instructions, written or verbal, issued by Council.
- (31) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the Director of City Planning. 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).
- (32) 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 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.
- (33) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Planning 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.

- (34) 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".

#### **MATERIAL FINISHES AND COLOURS**

- (35) That details submitted to Council as part of the development application on plans numbered DA 401 prepared by McGregor Westlake Architecture including the proposed materials, colours and finishes and materials shall be not be altered in the construction of the building. Any changes to the external treatment to the buildings will require the submission of Section 96 Modification application.

#### **WASTE MANAGEMENT**

- (36) 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.
- (37) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate.
- (38) That the applicant shall enter into a commercial contract for the daily collection of trade waste. A copy of the agreement shall be lodged at Council's One Stop Shop for referral to the Health Services Manager, prior to the issue of a Construction Certificate.

#### **SOCIAL PLANNING**

- (39) The applicant is strongly encouraged to link the employment and training opportunities associated with the development to local people.

The developer is encouraged to contact local employment providers and provide traineeships for both the construction and operation phases of the development. The contact details of three local employment service providers are:

- Naamoro Aboriginal Employment Services Inc  
104 Lawson St Redfern ph 02 9318 2159
- Redfern Aboriginal Corporation  
11 Gibbons Street  
Redfern ph 02 83990187
- Workventures Employment Services  
Level 1 Suite 105a  
100 William Street  
Woolloomooloo ph 02 9360 1566

### **SAFETY & SECURITY**

- (40) That the fences and walls facing the ground level private courtyards fronting Dunning Avenue, Mentmore Avenue and the new public street and the communal courtyard shall be solid to a maximum height of 1.2 metres and may be combined with open style fencing to a maximum height of 2 metres.
- (41) That the following areas shall be lit to AS/NZS 1158.3.1:1999:
- (a) Car parking and pedestrian underpass
  - (b) New through site link and public street;
  - (c) Dunning Avenue; and
  - (d) Mentmore Avenue
- (42) That secure access should be provided to the following elements of the proposed development:
- (a) Gate on the north western boundary from Dunning Avenue to the communal courtyard street to communal courtyard
  - (b) All entrances to private courtyards fronting streets and the communal courtyard
  - (c) All car park entrances and exits

### **LANDSCAPING**

- (43) That street trees of minimum size 100L and species type *Eucalyptus sideroxylon* 'rosea' shall be installed at regular 10 metre centres on both sides of the proposed public road in accordance with Council's Street Tree Masterplan (1996) and the street tree planting specification details provided in the South Sydney Streetscape Masterplan.
- (44) That the footpath paving treatment for the proposed public road shall be concrete only to South Sydney Streetscape Masterplan detail.

- (45) That suitable low level landscape planting shall be provided within the extended footpath width on the southern side of the proposed public road in order to discourage pedestrian activity in this area between.
- (46) That tree root barriers shall be installed along all new and existing street frontages at a minimum distance of 300mm from the building alignment to a minimum depth of 600mm.
- (47) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a Construction Certificate.
- (48) The Certifying Authority shall then submit a copy of the approved Landscape Plan and Specification to Council's Landscape Architect prior to issue of Construction Certificate.
- (49) The Landscape Plan shall nominate:
- (a) Materials and Finishes -Plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.
  - (b) Levels and Drainage- Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.
  - (c) Planting Plan- Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/ tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting to be as follows:

| Material     | Mature Height | Min. Spacing          | Min. Size            |
|--------------|---------------|-----------------------|----------------------|
| Trees        |               |                       | 75L (min. 2.0m tall) |
| Shrubs       | >3.0m         | 1/4m <sup>2</sup>     | 10L                  |
| Shrubs       | 1.0-3.0m      | 1/2m <sup>2</sup>     | 5L or 200mm pot      |
| Groundcovers | <1.0m         | 6/ per m <sup>2</sup> | 150mm pot            |

- (50) 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.
- (51) The applicant shall be responsible for liaison and co-ordination with all relevant service authorities as required to facilitate planting and shall position street trees within the footway to accommodate Council's clearance requirements from street intersections, telegraph poles, stormwater inlets, major underground service junctions, bus stops and traffic lights.
- (52) 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.
- (53) 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 required for each specimen. These measures 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.

## **SYDNEY WATER**

- (54) 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](http://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.

**PARKING & TRAFFIC**

- (55) That the design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities, access driveways and queuing areas comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking.
- (56) That the design and layout of car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking.
- (57) That the development shall comply with Australian Standards for Design for Access and Mobility AS 1428.1 – 2001 General Requirements for Access - New Building Work, AS 1428.2 – 1992 Enhanced and Additional Requirements – Buildings and Facilities, AS 1428.3 – 1992 Requirements for Children and Adolescents with Physical Disabilities and AS/NZS 1428.4 – 2002 Tactile Indicators.
- (58) That the egress driveway include the following additional safety measures:
- (a) the installation of mirrors to provide visibility between vehicles existing the carpark and pedestrians on the footway of the new street, and
  - (b) the installation of an electronic sign display triggered by existing vehicles to warn pedestrians on the footway of the new street of approaching vehicles. The signal shall be clearly visible and audible to pedestrians from both sides of the driveway, and read ‘warning – vehicle existing’ or similar.
  - (c) that the landscaping on either side of the entry/exit driveway be low ground cover only so as not to obstruct sight lines.
- (59) That, in addition to other parking provisions, at least 1 space measuring a minimum of 3.5m x 5.5m shall be provided for the exclusive use as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of Council.
- (60) That, in addition to other parking provisions, at least 1 space measuring a minimum of 2.5m x 5.5m shall be provided for the exclusive use as a service vehicle space.
- (61) That all servicing (with the exception of residential and retail / commercial waste collection) shall be carried out fully on-site, and that the maximum size service vehicle permitted on the site is a B99 vehicle with a maximum height of 2200mm.

- (62) That of the 70 car parking spaces provided, a minimum of 7 spaces shall be provided for the exclusive use of people with disabilities, and each of these spaces shall be designed, dimensioned and marked in accordance with AS/NZS 2890.1, with a minimum width of 3.8m and a minimum headroom of 2.5m.
- (63) That a maximum of 70 car parking spaces shall be provided.
- (64) That spaces 16 and 74 on Dwg No. DA 108 G do not meet the minimum blind aisle requirements of AS/NZS 2890.1 due to the location of other structures, and shall be revised to conform with the requirements of AS/NZS 2890.1.
- (65) That spaces 52, 53, 33 and 34 on Dwg No. DA 108 G do not meet the minimum blind aisle requirements of AS/NZS 2890.1, and shall be removed.
- (66) That, of the 70 car parking spaces provided, the spaces shall be allocated on the basis of (appropriately line marked and labelled prior to issuing an occupation certificate) :
- 16 residential occupant spaces @ 0.5 per unit for 32 x 1 bedroom units.
  - 28 residential occupant spaces @ 1.0 per unit for 28 x 2 bedroom units.
  - 7 residential occupant spaces @ 1.2 per unit for 6 x 3 bedroom units.
  - 11 residential visitor spaces @ 1 per 6 units for 66 units.
  - 8 shop/café commercial occupant space @ 1 per 50 sqm for 404 sqm
- (67) That each of the spaces provided for the exclusive use of people with disabilities shall be clearly marked and located close to an accessible entrance or lift.
- (68) That spaces provided for the exclusive use of people with disabilities shall only be allocated to adaptable units, or to visitor parking.
- (69) That stacked parking shall only be allocated to the single 3 bedroom unit that is entitled to 2 spaces, or to the single retail tenancy (of 290sqm) which is entitled to 6 spaces, and shall be for staff / employee parking only.
- (70) That a minimum of 31 bicycle parking spaces be provided. That of the 31 bicycle spaces provided, the spaces shall be allocated on the basis of:
- 22 residential tenant bicycle parking spaces;
  - 7 residential visitor bicycle parking spaces; and
  - 2 retail / café bicycle parking spaces.
- (71) That, of the bicycle parking spaces provided, at least 50% of all residential tenant bicycle parking should be Class 1 as specified in AS 2890.3 Bicycle Parking Facilities. Other bicycle parking shall be minimum Class 3. All bicycle parking areas shall have clear access from parked vehicles.

