

**6 DECEMBER 2004**

**Meeting No 1421**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.10pm on 6 December 2004 pursuant to Notice 19/1421 dated 2 December 2004.

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## PRESENT

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

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

At the commencement of business at 6.10pm those present were:-

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

Councillor Lee left the meeting of Council at 8.22pm at the conclusion of discussion on Item 7 and returned at 8.26pm during discussion on Item 8.12.

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

### Opening Prayer

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

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from the media to film the Council meeting prior to and during discussion on Item 3D.

Moved by Councillor Hoff, seconded by Councillor Pooley -

That authority be granted for the media to film that part of the Council meeting.

Carried unanimously.

### **Order of Business**

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, Council resolved that the order of business be altered such that Item 3D be brought forward and dealt with after Item 2.

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

### **Minutes of Council Meeting of Monday 15 November 2004**

Moved by Councillor McInerney, seconded by Councillor Pooley -

That the minutes of the meeting of Council of Monday 15 November 2004, as circulated to Councillors, be confirmed, subject to the following adjustments to Item 11: Alcohol Free Zones (pages 1118 and 1119) -

1. It be noted that the following clause -

“Council notes the potential role of Alcohol Free Zones in reducing alcohol-related serious crime and promoting the safety and amenity of city workers, residents and visitors;”

was deleted from the original motion at the request of Councillor Harris and with the consent of all Councillors.

2. The words “including wet centres” be inserted in clause (D) after the words “and other alternatives”.

Carried.

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

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

**ITEM 3D. FESTIVE SEASON CELEBRATIONS AND CHRISTMAS DECORATIONS**

FILE NO:

DATE: 6/12/04

**MINUTE BY THE LORD MAYOR**

To Council:

As Councillors will be aware, there has been considerable public interest in the City's Christmas decorations and events in recent days, with some misinformed criticism driven by a fabricated quote wrongly attributed to me.

In view of the level of interest in this issue, I propose to deal with it as the first item of business.

The City is spending over \$900,000 (\$300,000 more than last year) decorating the city and celebrating the Christmas season, followed by spending another \$5 million on New Years Eve celebrations and the Sydney Festival during January, closely followed by Chinese New Year.

While there has been a view expressed that the City is not doing enough there is also a contrary view in the community – indicated by many of the letters published in the Sydney Morning Herald today – that the expenditure of ratepayer's money on these type of activities is already more than adequate.

Council has to strike a balance between competing views in the community, making a reasonable and justifiable decision concerning the expenditure of public money.

Councillors will understand that this year's decorations and celebrations were planned many months ago and the expenditure approved by the former General Manager. I am informed that past practice has usually been to have decorations specially commissioned and then generally re-used for about 3 years, and there has been no major departure this year from what has happened in previous years.

To ensure there is no misunderstanding, I will now place on the public record the Council's Christmas and festive season activities.

The City's celebrations commenced on 25 November with the lighting of the Christmas tree and a concert attracting 7,000 children and their families in Martin Place, with me arriving in a Christmas sleigh with Santa. We ran a children's colouring in competition with the prize lighting the official Christmas tree.

The Martin Place Christmas tree is 20 metres tall, and took 9 days to install. It has 180 gold and silver baubles, 120 stars and 19,000 lights.

The City has also decorated Chifley Square, Sydney Town Hall and Pitt Street Mall and is still in the process of installing 545 banners to decorate the streets, based on a "Christmas lights" theme and "seasons greetings" translated into the 8 most frequently spoken languages within the City boundaries. The banners will be located in George Street, Martin Place, Taylor Square, Anzac parade, Green Square and Kings Cross.

We are also having roving Christmas street performers around the CBD shopping precinct on weekends during December.

Most importantly, we are also holding free family Christmas concerts in the City's expanded areas in Rosebery, Alexandria, Rushcutters Bay, Glebe and Surry Hills, with Santa, carollers, a big brass band, MC Justine Clarke from Playschool and special performances at each location.

I attended the Alexandria Park Twilight Christmas Concert last Friday night and can report that it was a fantastic event and very much appreciated by the local community.

The City is in partnership with the major retailers who have supported the city's concerts, and as has happened in previous years, 400,000 copies of a full colour magazine promoting Christmas events, transport, trading hours, gift ideas, church services and Christmas stories has been produced by Fairfax in association with the City.

Perhaps some of the views expressed in the past few days have been driven by nostalgia, and public disappointment at a reduced level of retailer commitment to Christmas displays in recent years. People's memories of their childhood Christmases often revolve around the type of displays that retailers used to put on – the Santa grottoes and window displays that we rarely see anymore.

Yes, most of us do remember those things fondly – but I don't believe that it is actually the City's responsibility to reproduce the sort of retail display that seem now to be a thing of the past. This is essentially a commercial and marketing decision made by individual retailers.

However, I am happy to raise this with the city's retailers to ensure that they are given the opportunity to consider their displays and participate in planning for next year's celebrations.

I am advised that in other major cities of the world which are often cited as examples of great Christmas decorations, the bulk of the decorations are provided by the retailers themselves, rather than by government.

I'd also like to put on record my real concern that we should not lose sight of the fact that Christmas is about the birth of baby Jesus and it is a spiritual and religious festival. We should not be preoccupied with commercial and material things - how many hundreds of thousands of dollars we are spending on temporary decorations. I believe we should focus on the more important and enduring aspects – like generating peace and goodwill towards others – and caring about everyone in our community, including the disadvantaged. As elected representatives, we should be more focussed on those far less fortunate than ourselves, rather than the number of Christmas lights suspended over the Pitt Street Mall.

I'm pleased to report that the Council is also conducting a number of very important but lower key Christmas functions and activities for the less fortunate, including:

- Delivery of Christmas Hampers to approximately 300 Meals on Wheels clients
- A Christmas luncheon with traditional Christmas lunch, entertainment and a variety of treats including chocolates, Christmas cake and cherries to take home at each of council's 9 Aged and Disability Activity Centres;
- Each Activity Centre has been given funds to purchase Christmas decorations
- A free BBQ dinner and then a tour of the Christmas lights in suburbs famous for their decorated houses for approximately 120 aged residents
- A Christmas luncheon cruise for around 50 Meals on Wheels Volunteers
- Groups of aged residents have been taken on special Christmas shopping outings
- Assistance with providing transport to a variety of Christmas activities and concerts
- Providing transport for the Crystal Set Choir to perform at nursing homes
- Hosting a Christmas function at the Redfern Community Centre to be attended by local residents with a BBQ meal, activities, Santa, Christmas stockings and lollies for the children.

As well as these and many other community-based Christmas activities, the Council has many public events planned for the entire festive season.

The celebrations will continue through New Year's Eve with the award-winning fireworks displays and the Sydney Festival in January, right up to Chinese New Year.

On New Year's Eve there will be 2 fireworks shows again this year, with an earlier one for children at 9pm and the traditional midnight display. This year the bridge effects have been devised by sculptor Neil Dawson, and it will continue to be one of the world's most watched New Year's Eve displays.

As co-sponsor of the Sydney Festival the Council is playing an important role in enriching the cultural life of the city, allowing people to enjoy 23 free events and encouraging people to visit Sydney. The festival is one of the most attended events in Australia and it is a 3 week celebration of arts and culture, with 52 events featuring the best local and international theatre, music, dance, opera, multi-disciplinary and visual arts.

In supporting all of these events, the City is spending around \$6 million of ratepayers' money.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 6 December 2004, on Festive Season Celebrations and Christmas Decorations, it be resolved that Council note the many actions and events undertaken by the City of Sydney to celebrate the festive season in 2004 - 2005.

(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 6 December 2004, on Festive Season Celebrations and Christmas Decorations, it be resolved that Council note the many actions and events undertaken by the City of Sydney to celebrate the festive season in 2004 - 2005.