**BUILDING CODE OF AUSTRALIA**

(72) That all relevant sections of the BCA shall be complied with;

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

- (73) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee in accordance with Council's fees and charges for the stormwater connection to Council's system and no work shall be commenced until the fee is paid;
- (74) 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 Planning;
- (75) 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;
- (76) That the applicant shall liaise with Council's Tree Management Officer and obtain all necessary permits to prune, relocate, remove or replace any existing tree in the footway, as a result of construction works and is responsible for all such costs. A report shall be submitted by a suitably qualified arborist, outlining a methodology for branch or root pruning, relocation or removal and any other necessary mitigation measures required to protect and maintain the tree's ongoing health and amenity value. The approval of this report by Council shall be taken to be an approval under Part 9 Division 3 of the Roads Act, 1993;
- (77) That no building or excavations work shall be commenced, continued or carried out until a relevant construction certificate has been issued and at least two days written notice of intention to commence work (the subject of such construction certificate) has been given to Council;
- (78) 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;
- (79) 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;

- (80) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (81) 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;

## **SCHEDULE D CONDITIONS**

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

#### **DEMOLITION AND EXCAVATION CONDITIONS**

- (82) 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.
- (83) That the applicant shall submit a Construction Traffic Management Plan detailing staging, estimates of construction traffic movements and access management to Council's Traffic Committee for approval prior to the commencement of any works.
- (84) 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;
- (85) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
  - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of City Works Department;

- (86) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (87) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (88) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (89) 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;
- (90) That the demolition work shall comply with Australian Standard 2601-1991;
- (91) 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;
- (92) 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;
- (93) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place

- a hoarding or fence must be erected between the work site and the public place.
- (94) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (95) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (96) Any such hoarding, fence or awning is to be removed when the work has been completed;
- (97) 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.
- (98) Any such sign is to be removed when the work has been completed.
- (99) That all proposed public domain works, including the public road, public art, footpath and verge works shall be protected from damage during site construction work. Any public domain works damaged during site construction work shall be made good at no expense to Council.
- (100) That the applicant shall meet all costs associated with the design and construction of road infrastructure pertaining to this development consent.
- (101) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system.
- (102) That the applicant shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by construction works associated with the development, including works within the public domain.
- (103) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;

## **SCHEDULE E CONDITIONS**

**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**

- (104) 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;
- (105) 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;
- (106) That at the completion of construction, and prior to the issue of an occupation certificate, the applicant shall apply for and install street name signs as directed by the Director of City Planning – Southern Zone or his representative.
- (107) That all public domain works shall be fully constructed, and the constructed works approved by Council prior to the release of any occupancy certificate for the site.
- (108) That the following local area traffic management works be undertaken in Dunning Avenue prior to the issue of an occupation certificate: -
- (a) Demolition of the existing raised speed hump threshold in Dunning Avenue and pavement reinstatement to Council specification;
  - (b) Construction of new raised speed hump threshold in Dunning Avenue to Council and Roads and Traffic Authority specification.

A separate submission must be made by the applicant to Council's Traffic Committee in relation to these works.

- (109) That the public road shall be completed to the satisfaction of Council prior to the acceptance of dedication to Council (Council completion) in accordance with the Deed of Agreement between Council and the applicant.
- (110) That following Council completion, the public road shall be subject to a 12 month defect liability and maintenance period in accordance with the Deed of Agreement between Council and the applicant.

NOTE 1: Council completion means the time in the execution of the public domain works or a stage thereof, when after the applicant notifies the Council that the public domain works or a stage thereof, has reached practical completion; and

- (a) Council has undertaken its own inspections and/or reviewed documents supplied by the applicant to its successors in relation to the works; and
- (b) Council is satisfied with the public domain works or a stage thereof; and
- (c) Council issues its written advice of the acceptance of the public domain works or a stage thereof.

NOTE 2: The applicant be advised that a development application will be required for Council's consideration for the subdivision of the site involving formal dedication of the roads for public ownership.

- (111) 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 Planning;
- (112) 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;
- (113) 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;
- (114) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. Landscape works undertaken on Council owned land are subject to final approval by Council's Landscape Architect. Landscape works, both on private and Council owned land, are to be fully completed prior to the issue of an Occupation Certificate;
- (115) 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 80m<sup>2</sup> 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;
- (116) That the applicant shall be responsible for the laying of conduits for the future undergrounding of services along all street frontages with the cooperation and approval of relevant Authorities;
- (117) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development;
- (118) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;

- (119) That access to the visitor bicycle parking area shall be clearly signposted from external roads.
- (120) That the 2 retail / café bicycle spaces be located at grade near the southern retail area, and within the site boundary.
- (121) 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;
- (122) That the surface of the car park shall be sealed to allow safe and clear operation of the car park, appropriately line-marked for spaces and to aid traffic circulation, prior to issuing an Occupation Certificate;
- (123) 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;
- (124) 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);
- (125) 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);
- (126) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (127) That all vehicles shall always be driven onto and off the site in a forward direction;
- (128) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
- (129) 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;
- (130) That no part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction;

(131) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;

(132) That the requirements of the Work Cover Authority shall be complied with;

Carried unanimously.

**DEVELOPMENT APPLICATION: 360-364 VICTORIA STREET,  
DARLINGHURST (D/04/616)**

**8.10**

That consideration of this matter be deferred to the meeting of Council on 13 September 2004.

Carried.

Note - This matter was dealt with by Council as Item 10 on the Business Paper.

Note - Mr Andrew Gibbs, Mr Walter Burroughs and Ms Jo Holder addressed the meeting of the Planning Development and Transport Committee on Item 8.10.

**DEVELOPMENT APPLICATION: 21 OXFORD STREET, DARLINGHURST  
(D2003/01093)**

**8.11**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 September 2004, in relation to Development Application D2003/01093 made by Nechi Holdings for the site at 21 Oxford Street, Darlinghurst, for alterations to the basement, ground, and first floor levels of the existing building and change of use to a pub, 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 2003/01093 dated 17 October 2003 and Statement of Environmental Effects prepared by Davenport Campbell & Partners Pty Ltd, dated October 2003 and the following drawings prepared by Davenport Campbell Pty Ltd;

| <b>Drawing Number</b> | <b>Drawing Title</b>                   | <b>Drawing Date</b> |
|-----------------------|--|---------------------|
| A1-01 Issue B         | Basement Level Plan                    | 14.10.03            |
| A1-02 Issue B         | Ground Level Plan                      | 14.10.03            |
| A1-03 Issue B         | First Level Plan                       | 14.10.03            |
| A1-04 Issue B         | Mezzanine Level Plan                   | 14.10.03            |
| A1-05 Issue A         | Second Level Plan                      | 14.10.03            |
| A1-06 Issue A         | Third Levels Plan (no works proposed). | 14.10.03            |
| A1-07 Issue A         | Roof Level Plan                        | 14.10.03            |
| AE-01 Issue A         | Building Elevations                    | 14.10.03            |
| AE-02 Issue A         | Building Elevation                     | 14.10.03            |
| AX-01 Issue A         | Building Section                       | 14.10.03            |

and as amended by the following conditions:-

**HOURS OF OPERATION**

- (2) The hours of operation are regulated as follows:
- (a) The hours of operation of the premises shall be restricted to 8.00am to 11.00pm Mondays to Saturdays and 10.00am to 10.00pm Sundays.
  - (b) Notwithstanding (a) above, the premises may operate between 8.00am to 12.00am Mondays to Saturdays and 10.00am to 11.00pm on Sundays for a trial period of 1 year from the date of commencement of these extended hours. The operator shall inform Council in writing of the date upon which these extended hours commenced and of any interruption to the continual operation of these hours.

- (c) A further application may be lodged to continue the trading hours outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the operator in relation to compliance with development consent conditions, comments received from the NSW Police Service and any complaints received.

#### **APPROVAL BASED ON THE USE NOT BEING A 'LATE OPENING PUB'**

- (3) This consent has been granted on the basis that the proposal is not defined as a 'late opening pub' under the Central Sydney DCP 1996. Council is unlikely to grant an extension of the approved operating hours as the use would become a 'late opening pub' and may not satisfy concentration controls for such uses under the Central Sydney DCP 1996 and would be inappropriate given the proximity of the premises to residential uses.

#### **DELETE OPENINGS INTO THE LIGHT WELL**

- (4) The proposed BBQ area at basement level within the light well and upper level balconies and openings into the light well shall be deleted from the plans to ensure the use is fully enclosed within the building. Revised plans shall be submitted for the approval of the Director City Planning prior to issue of a Construction Certificate.

#### **UNISEX TOILETS**

- (5) The proposed toilets within the basement level are to be redesigned so as not to be 'unisex' toilets or are to be relocated to the ground floor of the building. Revised plans shall be submitted for the approval of the Director City Planning prior to issue of a Construction Certificate.

#### **FURTHER ANALYSIS OF LEVEL 1 NOISE EMISSIONS**

- (6) Further acoustic analysis is to be undertaken to ensure that noise levels and vibrations emitted from the use do not impact upon any place of different occupancy (including upper level office areas within the same building). These details with appropriate design changes or operational controls is to be submitted to Council for approval by the Director of City Planning prior to issue of a Construction Certificate. Any design change e.g. alterations to the level 1 ceiling or the like is not to impact upon any significant heritage fabric within the building.

#### **ROOFTOP PLANT**

- (7) Plans are to be submitted detailing the placement of rooftop air-conditioning plants. Such plants are to be located in accordance with recommendations made within Section 5 of the Acoustic Report prepared by 'Acoustic Logic Consultancy Pty Ltd' dated 18 December 2003 and shall include details of acoustic screens. These plans are to be submitted to Council for approval by the Director City Planning prior to issue of a Construction Certificate.

**SECTION 61 CONTRIBUTIONS PAYABLE - COST SUMMARY REPORT  
– SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION  
CERTIFICATE**

- (8) 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 - Cost Summary 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 - Cost Summary Report” may be obtained from the City of Sydney One Stop Shop and the City of Sydney’s website ([www.cityofsydney.nsw.gov.au](http://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.

#### **ADOPTION OF CITY OF SYDNEY ACCORD**

- (9) The Licensee is encouraged to adopt the principles of the City of Sydney Accord with Licensed Premises (contact the City Service Development Unit 9265 9003 for information).