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

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

The City of Sydney Council acknowledges the essential Christian message and celebration of Christmas and extends a message of Merry Christmas, peace and goodwill to all residents, businesses and visitors to the City. That a committee of interested Councillors immediately review the current budget for Christmas celebrations to identify any savings that can be redirected to improve the Christmas decoration of the Town Hall and CBD streets without additional budget impact. That future Christmas messages and celebrations be a matter of approval by the Council.

Following discussion, Councillor Mallard, with the agreement of the seconder of the amendment, withdrew the first two sentences of his amendment.

The amendment, "That future Christmas messages and celebrations be a matter of approval by the Council", was lost on the following show of hands -

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

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

Amendment. At the request of Councillor Lee, and by consent, the motion was amended by the addition of the following words -

That Council consider requesting City businesses to make a greater contribution towards the cost of Christmas decorations, and that Council consider displaying children's Christmas drawings on street banners during December in future years.

The amendment moved by Councillor Lee was carried unanimously.

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

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

Noes (1) Councillor Mallard.

Substantive motion carried.

### **ITEM 3A. SYDNEY WRITERS FESTIVAL (S030574)**

FILE NO: S030574

DATE: 2/12/04

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

##### To Council:

The City has sponsored the Sydney Writers Festival in partnership with the State Government for many years. This was originally an initiative of the State and City to enliven the winter months in Sydney, through the support for the Writers Festival, the Film Festival and the Biennale of Sydney.

The Festival includes a series of talks by authors, masterclasses, a residential writing retreat, workshops for high school students, the NSW Premier's Literary Awards, literary lunches, readings, children's story telling, etc. Most events are free. Each author who attends the Festival is required to appear at least one free event.

The City is currently in the second year of a three year contract for sponsorship of Sydney Writers Festival to a value of \$180,000p.a. The State sponsors for the same amount.

Sydney Writers Festival has developed significantly over the last few years. The Festival's audience grew by 22% in 2004. Forty one percent of visitors attended the Festival for the first time in 2004. Sixty percent of the audience is under 45 years of age. Sponsorship increased 50% in 2004. Box office revenue was up 170% over 2003. The Festival returned a profit of just over \$100,000 in 2004. Of this \$45,000 has been contributed to a Reserve Fund for the Festival. More than \$150,000 worth of books was sold. Media coverage was extensive, including commercial news coverage.

With the use of the new Sydney Theatre, the Festival has increased audience capacity for its paid events to 850 seats per event. This has also increased its attraction for potential sponsors. All other sessions which take place at Wharf 4/5 are full, and patrons are turned away.

This year, the Festival began a program of out-of-season events, which has also increased media and sponsorship opportunities. They extended their program of walking tours with a literary theme, including the Rocks and Kings Cross.

For the last few years, the workload of the three Festival staff has increased dramatically. The increase in outcomes has been achieved at a cost to their ability to continue to work at this level, and therefore for the Festival to continue its level of success.

Sandra Yates, Chair of the Festival, has written to me and to the NSW Government requesting an increase in funding to allow for an expansion of staffing, and to bring previously outsourced skills (production and public relations) in-house on a longer term basis.

The City is reviewing funding guidelines to develop a transparent and coherent framework for assessing funding proposals. Cultural Affairs staff tell me that the draft framework will come to Council for consideration in early 2005. I am concerned that the Sydney Writers festival will not have the certainty it needs to plan its 2005 program if consideration of this proposal is deferred pending adoption of that framework.

The Festival fits well within the City's fourth tier of sponsorships criteria, as outlined in the sponsorship grants and events guidelines adopted by Council on 13 September 2004. The Festival provides an international profile for the City; it provides a platform for the City to present internationally recognised works and artists; and it exhibits excellence in content and professional delivery of the event.

If approved by Council, Cultural Affairs staff will negotiate with the Festival to extend its activities to bring benefits to more of the residents of the local government area.

After discussion with Roger Wilkins, Director General for the Ministry for the Arts, I propose that the City increases the funding for the Sydney Writer's Festival by \$50,000p.a. for the remaining two years of its sponsorship contract, provided that this increase is matched by the State Government.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 6 December 2004, on the Sydney Writers Festival, it be resolved that:

- (A) Council approve an increase in funding for the Sydney Writers Festival to a value of \$50,000 per annum for 2004/05 and 2005/06, bringing its cash sponsorship to a total value of \$230,000 per annum for those two years, provided that this increase is matched by the NSW Government;
- (B) the funding for the current financial year be from the General Contingency or other sources within the budget framework as may be identified by the Acting General Manager, and that the specific allocation in future years be adjusted accordingly; and
- (C) authority be delegated to the Acting General Manager to negotiate and execute an amendment to the existing sponsorship contract.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

**ITEM 3B. INDEPENDENT ASSESSMENT OF M5 EAST HEALTH STUDY**

FILE NO:

DATE: 2/12/04

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

On 28 June 2004, Council considered my Lord Mayoral Minute about Lane Cove Council's request to help fund an independent examination of NSW Department of Health investigations into the possible health impacts of the M5 East Motorway Stack on the Turrella community.

The NSW Health Department has conducted two studies into possible health impacts. The first exploratory study aimed to better define the symptoms residents were experiencing and concluded no inference could be made about the actual 'cause/s' of the symptoms. The second of these studies (Phase 2) concluded that there was no evidence of an association between prevalence of reported symptoms and modelled emissions from the M5 East stack and that further epidemiological studies were not scientifically justified.

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

Lane Cove Council contracted three independent Australian experts on air pollution assessment, environmental statistics and sampling design and health impacts of air pollution to assess the NSW Health studies. They were:

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

On 28 June, arising from consideration of my Mayoral Minute, Council unanimously resolved to contribute up to \$2,000 towards the cost of this study. North Sydney, Ryde, Willoughby, Hunters Hill, Marrickville and Ashfield Councils also contributed.

The three independent experts have now completed their assessment and on 1 December, 2004 Lane Cove Council publicly released their report.

## The findings

The three experts recommend that the findings of the second M5 East health study or their relevance to other tunnel projects not be accepted until an independent organisation completes a thorough reanalysis of its study data and a subsequent successful peer review process is made available.

Essentially, they are recommending that the second M5 East health study should be withdrawn until it is substantially revised.

The experts concluded that:

- The Phase 2 findings of no association between the prevalence of reported symptoms and modelled emissions from the M5 East stack are readily criticised for potential flaws in study objectives and design. The peer review of Phase 2 design was undertaken too late to influence its execution. Many of the reviewers' comments have been ignored or, perhaps, misunderstood;
- The methodology used in Phase 2 is unlikely to represent best feasible epidemiological approach, unless feasible is interpreted in a strict economic sense and funding constraints are defined; and
- The Phase 2 methodology has several other questionable assumptions and potential biases. There is strong scientific justification for a reanalysis of the collected data and for further studies that evaluate exposures of affected people with suitably-chosen controls. The original reviewer of the Phase 2 project proposal could be one of several experts consulted for a second opinion.

The report contains other findings about scientific and methodological aspects of the Health Department studies and several recommendations about the conduct of future health studies. The experts also recommend that:

“Future statements on likely health impacts should be more carefully considered as regards applicability, transparency and recognition of the existence of sensitive subgroups in the community whose health is not protected by the achievement of existing air quality guidelines.”

Katestone Environmental, who coordinated the study also observed that:

“...the local community around the M5 East stack deserves a better explanation of the various technical issues and advice as to what actions to take for any ongoing symptoms. Other interested parties throughout Australia will also likely benefit from a more holistic approach to past and future investigations. Finally, we note that the fuller consideration of hot spots associated with traffic emissions is supported by recent deliberations of the World Health Organisation and Australasian regulators.”

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 6 December, 2004 on the Independent Assessment of M5 East Health Study, it be resolved that Council -

- (A) commend Lane Cove Council for initiating the independent assessment of the M5 East health studies on behalf of communities affected by unfiltered tunnel emissions; and
- (B) endorse the study's recommendation that the findings of the second M5 East health study or their relevance to other tunnel projects not be accepted until an independent organisation completes a thorough reanalysis of its study data and a subsequent successful peer review process is made available.

(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 6 December, 2004 on the Independent Assessment of M5 East Health Study, it be resolved that Council -

- (A) commend Lane Cove Council for initiating the independent assessment of the M5 East health studies on behalf of communities affected by unfiltered tunnel emissions; and
- (B) endorse the study's recommendation that the findings of the second M5 East health study or their relevance to other tunnel projects not be accepted until an independent organisation completes a thorough reanalysis of its study data and a subsequent successful peer review process is made available.

Amendment. At the request of Councillor Firth, and by consent, the motion was amended by the addition of clause (C) as follows -

- (C) that the City of Sydney, noting studies undertaken by Lane Cove Council, consider increasing resources to enable research of the effects of not filtering emissions from the Cross City Tunnel.

Motion, as amended by consent, carried unanimously.

**ITEM 3C. REDFERN WATERLOO AUTHORITY BILL**

FILE NO:

DATE: 3/12/04

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

As Councillors will be aware, the state Government introduced the Redfern-Waterloo Authority Bill 2004 into the NSW Parliament three weeks ago. The Bill and debates in the Legislative Assembly are available on the NSW Parliamentary web site at [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au).

The Bill proposes the establishment of a new Redfern-Waterloo Authority to preside over a designated geographical area within the City of Sydney local government boundaries. A map of the geographical area currently proposed for the Authority is attached to this Minute (Attachment A).

The bill gives the Minister and the Authority unprecedented power to override planning requirements that would normally apply – going so far as to enable the Minister to annexe other areas at will; act as the consent authority for his own developments; “cherry pick” developer contributions from major development sites outside the operational area and override the Heritage Act, amongst other powers.

While urban renewal is urgently needed in these disadvantaged areas, I believe that setting up an Authority and a Minister with this extraordinary level of power is not justified and counterproductive in the circumstances. I support urban renewal in this sensitive community, but I do not support the creation of a super-Authority and a Minister with unprecedented power answering to no-one as the way to implement the changes needed.

It sets a dangerous precedent for this approach in other local government areas, and would enable expansion of the proposed area by stealth to take in more of the South Sydney airport corridor. We have three tiers of government in Australia and the state government appears set to assume local government responsibilities.

One of the justifications used when the state government summarily changed the boundaries before the local government election this year was that an enlarged area would provide a better base for local government to deal with disadvantaged inner city communities like Redfern and Waterloo. Now only some seven months later they are arbitrarily seeking to take control of a large chunk of the City’s area – along with access to developer contributions and development profits worth many tens of millions of dollars. This is nothing more than a grab for cash by the state government.

As the local Member of Parliament representing the affected area, I expressed my opposition in the Legislative Assembly and moved amendments to the Bill in an attempt to introduce some accountability. As a bare minimum, I believe that the Authority and the Minister should be responsible to the Minister for Infrastructure and Planning as the consent authority to approve major developments, and the power to annexe other areas by stealth should be deleted from the Bill.

While some of the amendments I moved in the Legislative Assembly were accepted by the government, the most objectionable clauses remained intact and the Bill is due to be introduced into the Legislative Council this week.

Following extensive media criticism of the proposed legislation, the fate of the Bill in the Upper House is uncertain and the outcome will have significant implications for the City of Sydney.

RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 6 December, on the Redfern Waterloo Authority Bill, it be resolved that Council:

- (A) note the progress of proposed legislation to set up a new Redfern-Waterloo Authority, the Redfern Waterloo Authority Bill 2004; and
- (B) request that, once the Bill has been debated in the NSW Legislative Council, Council Officers provide a report to the Planning Development and Transport Committee on implications for the City of Sydney.

(SGD) COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

That the Minute by the Lord Mayor be endorsed and adopted.

The motion was carried on the following show of hands -

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

Noes (1) Councillor Mallard.

Motion carried.

**ITEM 4A. 307 PITT STREET, SYDNEY - CLASSIFICATION OF LAND**

FILE NO:

DATE: 3/12/04

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

To seek Council's approval to classify the premises known as 307 Pitt Street, Sydney as operational land.

The City resolved on 27 September 2004 to acquire 307 Pitt Street, Sydney for \$19.1 million. Following completion of the due diligence process described in the subject report, contracts were exchanged on 10 November 2004 and settlement is scheduled to occur on 10 December 2004.

Under the Local Government Act, it is necessary for land to be classified as either community or operational within 3 months of acquisition.

In view of the current use of the property for retail and commercial purposes, it is necessary to classify the land as operational.

Acquisition of the land is consistent with the long term vision for a potential new Sydney Square opposite Town Hall. Classification of 307 Pitt Street as operational land at this time does not preclude reclassification at a future time to enable the new Sydney Square vision to proceed.

**RECOMMENDATION:**

That arising from consideration of a Memorandum by the Acting General Manager to Council on 6 December 2004, on 307 Pitt Street, Sydney - Classification of Land, it be resolved that the land be classified as operational land.

(SGD) PETAR VLADETA  
Acting General Manager

Moved by Councillor Lee, seconded by Councillor McInerney -

That arising from consideration of a Memorandum by the Acting General Manager to Council on 6 December 2004, on 307 Pitt Street, Sydney - Classification of Land, it be resolved that the land be classified as operational land.

Carried unanimously.

**ITEM 4B. ENTERPRISE AGREEMENT**

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

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

Carried.

Note - the confidential Memorandum by the Acting General Manager on the Enterprise Agreement was circulated to all Councillors

**ITEM 8. 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.

**PETITION**

Councillor Harris tabled a petition, signed by Residents of Darlington, which requested Council to consider their objections to Development Application D04/941 relating to 110 Burton Street, Darlington.

Moved by Councillor Harris, seconded by Councillor Lee -

That the subject petition be received and noted.

Carried.

**ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 29 NOVEMBER 2004**

PRESENT

Councillor Robyn Kemmis  
(Chair)

Councillors The Hon Michael Lee, Shayne Mallard and John McInerney.

At the commencement of business at 4.04pm those present were -

Councillors Kemmis, Lee, Mallard and McInerney.

The Lord Mayor arrived at the meeting of the Finance, Properties and Tenders Committee at 5.15pm during discussion on Item 6.4.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.18pm.

Report of the Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 29 November 2004 be received, and the recommendations set out below for Items 6.2 and 6.5 be adopted, with Item 6.1 being noted, and Item 6.3 being dealt with as shown immediately following that item. Item 6.4 was 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.

**QUARTER 1 REVIEW – BUDGET AND CORPORATE PLAN – 2005 FINANCIAL YEAR (S019994)****6.2**

That arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee Meeting on 29 November 2004, on the Quarter 1 Budget and Corporate Plan Review for the 2005 Financial Year, it be resolved that Council: -

- (A) note the Q1 financial performance against budget for Council operations, resulting in a Net Surplus of \$23.8M, an improvement of \$3.3M over Q1 budget;
- (B) note the Net Surplus forecast for 2005 of \$72.8M remains in line with the budget;
- (C) note the Q1 Capital Works Expenditure of \$16.9M against a full year budget of \$228.7M;
- (D) note the Q1 Plant and Asset Acquisitions of \$2.2M against a full year budget of \$18.7M; and
- (E) note the performance indicators and year to date achievements against the Corporate Plan 2005-2007.

Carried.

**OXFORD STREET UPGRADE (SO33608)****6.3**

That arising from consideration of a report by the Senior Project Manager to the Finance, Properties and Tenders Committee on 29 November 2004, on Oxford Street Upgrade, it be resolved that -

- (A) the report be received and noted;
- (B) the General Manager be requested to amend the Oxford Street Communications Strategy Update, as shown at Attachment C to the subject report, to include a schedule of regular meetings with stakeholders and interested Councillors, initially on an approximately monthly basis; and
- (C) Attachment C, as amended, be circulated to Councillors prior to the meeting of Council on 6 December 2004.

Amendment. At the meeting of Council, it was moved by Councillor Mallard, seconded by Councillor Lee, that the motion be amended by the addition of a further clause as follows -

A report come to Council on the cost and possibility of opening a site office for the duration of this project on Oxford Street manned by Council staff.