#### **INSTALLATION OF CCTV CAMERAS**

- (10) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors to ensure surveillance of patrons entering and leaving the building within both Oxford Street and Brisbane Street. The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

#### **SIGNAGE**

- (11) The protruding wall sign included on the Oxford Street elevation of the building shall be deleted from the plans. The revised plans shall be submitted to Council for approval by the Director of City Planning prior to issue of a Occupation Certificate.
- (12) A separate development application must be made for any new signage visible from the public domain.
- (13) No flashing signage visible from the public way shall be installed.

#### **APPLICATION REQUIRED FOR PUBLIC ENTERTAINMENT**

- (14) No Public Entertainment, as defined under Local Government Act, 1993 is to be provided within the premises unless approved by both a development application under the Environmental Planning and Assessment Act, 1979 and an application under Section 68 of the Local Government Act, 1993.

#### **SECURITY MANAGEMENT PLAN TO BE PREPARED**

- (15) The Licensee shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use. This plan shall stipulate that security guards are to be employed at a rate of 1 per 100 patrons and are to be on duty half an hour after the pub has ceased trading.

**NO ATM**

- (16) No automatic teller machines (ATM) shall be installed on the premises.

**NO GAMING MACHINES ON THE GROUND FLOOR**

- (17) Gaming machines, amusement devices or the like are not permitted on the ground floor of the premises.

**USE OF EXPERIENCED TRADES PERSONS**

- (18) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

**SUPERVISION BY EXPERIENCED CONSULTANT**

- (19) That the work is to be supervised on site by a consultant experienced in the conservation of similar heritage items.

**UNOBTRUSIVELY PLACE NEW SERVICES**

- (20) That new services in the building are to be placed as unobtrusively as possible with minimum intervention to the original fabric.

**REPAIR WORK TO MATCH ORIGINAL BUILDING FABRIC**

- (21) That all repair work to the original building fabric is to match as closely as possible the original details.

**INTERNAL FINISHES AND WORKS TO MATCH EXISTING ORIGINAL WORK**

- (22) That all new internal finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

**MAIN ENTRANCE**

- (23) That the existing tiles over the step and threshold of the main entrance on the corner of Brisbane and Oxford Streets are to be removed and the original sandstone finish reinstated. Depending on the condition of the sandstone beneath the tiles it may need to be repaired/conserved or replaced. Details shall be submitted to Council for approval by the Director of City Planning prior to issue of a Construction Certificate.

**LOUVERS BRISBANE STREET FACADE**

- (24) That the detailing of the louvers to be installed within the sash joinery in the Brisbane Street façade is to be such that it can be removed without damage to the sashes so that the glazing can be re-installed at any future time.

**RETENTION OF EARLY CEILINGS**

- (25) That if during building works any early ceilings linings are found to remain in place above the existing ceilings and provided they are not badly damaged they are to be retained and conserved. If they are badly damaged then a photographic archival record is to be made of them in accordance with the NSW Heritage Office guidelines and submitted to Council's Archives prior to the issue of a Completion Certificate. This record is to include black and white archival quality 35mm photographs, proof sheets, negatives and a photographic location reference sheet.

**NO DAMAGE OF MAIN STAIR**

- (26) That care is to be undertaken in regard to any works undertaken in the vicinity of the main stair on the north-eastern side of the building to ensure that its fabric is not damaged.

**NO OBSTRUCTION OF WINDOWS**

- (27) The proposed bars at ground level and on the first floor are to sit below adjoining window sills to ensure they do not form an obstruction to any window and allow a clear view of Brisbane Street. Details shall be submitted to Council for approval by the Director of City Planning prior to issue of a Construction Certificate.

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

- (28) 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.

**IMPLEMENTATION OF ACOUSTIC CONTROLS**

- (29) That all recommended acoustic management controls as contained in Section 5 of Acoustic Logic Consultancy Pty Ltd report (2003756/0112A/RO/WH) dated 18 December 2003 (as amended by condition 3) and as maybe required by Condition 4 of this consent, are to be implemented in full prior to the commencement of operations.

### LETTER TO VERIFY SUPPORT FOR NEW LOADS

- (30) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

### SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(31)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) **Note:**
- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (d) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

(e) **Note:**

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the “Notice of Requirements”. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “your business” section of Sydney Water’s website at [www.sydneywater.com.au](http://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](http://www.sydneywater.com.au) or telephone 132 092.

## WASTE DESIGN

(32)

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure “A” of Code).

The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

**Note:**

Special requirements exist in Council’s Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an “Alternative Solution” must be submitted to the Certifying Authority.

### **RECYCLING AREAS**

(33) 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.

### **STORMWATER AND DRAINAGE**

(34)

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

### **VENTILATION**

(35) 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).

### **FITOUT OF FOOD PREMISES**

(36) The construction, fitout and finishes of the premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises.

### **AIR HANDLING - FOOD**

- (37) 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.

### **EXHAUST FOR FOOD**

- (38) That adequate provision shall be made for the installation of a mechanical exhaust ventilation for future food premises where cooking, heating or similar food preparation is to be carried out.

### **CODE FOR WASTE HANDLING WITHIN BUILDINGS**

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

### **WASTE/RECYCLING STORAGE FACILITY**

- (40) That a waste/recycling storage facility for commercial use shall be located within the site in a position that can be accessed by a commercial contractor.

### **DEMONSTRATION OF COMPLIANCE**

- (41) 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 a Certifying Authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668.1&2).
  - (b) the commercial garbage and recycling storage rooms (Council's Code for Waste Handling in Buildings).
  - (c) the layout, disposition and method of installation of fixtures and fittings together with wall, floor and ceiling finishes to all food preparation, storage areas and cool rooms (National Code for the Construction and fit out of Food Premises).

### **CERTIFICATES OF DESIGN COMPLIANCE VENTILATION SYSTEM**

- (42) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgement of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. 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; and
- (b) Acoustics.

#### **FOOTPATH LIGHTING**

- (43) Footpath lighting shall be provided along Brisbane Street for the full frontage of the site. The location, design and illumination of such lighting shall ensure pedestrian safety, shall be at a minimum level of 10 lux in the horizontal and vertical plane and shall be approved by the Director City Development and installed prior to commencement of the use.

#### **INSTALLATION OF DUAL-FLUSH TOILETS**

- (44) 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.

#### **INSTALLATION OF WATER EFFICIENT TAPS**

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

#### **FIRE RESISTANCE**

- (46) The proposed construction is to comply with the requirements for Type A Fire Resistance Levels, and specific details with respect to the proposed means of compliance with the provisions of Clause C1.1 of the Building Code of Australia (BCA), applicable to a building of combined Class 7a, 6 and 2, are to be submitted and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.

#### **EGRESS**

- (47) Egress provisions from the building must be in accordance with the provision of Section D of the BCA, and specific details of required egress are to accompany any future application for 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**

## **CERTIFICATION OF MECHANICAL VENTILATION**

- (48) 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.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (i) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
  - (ii) 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).
    - a. Supply Air Ducts, Shafts and Fans - Blue
    - b. Return Air Ducts, Shafts and Fans - Pink
    - c. Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
    - d. Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
    - e. Mixing Boxes and Conditions - Yellow
    - f. Fire Dampers and Electric Heaters - Red
  - (iii) 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;
  - (iv) 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;
  - (v) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

**STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS**

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

**Notes:**

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.

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

#### **PREPARE ENVIRONMENTAL MANAGEMENT PLAN**

- (50) That prior to the commencement of 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 be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site,
  - (b) Measures to suppress odours and dust emissions,
  - (c) Soil and sediment control measures,
  - (d) Community consultation.

#### **APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (51) 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.

#### **BARRICADE PERMIT**

- (52) 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.

#### **USE OF MOBILE CRANES**

- (53) 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.

## **Schedule 1D**

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

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

- (54) The hours of construction and work on the development shall be:
- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
  - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and a 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
  - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

#### **CONSTRUCTION NOISE**

- (55) That no "offensive noise" as defined under the Protection of the Environment Operations Act, 1997 shall be created during construction activities associated from the site.
- (56) That all associated mechanical plant, equipment and the like used on site during construction activities from the proposed development shall use all practical and reasonable noise attenuating devices and measures to minimise noise being transmitted from the site.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (57) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.

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

### **SOIL AND WATER RUNOFF**

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

### **NO OBSTRUCTION OF PUBLIC WAY**

- (59) 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.

### **COVER VEHICLES**

- (60) 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.

**REMOVAL OF WASTES**

- (61) Prior to issue of an Occupation Certificate and/or commencement of the use of the premises, all required contracts or arrangements for the collection and removal of wastes and recyclable material must be finalised.

**RUNOFF**

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

**Schedule 1E****Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority****OCCUPATION CERTIFICATE**

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

**ALL MATERIALS TO COMPLY WITH BCA**

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

**GLAZING MATERIALS TO COMPLY WITH CODE**

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

## **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (66) 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.

## **EXIT SIGNS**

- (67) Exit signs with directional arrows where necessary, shall be provided, and upgraded in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia, and fully maintained in accordance with Australian Standard AS 2293.1;

## **EMERGENCY LIGHTING**

- (68) A system of emergency lighting shall be installed throughout the level 1 premises, including both front and rear egress stairs, to comply with the provisions of Australian Standard AS2293.1;

## **VENTILATION**

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

# **Schedule 1F**

## **Conditions to be complied with during the use of Premises**

### **NOISE - USE**

- (70) The use of the premises 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 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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 12.00 midnight to 8.00am the following morning the use shall be inaudible in any habitable room of any residential premises.
- (d) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and
- (e) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration and sound levels 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**

- (71) 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.