The amendment was lost on the following show of hands -

Ayes (1) Councillor Mallard.

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

The motion was carried unanimously.

Note - An amended Communications Strategy Update, as requested at the meeting of the Finance, Properties and Tenders Committee, was circulated to Councillors prior to the meeting of Council.

### **Closed Meeting**

At 5.06pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 6.4 and 6.5 on the agenda as these matters comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Items 6.4 and 6.5 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and Item 6.5 was subsequently dealt with by Council in open session. Item 6.4 was dealt with at a later stage of the meeting in closed session.

### **TENDER FOR SYDNEY TOWN HALL UPGRADE - PHASE A COMPLETION OF WORKS - TENDER 0423 (15629)**

#### **6.4**

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 FOR SYDNEY TOWN HALL SOUTH LIFT GLAZING - TENDER 0422 (15629)**

**6.5**

That arising from consideration of a report by the Manager, Project Management Unit to the Finance, Properties and Tenders Committee on 29 November 2004, on Tender for Sydney Town Hall South Lift Glazing - Tender 0422, it be resolved that Council:

- (A) reject all tenders and postpone the proposal for the contract; and
- (B) request the General Manager, in consultation with the Lord Mayor and the Chair of the Environment and Heritage Committee, to review the Southern lift giving due regard to its appropriateness and impact on the heritage fabric of the Town Hall and advise Councillors of the outcome.

Carried.

**ITEM 7. REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE  
- 29 NOVEMBER 2004**

PRESENT

Councillor Phillip Black  
(Chair)

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

At the commencement of business at 4.02 pm those present were -

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

The meeting of the Environment and Heritage Committee concluded at 4.47 pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor Kemmis -

That the Report of the Environment and Heritage Committee of its meeting of 29 November 2004 be received, with Items 7.1 and 7.2 being noted, and item 7.3 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

**DISCLOSURES OF INTEREST**

**7.1**

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

**USE OF PLASTIC BAGS (2026689)**

**7.2**

That consideration of this matter be deferred to the meeting of Council on 6 December 2004.

Carried.

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

**GRAFFITI MANAGEMENT POLICY - ADOPTION (S033094)****7.3**

That arising from consideration of a report by the Contract Coordinator, Graffiti Removal to the Environment and Heritage Committee on 29 November 2004, on a Graffiti Management Policy, it be resolved that -

- (A) Council adopt the Draft Graffiti Management Policy, as shown at Attachment B to the subject report;
- (B) the reviews of the former South Sydney Council's Aerosol Art policy framework report and the City of Sydney Noticeboards policy be submitted to Council in sufficient time to enable any financial or budgetary implications arising from these reviews to be considered in framing the 2005-2006 budget; and
- (C) the review of the City of Sydney Noticeboards policy include details of:
  - (i) the location of all community noticeboards under the control of the City of Sydney;
  - (ii) the way in which individuals and community groups gain access to each notice board; and
  - (iii) any restrictions related to the use of each noticeboard.

Note - The recommendation of the Environment and Heritage Committee was not carried.

At the meeting of Council, it was moved by Councillor Black, seconded by Councillor Kemmis -

That arising from consideration of a report by the Contract Coordinator, Graffiti Removal to the Environment and Heritage Committee on 29 November 2004, on a Graffiti Management Policy, it be resolved that -

- (A) the Draft Graffiti Management Policy, as shown at Attachment B to the subject report, be amended by the addition of the following new section:

**3.13 Election Posters**

The display of election campaign posters on telegraph and electricity poles is a traditional part of the democratic process in Australia. Traditionally such posters are placed at a height which makes removal difficult by graffiti teams who usually work on foot.

There is, however, growing community concern about the impact of campaign posters on the urban environment, particularly where candidates fail to remove their posters promptly.

NSW parliamentary elections and NSW local government elections are held on fixed days every four years, while Commonwealth parliamentary elections are generally held every three years. This means that the visual impact of election campaign posters on the urban environment may be minimised.

The City of Sydney shall not direct resources to removing election campaign posters during the period 14 days immediately prior to a parliamentary or local government election or by-election and seven (7) days immediately following that election, provided that any such posters:

- are in support of a candidate for that election or a party registered to contest that election;
- comply with the legislative provisions applying to that election;
- are fixed in a manner that is not likely to endanger the general public; and
- cannot be easily or readily removed by Council's graffiti teams working on foot.

The City shall remove any posters not complying with these conditions or which are displayed outside the period referred to above.

- (B) all sections after the new section 3.13 be renumbered accordingly;
- (C) Council adopt the Draft Graffiti Policy as amended by clauses (A) and (B) of this resolution;
- (D) the reviews of the former South Sydney Council's Aerosol Art policy framework report and the City of Sydney Noticeboards policy be submitted to Council in sufficient time to enable any financial or budgetary implications arising from these reviews to be considered in framing the 2005-2006 budget; and
- (E) the review of the City of Sydney Noticeboards policy include details of:
  - (i) the location of all community noticeboards under the control of the City of Sydney;
  - (ii) the way in which individuals and community groups gain access to each noticeboard; and
  - (iii) any restrictions related to the use of each noticeboard.

Amendment. Moved by Councillor Harris -

That the Graffiti Management Policy be further amended -

- to extend the five day inspection regime to 14 days in line with the concession being given to political parties;
- to extend the Glebe Point Road zone that has been exempted from the 24 hour inspection regime from St John's Road down to Parramatta Road;

- to extend the King Street regime, which is a 24 hour regime, to the whole of King Street from Forbes Street down to Sydney Park Road;
- in consultation with the community, to create a couple of zones in the Darlinghurst/Kings Cross area that will be exempt from the 24 hour inspection regime.

This proposed amendment was not seconded and was not put to the vote.

Amendment. At the request of Councillor Pooley, and by consent, the motion was amended by the addition in clause (D) of the words “and a review of the map for the five day and 24 hour zones” after the words “City of Sydney Noticeboard Policy”.

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

**ITEM 8. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE COMPRISING: THE MAJOR DEVELOPMENT ASSESSMENT SUB-COMMITTEE, THE DEVELOPMENT ASSESSMENT SUB-COMMITTEE AND THE PLANNING POLICY SUB-COMMITTEE - 29 NOVEMBER 2004**

**PRESENT**

The Lord Mayor Councillor Clover Moore MP  
(Chair)

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

At the commencement of business at 5.41 pm those present were:

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

Councillor Firth left the meeting of the Planning Development and Transport Committee at 8.44 pm during discussion on Item 8.4 and returned at 8.49 pm during discussion on Item 8.5.

The Lord Mayor left the meeting of the Planning Development and Transport Committee at 9.18 pm during discussion on Item 8.6 and returned at 9.20 pm, at the commencement of discussion on Item 8.10.

**Sub-Committees**

Meetings of the Sub-Committees of the Planning Development and Transport Committee, namely:

The Major Development Assessment Sub-Committee, chaired by Councillor Kemmis;

The Development Assessment Sub-Committee, chaired by Councillor Black; and

The Planning Policy Sub-Committee, chaired by Councillor McInerney

commenced and adjourned to facilitate a changed Order of Business.

**Order of Business**

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

1. Disclosures of Interest
7. Development Application: 7-9 Septimus Street, Erskineville
9. South Sydney Development Control Plan 1997: Draft Amendment No 6: 27-31 Hughes Street, Potts Point - Report on Submissions
8. Development Applications: Access to Information
12. Eveleigh Carriageworks Master Plan
2. Development Application: 862-874 Elizabeth Street and 1021 Bourke Street Waterloo
3. Development Application: 115-121 Wigram Road, Glebe - Harold Park Hotel
4. Development Application: 1 Holland Street and 9 Canal Road St Peters (St Peters Tip)
5. Development Application: 82 Parramatta Road, Camperdown
6. Development Application: 12-14 O'Connell Street, Sydney (SWAAB House)
10. Development Contributions Plans - Status Report and Review Schedule
11. Sydney Metropolitan Strategy Submission
13. Submission Regarding the Standard L.E.P. Template Working Paper
14. Strata Schemes Discussion Paper and Submission
15. General Business

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 10.03 pm.

## **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.

### Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the Report of the Major Development Assessment Sub-Committee of its meeting of 29 November 2004, be received and the recommendations set out below for Items 8.2 and 8.3 be adopted, with Item 8.1 being noted.

Carried.

The Major Development Assessment Sub-Committee recommended the following:

**DEVELOPMENT APPLICATION: 862 – 874 ELIZABETH STREET AND 1021 BOURKE STREET WATERLOO (U03-00726)**

**8.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 29 November 2004, in relation to Development Application U03-00726 made by TTS Property Group Pty Ltd for the site at 862-870 Elizabeth Street and 1021 Bourke Street Waterloo, for demolition of existing building except for the tram shed (listed heritage item) to construct a mixed use development comprising 49 dwellings, 222sqm of commercial space on the ground level, basement car parking for 45 vehicles and the restoration of the tram shed, 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) That a Remedial Action Plan (RAP) which complies with the NSW Environment Protection Authority “Guidelines for Consultants Reporting on Contaminated Sites”, Planning NSW Planning Guidelines “Managing Land Contamination Planning Guidelines” and Council’s DCP for Contaminated Land 2004.

The RAP shall be reviewed by a NSW EPA accredited site auditor, with a statement issued by that auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

Note: That prior to the exportation of the surficial filling from the site that the material be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes. The classification is essential to determine where the waste may be legally taken.

- (2) That the residential unit mix shall be amended so that no more than 50% of the total number of dwellings shall contain bedsit or/and 1 bedroom units;
- (3) That an Environmental Management Plan (EMP) shall be submitted to Council for approval comprehensively detailing how the following environmental aspects are proposed to be managed during any demolition or construction activities:
  - (a) Proposed measures to control noise emissions at reasonable levels during demolition and construction activities and proposed noise monitoring techniques to be used on and off the site and contents of any report to demonstrate compliance with the criteria.
  - (b) Measures to suppress off site migration of odour and dust emissions.

- (c) Measures to identify hazardous wastes and the procedure for removal of such waste.
  - (d) Soil and sediment control measure.
  - (e) Proposed designated procedure for receiving and resolving environmental complaints directly from the public.
  - (f) Community consultation.
- (4) That details shall be submitted (coloured elevations to a scale of 1:50), including proposed materials, colours and finishes to be approved by the Director of City Planning in respect to the following:
- (a) external finishes to walls;
  - (b) roofing;
  - (c) balcony treatment;
  - (d) proposed fences; and
  - (e) windows and doors

and such materials shall respect and be consistent with the attributes and character of the surrounding area;

- (5) That a detailed landscape plan and specification for the site shall be prepared by a qualified Landscape Architect.

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.

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

- (6) That the applicant shall submit a plan 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;
- (7) That a stormwater management report and plans shall be submitted detailing the following:
- (a) roof drainage, surface drainage, rainwater reuse and on site detention system;
  - (b) provision of on-site detention of stormwater flows for all storms up to the critical duration, 1:100 year ARI storm event to the existing, 5 year ARI site discharge is to be included in the stormwater management plan.
- (B) evidence of the above matters must be produced to Council's satisfaction or its delegate within 6 months otherwise the Consent will not operate. Upon written acceptance by Council of the above, consent shall operate subject to the following conditions and any conditions reasonably arising from the above:

## Schedule 1A

### Approved Development, Contributions and Covenants

#### APPROVED DEVELOPMENT

- (1) That the development shall be generally in accordance with plans numbered 4289 - DA-02 (Revision 7), DA-03, DA-04, DA-05, DA-06, DA-07 (all Revision 8), DA-08 (Revision 5), DA-09, DA-10 and DA-11 (all revision 6) drawn by SJB Architects dated 30 June 2004 except as amended by the following conditions;
- (2) That the architect of the project shall not be changed without prior notice to Council;

#### COVENANTS

- (3) That the applicant shall include on the Certificate of Title for the development, a Positive Covenant in the following terms.

“In connection with any flooding of this development, the owners of properties within this development covenant with the Sydney City Council under Section 88E of the Conveyancing Act 1919 to indemnify the Sydney City Council against any liability or loss arising from and any costs charges and expenses incurred in connection with claims made against the Sydney City Council by the owner or occupier of any premises within this lot erected below a level 300mm above the level of the 1 in 100 year flood as determined by the developer’s stormwater drainage consultant.”

## MONETARY CONTRIBUTIONS

### (4) 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	\$ 27,425.00
Open Space/Green Square	\$367,431.00
Accessibility And Transport	\$ 462.00
Road Infrastructure/Green Square	\$148,527.00
Community Facilities/Green Square	\$126,884.00
Management	\$ 6,762.00
Library Resources	\$ 9,656.00
Public Art Program	\$ 10,206.00
<b>Total</b>	<b>\$697,353.00</b>

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

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

where:

C is the original contribution amount as shown above;

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 – March Quarter 2004.

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

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

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

#### Part B

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

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

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

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

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

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

Copies of the Section 94 Contributions Plan may be inspected at Council's offices located at Town Hall House 456 Kent Street Sydney.

- (5) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and 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	Account
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Multi-Function Administration Centre	\$ 30,590.00	
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The above payment will be adjusted according to the relative change in the Consumer Price Index using the following formula.

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

where:

C is the original contribution amount as shown above;

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 the consent being the September Quarter 2004/05.

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the use is commenced or the release of the Occupation Certificate whichever occurs first.

#### **AFFORDABLE HOUSING CONTRIBUTIONS**

(6)

- (a) In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Infrastructure, Planning and Natural Resources (DIPNR) 20 Lee Street, Sydney or a bank guarantee in favour of DIPNR to the value of the required contribution has been lodged.

The contribution shall be \$563,908.38 based on the in lieu monetary contribution rate for residential development at \$115.84 per square metre of total floor area (square metres) and for non-residential development at \$38.61 per square metre of total floor area (square metres). Contributions may be indexed in accordance with the formula set out below.

- (b) 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 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 1B****Conditions to be complied with prior to the issue of Construction Certificate to the satisfaction of the Certifying Authority.****MONETARY PAYMENTS**

- (7) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$78,900.00 (including \$45,900.00 for shoring) 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;
- (8) 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 \$16,000.00 (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;

**FLOOR SPACE RATIO**

- (9) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.5:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;

**ENGINEERING CONDITIONS**

- (10) That Dilapidation Report of buildings at 1015 Bourke Street and 860 Elizabeth Street Waterloo are to be submitted by an appropriately qualified Structural Engineer with copies provided to each of the adjoining land owners, the Certifying Authority and Council;
- (11) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of City Works;

**STORMWATER MANAGEMENT**

- (12) That the developer shall design and construct an on-site detention of stormwater flows for all storms up to the critical duration, 1:100 year ARI storm event to the existing, 5 year ARI site discharge. A stormwater management report and plans shall be submitted for the development site detailing roof drainage, surface drainage, rainwater reuse and on-site detention system. The integrated rainwater storage and recycling supports the incorporation of sustainable water practices in new development sites. Detailed design and documentation including calculations to this effect shall be certified by a qualified Civil Engineer or Hydraulic Consultant and forwarded to the Principal Certifying Authority as part of the Construction Certificate Documentation for approval, prior to issue of the Construction Certificate.
- (13) That the developer shall comply with the Hydraulic Assessment prepared by Ibrahim Consulting Group dated August 2003, in relation to:
- (a) Ensuring no loss of flood storage
  - (b) Ensuring unrestricted free flowing, gravity is maintained
  - (c) Ensuring all habitable floor areas and basement carpark entry ramps are protected above the 1:100 year flood levels with an appropriate freeboard as documented in the study.