### **FURTHER ACOUSTIC ANALYSIS REQUIRED**

- (72) That a further acoustic report shall be carried out and submitted to Council within 1 month from the commencement of the use of the subject premises certifying the following:
  - (a) that all acoustic building controls and devices (acoustic seals, noise limiters, mechanical plant etc) have been installed in a satisfactory manner to the satisfaction of the acoustic consultant; and

- (b) that operationally, the premises are in full compliance with Council's conditions of consent.

### **NOISE BREACHES**

- (73) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.

### **DOORS TO BE KEPT SHUT**

- (74) The doors to the main entrance on the corner of Brisbane and Oxford Streets shall be kept shut at all times, except where required for direct ingress/egress.

### **ANNUAL FIRE SAFETY STATEMENT**

- (75) 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.

### **BEHAVIOUR OF PATRONS**

- (76) The Management/Licensee shall ensure that the behaviour of patrons 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, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (77) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (78) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises. (Except from any approved Bottle Shop area)

### **REMOVAL OF BOTTLES AND GLASS**

- (79) The removal of recycled bottles and glasses shall only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

### **NO SPRUIKERS**

- (80) No persons (such as those commonly known as spruikers) or recordings 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 privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.

### **CARE OF BUILDING SURROUNDS**

- (81) 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**

- (82) 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**

- (83) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.

## **Schedule 2**

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

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

Carried unanimously.

Note - Mr Peter Wager addressed the meeting of the Planning Development and Transport Committee on Item 8.11.

**ITEM 9. SECTION 82A REVIEW: 41 - 41B ELIZABETH BAY ROAD, ELIZABETH BAY**

Moved by Councillor McInerney, seconded by Councillor Mallard -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 September 2004, and to Council on 13 September 2004, in relation to Section 82A Review Application R/04/00008 made by Bill-Mark Pty Ltd and Maropa Pty Ltd for the site at 41-41B Elizabeth Bay Road, Elizabeth Bay, for the demolition of the existing building and the erection of a 6 storey mixed use development, it be resolved that consideration of this matter be deferred to the next meeting of the Planning Development and Transport Committee.

Carried unanimously.

**ITEM 10. DEVELOPMENT APPLICATION: 360-364 VICTORIA STREET, DARLINGHURST**

Moved by Councillor McInerney, seconded by Councillor Black -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 6 September 2004, and to Council on 13 September 2004, in relation to Development Application D/04/616 made by Solotel Pty Limited for the site at 360-364 Victoria Street, Darlinghurst, for the construction of a timber deck with acoustic screens on three sides for use as an outdoor terrace in conjunction with the Green Park Hotel and minor alterations to the hotel, 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. D/04/616 dated 1 June 2004 and Statement of Environmental Effects prepared by Design Collaborative dated May 2004 and drawings numbered DA02, 03, 04B and 05C prepared by indyk architects dated 28-4-04 and as amended by the following conditions:

- (2) The use is valid for a period of one year from the date of granting of an Occupation Certificate. This period can be considered a "trial" period, and any extension beyond that time will require separate prior approval of the Council (development application or Section 96 approval). Consideration of such an application will be based on the performance of the operator, compliance with conditions, comments received from NSW Police and any complaints received. If, during this trial period, there are breaches of consent conditions, this may lead to Council commencing immediate legal proceedings to cease the use. The Council shall be advised by letter of the date of issue of the Occupation Certificate, quoting the DA number and this condition.

### **ACOUSTIC RECOMMENDATIONS**

- (3) Construction of the deck and acoustic screens must be undertaken in accordance with the recommendations of the Acoustic Assessment Report No. 8040-2-404 prepared by Challis Consulting Pty Limited dated 5 May 2004.

### **HOURS OF OPERATION**

- (4) The hours of operation of the outdoor deck shall be restricted to 10.00am to 10.00pm Mondays to Saturdays and 12 midday to 10.00pm Sundays.

### **NOISE - USE**

- (5) The use of the premises 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 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 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 10pm to 8am the following morning the use shall be inaudible in any habitable room of any residential premises.
  - (d) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
  - (e) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration and sound levels 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.

- (6) The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), on the first 3 weekends after commencement of the use and shall make recommendations to ensure the use is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further use of the deck shall occur until such time as any necessary recommendations of the acoustic consultant or other matters considered appropriate by Council have been satisfactorily implemented.
- (7) Should complaints or breaches of noise regulations occur, the Council may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.

#### **NOISE - MECHANICAL PLANT**

- (8)
  - (a) Noise associated with mechanical plant must not give rise to any one or more of the following:
    - (i) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
    - (ii) 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.
    - (iii) 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.

#### **NO MUSIC PERMITTED**

- (9) The provision of music to the outdoor deck area is prohibited.

### **SOLID SCREEN FENCE**

- (10) A solid screen fence must be constructed at the rear of the property on the eastern boundary with the car park site in order to screen the deck from view. Details of the fence must be submitted to the satisfaction of Council prior to the issue of a Construction Certificate.

### **PLAN OF MANAGEMENT**

- (11) The Plan of Management for the Green Park Hotel submitted with application U/02/470 prepared by Design Collaborative Pty Ltd dated December 2001 must be implemented and complied with at all times.

### **PATRON BEHAVIOUR**

- (12) The Management shall ensure that the behaviour of patrons 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 patrons of the premises and shall ensure that patrons 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.

### **FIRE SAFETY**

- (13) The proposed acoustic walls to the outdoor deck must be constructed of non combustible materials.
- (14) The opening in the southern wall of the hotel for access to the proposed courtyard must be enclosed in masonry construction with a minimum 90 minute fire resistance level when the courtyard is demolished and vacant land redeveloped.

### **HERITAGE**

- (15) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (16) Any new services in the Green Park Hotel building are to be placed as unobtrusively as possible with minimum intervention to original/significant fabric.
- (17) All new internal and external finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
- (18) The face brick work of the hotel is not to be rendered, painted or coated.

**SOUTH SYDNEY SECTION 94 CONTRIBUTIONS PLAN 1998**

(19)

**Part A**

- (i) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

| Contribution Category           | Amount          |
|---------------------------------|-----------------|
| Open Space: LGA Works Programme | \$ 42.30        |
| Open Space: New Parks           | \$157.00        |
| Accessibility and Transport     | \$ 1.21         |
| Management                      | \$ 5.00         |
| <b>Total</b>                    | <b>\$205.51</b> |

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

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

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being May 2004.

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

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

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

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

#### **Part B**

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

- (viii) 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.

## **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.

#### **LIGHTING**

- (21) Proposed lighting schemes must comply with the requirements of "The City of Sydney Exterior Lighting Strategy" and AS4282 - 1997 Control of the obtrusive effects of outdoor lighting. Details of the lighting design must be accompanied by certification from a practising lighting engineer and must be submitted to the satisfaction of Council prior to the issue of a Construction Certificate.

#### **FURTHER DETAILS REQUIRED**

- (22) Prior to the issue of a Construction Certificate, precise details of the wheelchair ramp on Victoria Street footpath must be submitted and approved by Council.

#### **OUTWARD HANGING DOORS**

- (23) Any outward hanging doors must not encroach onto the public way in compliance with the Roads Act (General) Regulation 1994.

**LETTER TO VERIFY SUPPORT FOR NEW LOADS**

- (24) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

**VENTILATION**

- (25) 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).

**RECEPTACLES FOR CIGARETTE BUTTS**

- (26) 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.

**SUSTAINABLE TIMBERS**

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

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

OR

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

OR

- (c) Re-used/recycled timber.

## **Schedule 1C**

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

#### **STRUCTURAL CERTIFICATION FOR DESIGN - MINOR WORKS**

- (28) Prior to commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy to the Certificate must be submitted to Council if it is not the PCA.
  - (a) Structural Drawing/s prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (ii));
  - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, 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 (Specification A1.3).

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

### **Notes**

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1 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.
- (e) Appropriate current professional indemnity insurance.
  - (i) 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.
  - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

### **BARRICADE PERMIT**

- (29) 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.

### **CERTIFICATION OF MECHANICAL VENTILATION**

- (30) 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.
  - (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
    - (i) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;

- (ii) 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).
  - a. Supply Air Ducts, Shafts and Fans - Blue
  - b. Return Air Ducts, Shafts and Fans - Pink
  - c. Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
  - d. Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
  - e. Mixing Boxes and Conditions - Yellow
  - f. Fire Dampers and Electric Heaters - Red
- (iii) 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;
- (iv) 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;
- (v) 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**

#### **DEMOLITION WORKS**

- (31) 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.

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

#### **PUBLIC WAY**

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

#### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (33) 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.

#### **PROTECTION OF THE ENVIRONMENT**

- (34) 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;

## **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**

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

### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (36) 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.

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:**

- (c) 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.
- (d) 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.

### **FIRE SAFETY CERTIFICATE**

- (37) 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 Certificate must be submitted to Council if it was not the PCA.