- (d) Emergency exits for the development are maintained above the 1:100 year flood level as determined by the study.
- (e) Sufficient flood warning signs and evacuation planning is carried out and implemented.
- (f) Flood risk management for the site has been developed and implemented including all services and structures are to be flood proofed or located above the 1:100 year flood level for the site as determined by the study.

The above flood design criteria established for the development by the Hydraulic Assessment prepared by Ibrahim Consulting Group, Suit 9, Level 2, 229 Macquarie Street, Sydney NSW 2000, dated August 2003, shall be documented and certified by a qualified Civil Engineer or Hydraulic Consultant prior to the issue of the Construction Certificate.

- (14) The developer must apply to the city of Sydney for approval to connect private drainage pipes to the City's stormwater drainage system. Approval is required under section 68 of the Local Government Act 1993 and must be obtained prior to issue of the Construction Certificate. An application for approval of Stormwater Drainage Connections must include as a minimum requirement:
  - (a) Payment of fees as determined by The City's "Schedule of Fees and Charges"
  - (b) Design and documentation of the proposal prepared by a qualified Civil Engineer or Hydraulic Consultant showing:
    - (i) Proposed point of connection to the City's drainage system, either to the kerb or a gully pit or drainage pipe.
    - (ii) The pipe diameter, construction material, discharge rate and grade
    - (iii) Depth of proposed pipe below the footpath.
    - (iv) Document details of service crossings across the Elizabeth Street footpath to Council's gully pit.

#### **LANDSCAPING CONDITIONS**

- (15) That planter boxes shall be constructed on roof decks facing the internal communal ground level open space shall have planter boxes constructed within the roof deck boundary and vegetation planted in order to minimise potential for overlooking to surrounding properties. The width of the planter boxes shall be no less than 500mm in total, details of which shall be submitted with a Construction Certificate;

**WATERBOARD CERTIFICATE**

- (16) That a certificate under Section 73 of the Water Board (Corporatisation) Act 1994 in respect of the proposed development shall be submitted to Council prior to issuing a construction certificate. Sydney Water may require you to construct works and/or pay developer charges. Accordingly, you shall make immediate application to avoid problems in servicing your development.

**WASTE MANAGEMENT**

- (17) That the applicant shall meet with Council's Waste Services Operations Manager prior to issuing a Construction Certificate to discuss suitability of the storage area and to present a waste management plan including expected waste generation rates, general requirements regarding collection services and waste management responsibilities;
- (18) 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;

**BUILDING REQUIREMENTS**

- (19) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged Construction Certificate until a Construction Certificate application has been approved for each stage;
- (20) That each dwelling shall have a solar hot water heating system (electric or gas boosted). Should the design, layout and orientation preclude a solar hot water heating system, a heating system with a minimum energy star rating of 3.5 stars shall be installed and details submitted prior to the release of a Construction Certificate;
- (21) That the applicant shall submit a Construction Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. A copy of the Construction Management Plan is available from Council's One Stop Shop;
- (22) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate.

## **HISTORICAL INTERPRETATION**

- (22A) That the development shall integrate historical interpretation of the site's history into the design of the development and that details of this shall be submitted to the satisfaction of Council prior to the issue of a Construction Certificate.

## **Schedule 1C**

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

#### **SITE OPERATIONS**

- (23) That before erecting any hoarding, an application must be made to the Director of City Works for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works;
- (24) That all excavation and building work shall comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and AS 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (25) That all wastewater arising from the premises shall be directed to sewers in accordance with the requirements of the Sydney Water Corporation. Details of the Corporations requirements should be obtained prior to the commencement of work.
- (26) That the footpaths on Elizabeth Street and Bourke Street shall be lit to AS/NZS 1158.3.1:1999 standard – Pedestrian area (category P) lighting, performance and installation design requirements. The lighting shall be vandalism and graffiti resistant;
- (27) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb.
- (28) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$450 for the stormwater connection to Council's system and no work shall be commenced until the fee is paid;
- (29) That the applicant shall ensure that there shall be no encroachments over or under the public way.
- (30) 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;

- (31) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (32) 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;
- (33) 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 City of Sydney Local Traffic Committee for approval of an on-street Works Zone. If a Works Zone is not obtained then all loading & unloading of materials must occur on-site. It should be noted that it is not always possible to provide a Works Zone at every building site, for example at intersections, near traffic signals or pedestrian crossings, in narrow streets or where Clearway restrictions exist;
- (34) That all loading and unloading of construction materials shall take place off street at all times unless the City of Sydney Local Traffic Committee approves an on-street Works Zone;
- (35) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (36) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (37) That any underground stormwater connection approval to either a pipe or gully pit, is subject to the developer entering into a Deed and Positive Covenant with the City of Sydney.
- (38) That the developer shall not be permitted to discharge any stormwater into the ground water strata through 2x100 Dia. pipes as documented in the plan.
- (39) That all appropriate precautions are taken to ensure that harvested and reused stormwater is not sprayed on people or potable water sources;
- (40) 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;

- (41) 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.

Lighting shall also provide a safe and comfortable visual environment for pedestrian movement at night. Lighting shall comply with the AS/NZS 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements;

## **BUILDING REQUIREMENTS**

- (42) That all relevant sections of the BCA shall be complied with;
- (43) 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;
- (44) 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: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (c) the location of exhaust and intake vents: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (d) the garbage room or garbage receptacle storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (e) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
- (45) That the existing height and length of the boundary walls adjoining the Bourke Street and Elizabeth Street properties shall be maintained in order to maintain their existing privacy;

- (46) 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 and 2);
- (47) That approved systems of supply and exhaust mechanical ventilation shall be installed to the basement carpark areas in accordance with the requirements of AS 1668 Parts 1 & 2.
- (48) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (49) 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;
- (50) 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;
- (51) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (52) That the requirements of the Work Cover Authority shall be complied with;
- (53) 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;
- (54) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (55) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (56) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (57) 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;
- (58) That the demolition work shall comply with Australian Standard 2601-1991;
- (59) 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;
- (60) 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;

- (61) That the current-parking restrictions around the site shall not be altered for any proposed vehicles servicing for the site after an occupation certificate has been issued.

#### **WASTE MANAGEMENT**

- (62) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003;
- (63) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (64) The applicant shall comply with Council's Code for Waste Minimisation in new developments. This condition applies to all residential, commercial and mixed-use developments;

#### **PUBLIC DOMAIN**

- (65) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of City Planning and so that the opening of any doors of such substation shall not intrude upon the public way;

- (66) That the face of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (67) 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;

### **CARPARKING DESIGN**

- (68) That the development must satisfy the requirements in Council's DCP No.11, Transport Guidelines for Development 1996. In particular the development must have satisfactory;
  - (a) Ramp grades and transitions;
  - (b) Clearances;
  - (c) Aisle widths;
  - (d) Width of car parking spaces;
  - (e) Width of vehicular entrances;
  - (f) Designated and marked visitor spaces;
  - (g) Designated and marked spaces for people with disabilities;
  - (h) Designated and marked bicycle spaces.

## **Schedule 1D**

### **Conditions to be complied with prior to the occupation of the Premises**

#### **SITE FACILITIES**

- (69) That a separate Development Application shall be submitted for each of the commercial tenancies and that each of the commercial units shall be accessible for people with disabilities;
- (70) That the applicant shall enter into an agreement with a local artist to issue public art along the corner of Elizabeth Street and Bourke Street free of cost to Council. It is advised that the applicant shall liaise with Council's Community Services Department to locate an appropriate artist;
- (71) That all internal bathrooms and laundries not naturally ventilated shall be provided with a system of mechanical exhaust ventilation in accordance with the Building Code of Australia and AS 1668 Parts 1 & 2.
- (72) That the construction, containerisation and handling of residential and commercial waste shall comply with Council's Code for Waste Handling in Buildings. A separate waste/recycling storage facility shall be provided within the site for the use of the commercial tenancies.