### **PERFORMANCE CERTIFICATES - VENTILATION**

- (38) That certificates of design compliance and system performance for the nominated components/aspects of the mechanical ventilation system shall be provided to the Council at the time of lodgement of plans certifying the design and upon commissioning of the mechanical ventilation system certifying performance. Certificates will be required prior to the issue of an occupation certificate. 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 **ventilation**.

## **Schedule 1F**

### **Conditions to be complied with during the use of Premises**

#### **CARE OF BUILDING SURROUNDS**

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

#### **REMOVAL OF GRAFFITI**

- (40) 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.
- (41) No public entertainment, as defined under the Local Government Act, 1993, is to be provided within the premises (or the deck) unless approved by a Development Application under the Environmental Planning and Assessment Act, 1979 and an application under Section 68 of the Local Government Act, 1993.
- (42) The maximum capacity of the hotel, including open courtyard area, is 300 persons. The maximum capacity of the deck at any time shall not exceed 30 persons. NOTE: The calculation of maximum capacity is to include staff.

## Schedule 2

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

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

Motion carried.

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

**ITEM 11. RENEWAL OF COUNCIL COMMITTEES**

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

That arising from consideration of a report by the Manager Secretariat to Council on 13 September 2004, on Renewal of Committees, it be resolved that -

(A) the functions, delegations and quorums of

the Finance, Properties and Tenders Committee,  
the Environment and Heritage Committee,  
the Cultural and Community Services Committee,  
the Planning Development and Transport Committee and its Sub-Committees

Planning Policy  
Major Development Assessment  
Development Assessment

and the Traffic Committee

and the Policies and Procedures of Committees,

as follows, be adopted for the remainder of the term of this Council;

- (B) Council review the functions of the Committees each year; the first review to be completed by 30 September 2005; and
- (C) Council determine the membership, chairmanship and deputy chairmanship of each of the Committees and Sub-Committees listed in (A), as follows, for a term ending on 30 September 2005.

Carried unanimously.

Note – The Terms of Reference - Council Committees, as adopted by Council, is as follows.

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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**FINANCE, PROPERTIES AND TENDERS COMMITTEE**

- Meeting Time: Monday 4.00pm
- Venue: Finance Committee Room
- Chairperson: Councillor Robyn Kemmis  
Deputy Chairperson: Councillor Shayne Mallard
- Members: The Lord Mayor (Councillor Clover Moore MP)  
Councillor The Hon Michael Lee  
Councillor John McInerney
- Quorum: (A majority of the members of the Committee)
- Functions: To deal with all matters relating to:
- (a) Finance
  - (b) Consideration of budgets and quarterly budget performance
  - (c) Information Technology Policy
  - (d) Asset management
  - (e) Internal and external audit
  - (f) Fees and charges
  - (g) Rating matters
  - (h) Council vehicles and fleet management
  - (i) Industrial relations
  - (j) Organisational policy issues eg industrial agreements
  - (k) Council property management, including management, maintenance, leasing, licensing and sale of Council property (including footways and the use, leasing and purchase of non-Council property)
  - (l) Tenders

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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**ENVIRONMENT AND HERITAGE COMMITTEE**

- Meeting Time: Monday 4.00pm
- Venue: Council Chamber
- Chairperson: Councillor Phillip Black  
Deputy Chairperson: Councillor Chris Harris
- Members: The Lord Mayor (Councillor Clover Moore MP)  
Councillor Verity Firth  
Councillor Marcelle Hoff  
Councillor Tony Pooley
- Quorum: (A majority of the members of the Committee)
- Functions: To deal with all matters relating to:
- (a) Environmental management and sustainability
  - (b) Parks and open spaces
  - (c) Street Trees
  - (d) Street and footpath maintenance
  - (e) Footpath and street cleaning
  - (f) Graffiti removal
  - (g) Waste and recycling
  - (h) Street furniture
  - (i) Street lighting
  - (j) History and heritage projects

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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**CULTURAL AND COMMUNITY SERVICES COMMITTEE**

Meeting Time: Monday 4.00pm, or at the conclusion of the Environment and Heritage Committee, whichever is the later.

Venue: Council Chamber

Chairperson: Councillor Marcelle Hoff

Deputy Chairperson: Councillor Verity Firth

Members: The Lord Mayor (Councillor Clover Moore MP)  
Councillor Phillip Black  
Councillor Chris Harris  
Councillor Tony Pooley

Quorum: (A majority of the members of the Committee)

Functions: To deal with all matters relating to:

- (a) Arts (including visual and performing) and culture within the City of Sydney
- (b) City of Sydney events, programs and activities
- (c) Assistance to community and cultural organisations
- (d) Community services
- (e) Recreation services
- (f) Library services
- (g) Cultural and social diversity
- (h) Cultural, social and economic disadvantage
- (i) Operational and promotional issues relating to restaurants and hotels
- (j) Health inspections
- (k) Liquor Licensing
- (l) Community housing

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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- (k) Cultural venue management
- (l) Small Business and retailing
- (m) Tourism
- (n) the Film Industry

**PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE**

Meeting Time: Monday 5.30pm.

Venue: Council Chamber

Chairperson: The Lord Mayor (Councillor Clover Moore MP)

Members: Councillor Phillip Black  
Councillor Verity Firth  
Councillor Chris Harris  
Councillor Marcelle Hoff  
Councillor Robyn Kemmis  
Councillor The Hon Michael Lee  
Councillor Shayne Mallard  
Councillor John McInerney  
Councillor Tony Pooley

Quorum: (A majority of the members of the Committee)

Functions:

- (1) To exercise the following functions (see also clause (2)):
  - (a) Development applications not dealt with by the Central Sydney Planning Committee and other applications for approval under the Environmental Planning and Assessment Act 1979, including applications under Section 96 and Section 82A
  - (b) Planning instruments ie LEPs, DCPs, Policies
  - (c) Transport and access initiatives and issues
  - (d) Parking policy
  - (e) Traffic and Sydney Traffic Committee

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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- (f) Design of City of Sydney projects, including public spaces, street furniture, parks, city buildings and community facilities
- (g) Safety Programs
- (h) Urban infrastructure, particularly roads, stormwater, drainage and footpaths
- (i) The environment and sustainability
- (j) Referrals from other authorities for comment on any of the above matters

(2) To form the following sub-committees, and to exercise the functions listed above through these Sub-Committees:

**(a) Planning Policy Sub-Committee -**

Chairperson: Councillor John McInerney  
 Deputy Chairperson: The Lord Mayor (Councillor Clover Moore MP)

Members: All Councillors

Quorum: (A majority of the members of the Sub-Committee)

Functions: To exercise functions in respect of the planning instruments, that is, Local Environment Plans, Development Control Plans, Policies and strategic and transport planning.

**(b) Major Development Assessment Sub-Committee -**

Chairperson: Councillor Robyn Kemmis  
 Deputy Chairperson: The Lord Mayor (Councillor Clover Moore MP)

Members: All Councillors

Quorum: (A majority of the members of the Sub-Committee)

Functions: To exercise all of the functions of the Planning Development and Transport Committee in respect of any development application relating to a proposed building of four or more storeys (as defined in the applicable planning instrument).

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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**(c) Development Assessment Sub-Committee -**

Chairperson: Councillor Phillip Black

Deputy Chairperson: The Lord Mayor (Councillor Clover Moore MP)

Members: All Councillors

Quorum: (A majority of the members of the Sub-Committee)

Functions: To exercise all of the functions of the Planning Development and Transport Committee in respect of any development application relating to a proposed building of less than four storeys (as defined in the applicable planning instrument).

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Delegations: Council delegates its powers under the Environmental Planning and Assessment Act 1979 to Planning Development and Transport Committee and, subject to clauses (2) (b) and (c) above, to the Major Development Assessment and Development Assessment Sub-Committees:

- (a) under section 80(1), to determine development applications;
- (b) under section 80(3) to grant deferred commencement consent;
- (c) under section 80(4) and 80(5) to grant staged development consent;
- (d) under Section 82A except where the determination being reviewed had been made by Council or by the Planning Development and Transport Committee;
- (e) and under section 96 to approve modifications to any of those consents;

except where the Chairperson determines that an application, or applications, be referred to Council for determination.

The items to which the delegation applies are to be so listed on the agenda.

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## TERMS OF REFERENCE - COUNCIL COMMITTEES

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The Council also authorises the Planning Development and Transport Committee and the Major Development Assessment and Development Assessment Sub-Committees to approve submissions, relating to the matters listed above, to other consent authorities.

Procedure: At meetings of the Planning Development and Transport Committee, the three Sub-Committees will convene and meet as required.

### TRAFFIC COMMITTEE

The Traffic Committee is a Statutory Committee, established under the Roads Act and in accordance with RTA administrative procedures.

Meeting Time: The Committee shall meet when required and shall determine the days and times it meets.

Chairperson: Councillor John McInerney

Deputy Chairperson: Councillor Chris Harris

Members: Membership as determined by the Roads and Traffic Authority administrative procedures being:

- (a) Four formal (voting) representatives, one from each of the following-
  - Council (Chairperson)
  - Police Service
  - Roads and Traffic Authority
  - Local Members of Parliament
  
- (b) Informal (non-voting) representatives, where relevant, from each of the following -
  - State Transit Authority
  - Transport Workers Union
  - Sydney Harbour Foreshore Authority
  - A cycling representative appointed by the Lord Mayor

The Chairperson and their alternate shall be determined by Council.

The views of informal members are considered but not binding.

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**TERMS OF REFERENCE - COUNCIL COMMITTEES**

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- Administration:** The City's Transport Management Unit investigates road safety and traffic management issues and also provides administrative support for the Traffic Committee, including the compilation of agendas and minutes.
- Quorum:** A representative from Council and the RTA and the NSW Police must each be present.
- Function:** The function of the Traffic Committee is to advise council on any proposal concerning a traffic control facility.

**POLICIES AND PROCEDURES OF COMMITTEES**

- (a) The structure and functions of Committees is standing policy of Council.
- (b) All correspondence from, or to, all Committees, and Sub-Committees, shall be handled through normal Council processes.
- Correspondence to any Committee/Sub-Committee shall be tabled at the Committee meeting and placed on the relevant file.
- The contents of any outward correspondence, purporting to state the views of a Committee/Sub-Committee shall conform with existing Council policy and shall be circulated to Councillors via the Councillors' Information Service.
- (c) All Committees and Sub-Committees shall be advisory to Council and have no independent role, except where specific authorities are delegated to them by Council.
- (d) The quorum for each Committee shall be half of the members except where otherwise specified in this policy.
- (e) Matters dealt with in Committee shall be submitted to Council without recommendation only when the chairperson so determines.
- (f) The chairpersons of Standing Committees and Sub-Committees shall have a casting vote in the event of an equality of voting.
- (g) In the event of an equality of votes at a Committee or Sub-Committee, the matter shall be submitted to Council without recommendation.
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**ITEM 12. INVESTMENTS HELD BY COUNCIL AS AT 31 AUGUST 2004 (S03-4147)**

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to Council on 13 September 2004, on Investments Held by Council as at 31 August 2004, it be resolved that the report be received and noted.

Carried unanimously.

**ITEM 13. GEORGE STREET, THE ROCKS, DEVELOPMENT APPLICATION – OWNER’S CONSENT (S034352)**

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Senior Property Manager to Council on 13 September 2004, on George Street, The Rocks Development Application – Owner’s Consent, it be resolved that:

- (A) authority be delegated to the General Manager to grant Council’s consent as owner to the lodgement of the development application from Optus Networks Pty Ltd, covering work installing new telecommunications and cabling under roadway along George Street, The Rocks north of Alfred Street, upon the General Manager being satisfied as to:
  - (i) the impact of the proposed works, particularly that appropriate measures are to be taken to prevent any adverse impact of the works on any items of historical significance, trees, and pavement finishes;
  - (ii) that any other issues relating to the works, or relating to the applicant, are resolved to the General Manager’s satisfaction;
- (B) authority be delegated to the General Manager to take all necessary steps to give effect to the terms of this resolution;
- (C) all relevant documentation be executed by Council’s attorney.

Carried unanimously.

## **ITEM 14. QUESTIONS ON NOTICE**

There were no Questions on Notice for this meeting of Council.

## **QUESTIONS WITHOUT NOTICE**

### **SPRINGFIELD AVENUE (S032438)**

1. By Councillor McInerney

#### **Question**

Lord Mayor, can I ask what action has been taken in relation to the issues raised at your recent meeting with Springfield Avenue residents?

#### **Answer by the Lord Mayor**

Councillor McInerney, Springfield Avenue residents were very concerned about the removal of trees. Two trees had previously been removed because they were in a dangerous state. It was found once they were removed that there had been very significant deterioration. I think from memory it was approximately 60 per cent for one tree and 80 per cent for another. A third tree was also checked but it was found that it had less decayed wood, so that tree will remain.

Council has also extended its works to Springfield Avenue and I have requested the General Manager to continue paving into Springfield Avenue because residents were also concerned about a proposal for asphalt. That proposed design is to go on exhibition on 15 September and we will get feedback from residents, as there is a range of views about the paving.

### **PARKING PERMITS - HEALTH WORKERS (S032443)**

2. By Councillor Lee

#### **Question**

Lord Mayor, I am wondering if you might give consideration to providing parking permits to the small number of professional and allied health workers who provide assistance to residents who suffer from disabilities, with the intention being that these permits would allow these health care workers to park in loading zones or areas covered by parking meters without having to put coins in the meters. Would you give consideration to that?

**Answer by the Lord Mayor**

Councillor Lee, I would certainly give consideration to that. It is something that I have raised in Parliament in the past. I know that there are health workers who are terribly stressed in terms of servicing their clients, and I know that there have been a lot of problems, especially for the Darlinghurst mental health workers. I need to get advice on what Council's strategy is, or if Council has a policy?

I invite the General Manager to respond.

**General Manager**

Lord Mayor, the Manager Transport Management would be able to comment but we are bound to a certain extent by the Roads and Traffic Authority.

**Manager Transport Management**

Lord Mayor, with parking permits we are bound by the requirements of the NSW State legislation. There are really only effectively two types of parking permits - there are disabled parking permits and resident parking permits, but those permits can only be used in time limited parking, they can't be used in loading zones.

With the health carer type permits, in the area of the former City of Sydney before May of last year, the City has visitor parking permits which can be used by health care workers or other people visiting a resident. That applies in Ultimo, Pyrmont and Millers Point. In May last year, parts of East Sydney and Kings Cross, where no visitor parking permits apply, were amalgamated with the City. They are areas we need to look at.

South Sydney Council, at the time of amalgamation, were bringing in a policy which had a special permit for health care workers, with certain limitations. We are looking at gearing those permits to run in that particular area but we need to then make a policy decision as to the other areas of the City, including the Darlinghurst/East Sydney area. The whole question is something that we will have to look at.

**Answer by the Lord Mayor (continued)**

I ask that a report be submitted to the Planning Policy Sub-Committee in relation to a policy for the enlarged City of Sydney.

**Councillor Lee (Supplementary Question)**

Lord Mayor, I would hope that if there was a system of permits for health care workers in the former South Sydney without breaking the State law, we might try to think creatively about a way to develop such a permit, especially for disabled residents in the central business district and, I'm sure, in the Darlinghurst area where this issue has arisen.

Lord Mayor, my question is, in considering this matter and considering the report, would you also weigh up the relative justice in allowing many of the construction workers to park for extended periods of time in loading zones but not allowing professional care workers to be able to look after their clients? I am sure you, Lord Mayor, and the Council staff will try to think of a creative way that we can ensure these people can look after the City's residents who suffer from disabilities.

**Answer by the Lord Mayor**

Councillor Lee, that can be canvassed in the report and by the Planning Policy Sub-Committee at the time.

**FORMER TRAM SHEDS - HAROLD PARK (S032439)**

**3. By Councillor Kemmis**

**Question**

Lord Mayor, there is some concern within the Glebe/Forest Lodge and surrounding community about the redevelopment of the former tram sheds near Harold Park. Lord Mayor, are you aware of any proposals to redevelop this site?

**Answer by the Lord Mayor**

Councillor Kemmis, I will invite the Director City Planning (Northern Zone) to respond?

**Director City Planning (Northern Zone)**

Lord Mayor, there is no development application before the Council at this stage. Councillors will be aware of an adjoining development for the stables which is before us. There is no development proposal for the adjoining tram sheds.

Certainly, there were previous discussions with Council officers and certain issues were raised. We aren't at liberty to pass on the nature of those discussions. We always maintain a level of confidentiality in pre-DA discussions, but I think the residents surrounding the area are aware that there is a proposal afoot.

I think the Councillors previously have requested a site inspection. I think a few of the Councillors have been past the site when undertaking a site inspection in Charles Street.

The simple answer is there is no development application. It is fair to say, without divulging too much detail, that a number of issues were raised by Council officers with the pre-DA proposal before us. As well as identifying those issues and concerns that would need to be addressed should a future application be made, we have also encouraged the applicant to give some thought to consulting with some of the resident groups in the area prior to lodging a development application.

**Answer by the Lord Mayor**

That is a very good idea.

**PARKING ISSUES - EDUCATION PROGRAM (S032445)**

4. By Councillor Pooley

**Question**

Lord Mayor, I have been approached by a constituent who was booked for parking across her own driveway. I know that it is against the law, I acknowledge that. This constituent was parked across her own driveway, which is adjacent to the Paddington Saturday markets area. It is an ongoing issue. I have responded to her that it is against the law. She had various issues about that and I suggested she take that up with the State Government, in fact her Local State Member.

I am just wondering whether Council could consider an education campaign to update residents about some of these recurring issues.

Two examples are parking across your driveway and the increasing use of the yellow line in lieu of the signs. It is an advantage for us in terms of having less signage clutter.

**Answer by the Lord Mayor**

Councillor Pooley, there has to be a major education campaign. Certainly, I will take that on board.

**HICKSON ROAD (S032440)**

5. By Councillor Hoff

**Question**

Lord Mayor, at a recent community forum, several of the people there were talking about the drag racing that was taking place along Hickson Road.

I am wondering whether there is anything you have been able to do to address this problem?

**Answer by the Lord Mayor**

Councillor Hoff, I understand work has already begun on that. It was the hottest issue at the City Forum that was held in the Lord Mayor's Reception Room. I think Councillor McInerney has some information and I invite him to respond.