- (73) That the landscaping and detailed design of communal open spaces is developed to provide for the following functions:
- (a) Play opportunities (not necessarily formal, may be a sculptural play element) for pre school aged children that are safe and secure;
  - (b) Play opportunities (not necessarily formal, may be sculptural play element that is interactive and diverse) for school aged children; and
  - (c) Passive recreation opportunities in the form of formal seating and areas of turf.
- (74) That any letterboxes to be constructed shall be designed to be accessible and in accordance with Council's Exempt and Complying Development provisions;
- (75) That an application for an Occupation Certificate shall be submitted on the completion of the building works;
- (76) That the applicant shall apply to the Director of City Works for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway;
- (77) That adequate provision shall be made for the commercial tenancies on the ground floor for the installation of mechanical exhaust ventilation system(s) where future food premises involving cooking, heating or similar food preparation may be carried out.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- (78) 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;
- (79) That provision shall be made for accessible and adequate sanitary facilities for the exclusive use of the future commercial tenancies in accordance with the Building Code of Australia.

#### **PUBLIC DOMAIN**

- (80) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;

- (81) That the front fences and walls facing Bourke and Elizabeth Streets shall be solid to a maximum height of 1.2 metres and may be combined with open style fencing to a total maximum height of 2 metres;
- (82) That the detailed treatment of the Public Domain shall adhere to the principles as outlined in the Streetscape Masterplan Technical Manual;
- (83) That the applicant shall adhere to the scope, specifications and principles as detailed in the Street Tree Masterplan, for the proposed new street trees.

That the developer shall design and construct, at no cost to Council the Public Domain Works for the development fronting Elizabeth and Bourke Streets. The detailed treatment of the Public Domain/footway shall adhere to the principles as outlined in the Streetscape Masterplan Technical Manual(May 2001),Council's Development Specifications for Civil Works and the Green Square Public Domain Plans, prepared by McGregor and Partners(draft form).The Landscape Architects for the developer shall liaise with Council's Green Square Team and amend the Landscape Plan (floor plan ground, job No. 4289,DA-03,revision 8) to ensure that the materials proposed for the footpath upgrade are in accordance with Council's strategy for the area. The following frontage works are indicated as a minimum requirement for this development:

**Elizabeth Street Works:**

- a) Kerb and gutter shall be fully reconstructed, including road restoration to Council's standard detail;
- b) Provide and construct new kerb ramps at the intersection of Elizabeth and Bourke Streets in accordance with RTA guidelines and to coincide with existing traffic signal crossing points at the intersection;
- c) New street trees shall be specified and planted in accordance with the Street Tree Masterplan Report (2001);
- d) Provide and construct full paving treatment of the footpaths at the intersection of Bourke Street and Elizabeth Street, as documented in the draft Green Square Public Domain Plans, prepared by McGregor and Partners;
- e) Please note that the construction of the indented bus bay as per Sydney City Draft urban framework plan ,revision K, as documented in (DA-03,revision 08) does not form part of this approval;

**Bourke Street Works:**

- a) Kerb and gutter shall be fully reconstructed, including road restoration to Council's standard detail;
- b) Provide and construct new kerb ramps at the intersection of Elizabeth and Bourke Streets in accordance with RTA guidelines and to coincide with existing traffic signal crossing points at the intersection;

**Plaza Area Works:**

- a) Provide and install improved pedestrian lighting for the Plaza area;
  - b) If the traffic controller box is not being relocated as part of the site redevelopment, the developer to investigate, document and construct as part of the Public Domain Works, an appropriate design to integrate the traffic controller box with a view to reduce visual impact of the box within the open plaza. Such a proposal shall be submitted to Council for approval.
- (84) That pursuant to Part 9 Division 3 of the Roads Act 1993, all detailed design and Construction Certificate documentation for the Public Domain Works on Council property shall be submitted to and approved by Council prior to the release of the Occupation Certificate, regardless of who is nominated as the Private Principle Certifier for the on-site building work;
- (85) That the construction of any public domain/footpath 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;

**STORMWATER MANAGEMENT**

- (86) 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;

**REQUIREMENTS FOR ALIGNMENT LEVELS**

- (87) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees;

(Warning- to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

**STREET TREES**

- (88) 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;

- (89) 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;
- (90) 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;

### **CARPARKING REQUIREMENTS**

- (91) That 45 parking spaces shall be provided within the basement carpark of which 2 shall be dedicated to the commercial use, 8 towards visitor parking (grouped together, close to entrances and dedicated as common property) and 34 parking spaces shall be dedicated to residential uses of which 15 shall be dedicated to 1 bedroom units, 10 parking spaces to 2 bedroom units and 8 to 3 bedroom units;
- (92) That a separate carwash bay shall be provided;
- (93) That one vehicle space and one motorcycle space shall be provided for servicing the site. The minimum dimensions for the motorcycle space are 2.5m long and 1.2m wide;
- (94) That the driveway shall meet the minimum sight distance requirements in accordance with AS 2890.1 (2204);
- (95) That the applicant shall ensure that all visitor spaces, residential spaces, servicing area and the wash bay area are clearly marked;
- (96) That seven (7) residential units shall be made into adaptable units and that details of this shall be submitted with a Construction Certificate;
- (97) That 7 of the residential carparking spaces shall be accessible for people with disabilities and designed in accordance with Australian Standard requirements for parking for people with disabilities, and located to be most proximate to the lifts. One accessible car parking space shall be dedicated to each of the adaptable residential dwellings;
- (98) That 16 bicycle spaces shall be dedicated to the residential component of the site and be located in the basement;

- (99) That 5 visitor bicycle spaces and 2 commercial /retail bicycle spaces shall be located outside at grade in the plaza area within the site with a minimum standard of Class 3 bicycle rails and set out in accordance with the requirements of AS 2890.3 (1993);
- (100) That the applicant shall ensure that the residential bicycle spaces comply with DCP11 and that 60% will be class 1 lockers;
- (101) That all parking for people with disabilities are adjacent to lifts and comply with access requirements;
- (102) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in any existing or proposed Council on-street resident parking schemes. Signs to this effect shall be located in prominent places, to Council's satisfaction, such as at display units and on all directory boards or notice boards, where they can easily be observed and read by persons entering the building. The sign shall read, "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council". The signs shall be erected in conjunction with all display units and within completed buildings prior to release of an occupancy certificate or prior to council issuing final strata subdivision approval (whichever occurs first) and shall be maintained in good order at all times;
- (103) 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;
- (104) 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);
- (105) 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;
- (106) That all vehicles shall always be driven onto and off the site in a forward direction;

#### **CONSOLIDATION OF LOTS**

- (107) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;

#### **STREET NUMBERS**

- (108) 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;

**REMOVAL OF GRAFFITI**

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

**STREET NAME PLATE**

(110) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

**RECEPTACLES FOR CIGARETTE BUTTS**

(111) 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.

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

Carried unanimously.

Note - Mr Ben Haynes and Mr Adam Haddow addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 8.2.

**DEVELOPMENT APPLICATION: 115-121 WIGRAM ROAD, GLEBE – HAROLD PARK HOTEL (D/03/1309)**

**8.3**

That arising from consideration of a report by the Town Planner to the Planning Development and Transport Committee on 29 November 2004, in relation to Development Application D/03/1309 made by Parterre Glebe Pty. Ltd. for the site at 115-121 Wigram Road Glebe, for construction of a three (3) storey apartment building containing 30 units including basement/ ground level car parking for 39 vehicles accessed from Alfred Street, and the refurbishment of the former Harold Park Hotel with adjoining retail tenancy, it be resolved that -

- (A) having regard to the proposed development, with a floor space ratio of 1.89:1 (3,919.2m<sup>2</sup>), exceeding the maximum permissible floor space ratio pursuant to the Leichhardt Local Environmental Plan 2000 (LLEP 2000) and the extent of the non-compliance proposed, the State Environmental Planning Policy No.1 – Development Standards regarding the non-compliance is considered well founded for the following reasons:
- (1) compliance with the development standard would hinder the attainment of the objects specified under 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 to encourage:
    - (i) “the proper management, development and conservation of the natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.
    - (ii) the promotion and co-ordination of the orderly and economic use and development of land,”
  - (2) the proposed development is consistent with the underlying objects or purposes of State Environmental Planning Policy No. 1 – Development Standards and the objects of the Environmental Planning and Assessment Act, 1979,
  - (3) the proposed development is consistent with the relevant objectives within Clause 17 (Objectives of housing) the Leichhardt LEP 2000,
  - (4) the proposed development is consistent with the relevant objectives within Clause 20 (Objectives of employment) the Leichhardt LEP 2000,
  - (5) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

- (6) the site has a previous consent which has been commenced, the proposed building has a lesser bulk, and is a superior development.