**Councillor McInerney**

Lord Mayor, perhaps I can refer this matter to our Manager Transport Management. As I understand it, we are in the process of bringing to the Traffic Committee a proposal to close the relevant section or most critical section of that road. Perhaps the Manager Transport Management could respond.

## **Lord Mayor**

I invite the Manager Transport Management to respond.

## **Manager Transport Management**

Lord Mayor, the issue with the car races on Hickson Road is that they tend to congregate in Hickson Road, but what they actually want to do is go up and down George Street to show off their vehicles. It is the congregation in Hickson Road that is causing the problems.

As a circuit breaker we are looking at closing Hickson Road underneath the Harbour Bridge between Pier One and the Park Hyatt Hotel. Initially it will be permanently closed for a period of about four weeks or so because there is some work being undertaken and we will then do some public consultation. We are hopeful that will resolve it.

## **DARLINGHURST ROAD (S032441)**

6. By Councillor Black

### **Question**

Lord Mayor, at the Community Forum in Kings Cross on 8 July 2004, local residents raised concerns about loss of awnings and neon signs in Darlinghurst Road and, of course, it has been a continuing problem ever since.

I am wondering if the Lord Mayor could provide an update on the actions Council has taken to retain and protect the awnings and the neon signs.

### **Answer by the Lord Mayor**

Councillor Black, it certainly has been an issue that has been hotly debated. The remaining neon signs in Darlinghurst Road are to be saved. The ones that have been removed are to be returned when the upgrade works are completed. Concerns about the removal of awnings have been addressed within the constraints of the existing work program. I will ask the relevant staff to make further comment.

### **Senior Project Manager - Gateways**

Lord Mayor, there were originally 44 awnings contemplated to have work done on them. Approaches to the owners started, I think, last October. Approvals from owners came through piecemeal and, even after getting the owners' approvals, the approvals for new signage from the tenants was very slow in coming through. We also needed some structural investigations to be done by some of the owners.

All of those things created a pressure on the budget and time to complete the project and hence some of the awnings have been deleted from the project. They could still be done at a later date but, in order to complete the project this year, some of them are not currently in the program. So we are currently completing about 50 per cent of the length of the awnings that we originally anticipated to do.

With respect to the neon signage, the neon that exists on the awnings we are working on will be retained.

#### **NOTIFICATION - DEVELOPMENT APPLICATIONS (S032442)**

7. By Councillor Harris

##### **Question**

Lord Mayor, could I please direct my Question to the General Manager.

At the last Council meeting we moved a resolution to look at the legal, financial and administrative aspects of installing photocopiers in One Stop Shops and various suggestions about notification, including making documents available on line. Could you advise what is happening with that?

##### **Answer by the Lord Mayor**

I invite the General Manager to respond.

##### **General Manager**

Lord Mayor, yes, I have had discussions with the Executive and I understand a report is to be submitted to the next meeting of the Planning Development and Transport Committee. We expect to have some initiatives to recommend to Councillors to improve on the situation, particularly on the issue of accessibility to development applications.

#### **SYDNEY AIRPORT - CAR PARKS (S032438)**

8. By Councillor McInerney

##### **Question**

Lord Mayor, could I ask for some comments from you on a proposal by Sydney Airport, which I read about this morning, to build twin twelve storey car park towers for parking for 8,000 vehicles at Sydney Airport?

Lord Mayor, are you also aware that Marrickville, Botany and Rockdale Councils have each unanimously passed resolutions questioning this proposal on safety, traffic and environmental grounds? I could add another five grounds to it.

**Answer by the Lord Mayor**

Councillor McInerney, I read that article with the same alarm that you have expressed. I certainly can understand the alarm being expressed by Marrickville, Botany and Rockdale Councils. The proposal will generate increased traffic.

It will have a serious impact on the City, particularly the former South Sydney area. I will certainly seek more information about working with our neighbouring Councils to oppose this proposal.

**WYNYARD PARK (S032443)**

9. By Councillor Lee

**Question**

Lord Mayor, I recently emailed the General Manager about the state of Wynyard Park and he was kind enough to give me a considered reply. The reason why I raised the issue with the General Manager was that it is a park that gets a lot of use by, I am sure, residents as well as people who work in the City, at lunchtime especially, and that there are now quite extensive bare patches in Wynyard Park.

The General Manager's response was that Council didn't intend to rehabilitate the area until the lifting of the water restrictions and I can understand that there is some logic behind Council not wanting to waste its resources, given that the likely date of the lifting of water restrictions is probably some many months, if not years, in the distance, and given that that would require the drought to be broken and the dam levels to rise significantly.

I am just wondering if Council could consider accelerating its work on seeking to reclaim stormwater run-off either in that Wynyard Park area, or further to the east, and allow some of that reclaimed, recycled water to be used to help bring forward the date we can rehabilitate Wynyard Park and some of the Council's other parks?

**Answer by the Lord Mayor**

I invite the General Manager to respond.

**General Manager**

Lord Mayor, I have some good news. We returfed Wynyard Park last Friday.

The timing was propitious in terms of returfing, and after I had sent Councillor Lee that email I got a photographic report from the Manager Asset Management that showed how bad the situation was, so we made a decision to returf it and that happened last Friday.

**Answer by the Lord Mayor**

Councillor Lee, the suggestion about re-using stormwater, I think, is a very important one for us to pursue and follow up and Council will do this as part of developing an environmentally responsible policy on recycling stormwater.

**STREET LIGHTING - ERSKINEVILLE AND ALEXANDRIA (S032439)**

10. By Councillor Kemmis

**Question**

Lord Mayor, at the recent Erskineville Community Forum, many residents raised the issue of street lighting, the quality of street lighting, particularly in the quieter streets and laneways and the impact that it had on community safety.

I wonder if the Lord Mayor has been able to investigate options for improving street lighting in Erskineville and Alexandria?

**Answer by the Lord Mayor**

Councillor Kemmis, I think that was the major issue at that Community Forum, the issue of crime and safety and moving about the neighbourhood.

I discussed it subsequently with the General Manager and am informed that the City is conducting an upgrade of street lighting. It is something that I have raised on a number of occasions over the last six months in terms of providing pedestrian lighting rather than lighting for motor cars, and that there are a whole number of areas that are heavily pedestrianised and poorly lit that we need to take action about.

I will ask the General Manager to provide an update on that issue, particularly in relation to Erskineville.

**General Manager**

Lord Mayor, you are correct, there is a strategic program of upgrading street lighting that the old City of Sydney commenced with a degree of energy in May last year, after the boundary changes, particularly in areas like parks, where there was very poor lighting and consequent safety issues.

What I am proposing is to bring forward to Council a briefing on that program with an emphasis on looking at whether the priorities need to be reconfigured in order to take into account some of this feedback we are getting from community meetings.

There is a program in place that is a staged program and it will be up to Councillors to tell us whether they want some of those priorities to be altered.

**LIVERPOOL STREET CLOSURES (S032440)**

11. By Councillor Hoff

**Question**

Lord Mayor, in relation to Liverpool Street, could you inform Councillors when the proposed closure of Liverpool Street, Darlinghurst, will go on public exhibition?

**Answer by the Lord Mayor**

Councillor Hoff, could I just say on this issue to correct the information that seems to be circulating, the closure of Liverpool Street, Darlinghurst, was one that was canvassed quite extensively with the community during all the community consultation on traffic management improvements for the areas adjoining the Eastern Distributor at the time of the consultation in relation to the construction of the Eastern Distributor.

It goes way back and the Roads and Traffic Authority agreed to the proposal. I supported the residents at the very many meetings that they had on this and it was actually stopped by the former Lord Mayor, Frank Sartor. South Sydney Council also supported it. So, there was a long history to it.

I heard that there was talk that it was to stop kerb crawlers and that is really not where it has come from. It was something that was developed very strongly in that community and had everyone's support apart from the former Lord Mayor.

We are revisiting it and we are re-exhibiting it to see if there is still that very strong support for it. There was unanimous support from the community at the time. DRAG might have emerged subsequently and are not supporting it but, at the time, and Councillor Mallard was around at that time too, and I can go back to my exhaustive files on the Eastern Distributor community consultation, it was something that was very strongly supported and only stopped by the then Lord Mayor.

We will see what the reaction from the community is when we re-exhibit it but that is the history to it. Could I ask the General Manager when that is going to be exhibited?

**General Manager**

I will ask the Manager Traffic Management to respond.

**Manager Traffic Management**

Lord Mayor, we are currently preparing the documents to go out to the community. The idea was to present it to the Forum this coming Monday, and the idea is to try and have the newsletter for the closure go out either just before or just after that Community Forum to start the ball rolling.

**INTERNATIONAL DAY FOR PEOPLE WITH DISABILITIES (S032445)**

**12.** By Councillor Pooley

**Question**

Lord Mayor, you would be aware that 3 December is the International Day for People with Disabilities. I wonder, Lord Mayor, whether Councillor Hoff would consider a brief report coming to Council, after discussion with Council staff, on how Council might celebrate that day? If I could be bold enough to make one suggestion, perhaps a month long blitz on people parking inappropriately in disabled car parking spots might be one simple kind of item we can consider.

**Answer by the Lord Mayor**

I invite Councillor Hoff to respond.

**Councillor Hoff**

I think that is a great idea Councillor Pooley and I am sure we can work something out with the Director Community Living.

Another thing that pleased me enormously towards the end of last week is that the Construction, Forestry, Mining and Energy Union (CFMEU) has agreed to put in disabled access to a church at the back of one of the community centres at Redfern, St Xavier's, because Council couldn't do it, it didn't fit into Council's brief and there were no funds available. So an approach was made to the CFMEU and they have come to the party, which is wonderful.

**ERSKINEVILLE TOWN HALL (S032441)**

**13.** By Councillor Black

**Question**

Lord Mayor, following the adoption tonight of your Minute regarding the future use of Erskineville Town Hall, I have already mentioned my concern about the state of the movable heritage in that building.

Can Council undertake an inventory of the building furniture, the artwork and the civic memorials, with a view to retaining them in the building or moving them to a more appropriate site before the neighbourhood service centre is established?

**Answer by the Lord Mayor**

Councillor Black, the answer is Yes.

**BUSINESS COMMUNITY (S032438)**

**14.** By Councillor McInerney

**Question**

Lord Mayor, can I ask what action you have taken to develop a good working relationship with the business community?

**Answer by the Lord Mayor**

Councillor McInerney, I have in fact had numerous meetings and attended many functions with the City's corporate sector, in fact, one just last week where I met with about 20 representatives of the City's community at the headquarters of the Property Council.

I have also addressed the State Chamber of Commerce, the Tourism Task Force, the Kings Cross Partnership, the Pyrmont Ultimo Chamber of Commerce, the Glebe Chamber of Commerce, the Redfern Chamber of Commerce, the South Sydney Business Enterprise Centre and the Australia-China Chamber of Commerce and Industry.

In the next month I am having meetings with the Business Council of Australia and the Hong Kong Australia Business Association.

I think what is of most interest to Council is that I am setting up a Sydney Business Forum. We are having our regular dialogue with our community forums with the residential community, and I am also setting up a Sydney Business Forum which will bring together peak business, corporate and tourism bodies, and give them an opportunity to provide the City with their expertise, with their advice and with their strategic needs for the City, and to do it in a pro-active, consultative and co-operative fashion, rather than a reactive way.

Once the arrangements for the formation of that forum have been finalised, I will report to Council, which will be in the very near future.

**THE ROCKS (S032443)**

**15.** By Councillor Lee

**Question**

Lord Mayor, I would like to return to the issue of the car hoons, that was raised at the community meeting here at the Town Hall. I would be interested to know if the plan for that closure, and I know that it is a temporary trial, but is part of the idea for that to be permanent or only on Friday and Saturday nights, as some of the residents have suggested? Will it be 24 hours, or only particular nights or particular hours of particular days of the week?

Secondly, could Council also give some consideration to widening footpaths in The Rocks area. I think you are aware there has been some discussion for more than two years between Council, the Sydney Harbour Foreshore Authority (SHFA), the Roads and Traffic Authority and residents and businesses in The Rocks about whether you not only improve street dining and make The Rocks more pedestrian friendly, but you could also make it harder for the car hoons to terrorise businesses and residents in The Rocks and maybe Council could adopt a dual strategy dealing with this matter.

**Answer by the Lord Mayor**

I invite the Manager Transport Management to respond.

**Manager Transport Management**

Lord Mayor, in relation to the first part of the Question, initially the closure would be full-time, so as soon as it gets closed it be won't be open until four to six weeks or whatever it turns out to be while some work occurs.

In the interim, the initial proposal was to look at just the closure overnight from 11.30 pm to 6.00 am, but that is being reviewed with a view to a more permanent closure.

What we will do is make arrangements for consultation. When it does close temporarily that allows us the opportunity to do the more permanent closure consultation.

**Lord Mayor**

I invite the General Manager to answer the second part of Councillor Lee's question.

**General Manager**

Lord Mayor, the issue with the footpaths for The Rocks is that we don't own a lot of them. A lot of them are owned by SHFA, as I understand it.

**Manager Transport Management**

Lord Mayor, what I could add is that about two years ago, SHFA looked at widening footpaths, they are their footpaths and it is their responsibility to widen them. They had a proposal to do it and it got stalled at one particular stage. I believe there were some technical issues to do with the width of lanes for coaches and things like that and the project got shelved by SHFA and it hasn't been taken up again.

**MEMORANDUM OF UNDERSTANDING WITH THE ABORIGINAL COMMUNITY (S032439)**

16. By Councillor Kemmis

**Question**

Lord Mayor, I wonder if you could let Council know about progress on the Memorandum of Understanding (MOU) between the City of Sydney and the Aboriginal community on the Tent Embassy?

**Answer by the Lord Mayor**

Councillor Kemmis, work has commenced on developing the MOU. I first met with the representatives of the Tent Embassy on 9 August, along with Councillor Hoff and the Director Community Living.

Perhaps the Director Community Living could give us an update on the status of the MOU.

**Director Community Living**

Lord Mayor, we have another meeting tomorrow. We drafted a very preliminary MOU document for the group to have a look at. It really simply states that we would be doing things like developing protocols along the lines of Councillor Harris' Notice of Motion at the last Council meeting, and it outlined some of the things that we can be doing together with the Aboriginal community.

We have pointed out to the group that, in a way, they are not really a constituted group that has the authority to enter into an agreement like that. So what we have said is that we can put down some words that we can agree on as a way forward; things that we ought to be doing together, and then we take that out to the broader Aboriginal community, and that becomes the basis of a set of protocols and agreements around the kinds of things that we will be doing.

We have also done lots of other things with the group, eg, put forward their suggestion for the plaque to commemorate TJ Hickey, and various other things. Anything like that that has come through to Council, we will certainly share that with the group.

**ITEM 15. NOTICES OF MOTION****ELECTION POSTERS (S032460)****1. By Councillor Harris**

The City of Sydney recognises that candidates, particularly independents and those representing small parties, rely on posters to communicate information about policies and candidates during local government, state and Federal election campaigns.

Council expresses its concern over the actions of City of Sydney contractors who have been removing federal election posters from Energy Australia telegraph poles, given that:

- (a) the City of Sydney did not remove local government election posters during the 2004 Council election campaign;
- (b) the City of Sydney did not remove state election posters in the Pyrmont Ultimo area during the 2002 state election; and
- (c) South Sydney Council did not remove election posters during previous federal, state and local government election campaigns.

Given that there has been no change in council policy and a new Draft Policy on signs and graffiti is currently being exhibited and will be considered by council at a later date, Council in the interim directs the General Manager to instruct staff and contractors to continue with the previous City of Sydney and South Sydney Council policy applied in previous elections and not remove election posters until at least one week after the election.

Note - at this stage of the meeting, Councillor Harris withdrew his Notice of Motion on Election Posters.

**CAR PARKING FOR CAR SHARE AND CAR CLUB VEHICLES (S032460)****2. Moved by Councillor Harris, seconded by the Chair (the Lord Mayor) -**

As population density increases in the City of Sydney, it is crucial that Council works to develop a mix of policies to decrease private car use by city residents and to develop innovative strategies for car parking. One such strategy is the encouragement of car share and car club schemes.

Council resolves that the city seek an urgent meeting with the RTA to examine how legislation/regulations may be altered so that a class of parking areas, which accommodate car share and car club vehicles, may be created.

Further, that officers report back to council at the next council meeting on the progress of those discussions.

Carried unanimously.

### **Closed Meeting**

At 9.28pm, Council resolved -

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

Section 10A(2)(a) of the Local Government Act 1993 to discuss Item 4B on the agenda as this matter comprised discussion of personnel matters concerning particular individuals (other than Councillors);

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 6.5 and 16 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on persons with whom the council is conducting (or proposed to conduct) business; and

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

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

Items 4, 6.5, 6.6, 16 and 17 were then dealt with by Council while the meeting was closed to the public.

### **ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 6 SEPTEMBER 2004 (CONTINUED)**

The Committee recommended the following:-

Moved by Councillor Kemmis, seconded by Councillor Hoff -

That the recommendations of the Finance, Properties and Tenders Committee of its meeting of 6 September 2004 for Items 6.5 and 6.6 be adopted.

Carried.

### **SYDNEY SQUARE**

#### **6.5**

Note - in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the matter is finalised.

**TENDER NO 0414: SUPPLY OF BARGE AND TUG HIRE FOR NEW YEAR'S EVE 2004 (S031819-01)**

**6.6**

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

**ITEM 16. CHANGES TO PROPOSED LEASE FOR 112-126 BROADWAY (S025755)**

Moved by Councillor Kemmis, seconded by Councillor Lee -

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 6 September 2004, and to Council on 13 September 2004, on Changes to Proposed Lease for 112-126 Broadway, it be resolved that:

- (A) a lease be granted to Sydney Car Wash Pty Limited, 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; and
- (C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously

**ITEM 17. CHRISTMAS 2004-2006 INSTALLATION OF EXISTING CHRISTMAS TREE (S014818)**

Note - in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the matter is finalised and a contract is awarded.

Note - at this stage of the meeting, at 9.40pm, all staff except the General Manager and General Counsel, left the meeting of Council.

**ITEM 4. PERSONNEL MATTERS (S033128)**

Note - in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until such time as the General Manager considers public disclosure will not prejudice negotiations with relevant unions and staff.

Monday 13 September 2004

800

At 9.50pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 18 October 2004 at which  
meeting the signature herein was subscribed.