(B) development 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.

- (1) Development must be in accordance with Development Application No.D/2003/01309 dated 01/12/03 and information and drawings numbered DA01 & DA09 Revision G dated 20 August 2004, DA02 – DA05 Revision G dated 7 October 2004 and DA07 – DA08 Revision F dated 12 August 2004 prepared by Jackson Teece Chesterman Willis Pty Ltd and as amended by the following conditions:

#### **DESIGN MODIFICATIONS**

- (2) The design of the building shall be modified as follows:
  - (a) A minimum of five adaptable apartments shall be provided in accordance with the requirements of the City of Sydney Access DCP 2004.
  - (b) The roof void space in Unit 17 on the second floor shall be deleted and an operable window shall be provided on the south west wall to comply with the relevant provisions of the Building Code of Australia with regard to the natural light and ventilation. The additional floor space shall be included in the calculations in determining the floor space ratio.
  - (c) The balance of the basement subfloor that has not been included in the gross floor area shall be sealed so as to prevent future access or use of this space as only one means of fire egress have been provided to this level.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**SURRENDER OF CONSENT**

- (3) The applicant shall surrender the existing consent given by Leichhardt Municipal Council in Notice of Determination No. D/97/656 dated 9 June 1998, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development.

**USE OF HOTEL/PUB AND RETAIL SHOP NOT APPROVED**

- (4) The use of the hotel/pub and retail/ liquor shop is not approved and does not form part of this consent.

**SEPARATE APPLICATION FOR SPECIFIC USE**

- (5) A separate development application must be submitted at the appropriate time for the specific use of hotel/pub and retail tenancy.

**APPROVAL REQUIRED FOR SPECIFIC USES**

- (6) The use of any part of the non-residential component of the premises must not involve the sale of liquor, preparation or sale of food, use of gaming machines or use as a place of public entertainment unless a separate development application is submitted for the specific use and approval obtained.

**TREE AND BUSHLAND PROTECTION**

- (7) All existing trees/bushland areas including the heritage listed landscaping adjoining the south western boundary with Minogue Crescent are to be protected during construction. This includes provision of protective fencing, exclusion of storage materials from within the tree drip zone, erosion control and soil pH maintenance. Details shall be included with the landscape plan to be submitted with the Construction Certificate and shall be to the satisfaction of Council or the accredited certifier.

**SECTION 94 CONTRIBUTIONS**

- (8) A contribution under section 94 of the Act shall be paid in accordance with the following:-

**(a) Open Space and Recreation**

Prior to issuing a Construction Certificate for works in connection with this development consent, a monetary contribution of \$367,995.60 shall be paid to Council for the cost of acquiring and augmenting public open space in lieu of its physical provision. 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 02 9246 7728 prior to payment to confirm amount payable.

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Leichhardt Open Space and Recreation Contributions Plan, after identifying that the development will increase the demand for local and district open space within the area.

It has been calculated on the following basis:

- (i) 28 new dwellings between 56m<sup>2</sup> and 85m<sup>2</sup> in floor area; and
- (ii) 2 new dwellings between 86m<sup>2</sup> and 120m<sup>2</sup> in floor area;

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

**(b) Community Facilities and Services**

Prior to issuing a Construction Certificate for works in connection with this development consent, a monetary contribution of \$61,354.83 shall be paid to Council for the cost of providing community facilities and services. 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 02 9246 7728 prior to payment to confirm amount payable.

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, 1979 and the Leichhardt Community Facilities and Services Contributions Plan, after identifying that the development will increase the demand for community facilities and services within the area.

It has been calculated on the following basis:-

- (i) 28 new dwellings between 56m<sup>2</sup> and 85m<sup>2</sup> in floor area;
- (ii) 2 new dwellings between 86m<sup>2</sup> and 160m<sup>2</sup> in floor area;
- (iii) The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

**(c) Transport and Access – Works and facilities**

Prior issuing the Construction Certificate, a total monetary contribution of \$5,301.24 shall be paid to Council for the cost of providing the following transport and access works and facilities. 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 02 9246 7728 prior to payment to confirm amount payable.

(i) Local Area Traffic Management	\$4,294.40
(ii) Light Rail Access Works	\$410.07
(iii) Bicycle Works	\$596.77

This contribution has been imposed pursuant to s.94 of the Environmental Planning and Assessment Act, 1979 and the Leichhardt Contributions Plan – Transport and Access, after identifying that the development will increase the demand for transport and access works and facilities within the area. It has been calculated on the basis of 30 new dwellings.

The Contribution Plan may be inspected or a copy purchased at the Customer Service Counter in Council's offices.

#### **APPROVED DESIGN ROOF-TOP PLANT**

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

#### **EXISTING STRUCTURAL BUILDING ELEMENTS**

- (10) A report shall be prepared by a practising professional structural engineer on the structural adequacy of the existing suspended reinforced concrete slabs; existing podium slabs; existing structural columns; existing walls and existing framed structure. The report shall be submitted to the principle certifying authority (P.C.A.) prior to the issue of a construction certificate.

#### **ENVIRONMENTAL MANAGEMENT PLAN**

- (11) 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.

### **RESIDENTIAL STORAGE SPACE**

- (12) Prior to the release of a Construction Certificate documentary evidence shall be provided to Council for the approval of Council as to how the development may satisfy the residential storage space requirements of Section 6.1 of the Central Sydney DCP 1996.

### **ANNUAL FIRE SAFETY STATEMENT**

- (13) 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.

### **STRATA SUBDIVISION**

- (14) Any proposal to Strata subdivide the building and site will require separate applications to obtain Development Consent for the proposal from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973

### **VEHICLE FOOTWAY CROSSINGS**

- (15) A separate application is to be made to Council's Civil Engineering Services, Roads and Footways Unit for the construction of any vehicle footway crossings required as a consequence of the development and the removal and reinstatement of the footway formation if any existing crossings are no longer required.

### **ON-SITE CAR PARKING SPACES**

- (16) The following conditions apply to car parking:-
- (a) The car spaces shall be allocated as follows;
    - (i) 29 car spaces for the residential component including 5 disabled car spaces; and
    - (ii) 4 car spaces for staff of the hotel/pub and the retail tenancy.
  - (b) The on-site car parking spaces are not to be used by those other than an occupant, tenant or resident of the subject building.
  - (c) Prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

- (d) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

**Note:**

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

**CAR PARK ENTRY FINISH**

- (17) Car park roller doors shall be designed and constructed for quiet operation.

**PARKING SPACE FOR PERSONS WITH A DISABILITY**

- (18) Parking space(s) designed for persons with a disability must be available for use in conjunction with the unit(s) designated for persons with a disability and shall be located nearest to the lift.

**DEMOLITION/SITE RECTIFICATION**

- (19) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

**CAR PARK VENTILATION**

- (20) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2).

**HEALTH AND AMENITY**

- (21) The walls of the food preparation area shall be constructed of approved solid material finished with glazed ceramic tiles or other rigid, smooth-faced, impervious material, evenly laid to a height of at least 2000mm above floor level and coved at the intersections with the floor.
- (22) That a wash hand basin within the bar shall be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable hands to be washed under hot running water at a temperature of at least 40 °C.
- (23) That the construction, fit out and finishes of the food premises shall comply with the Food Act 2003 and regulations there under and the National Code for the Construction and Fit Out of Food Premises.

- (24) The floor of the food preparation area shall be finished with an approved material, graded and drained to a trapped floor waste and coved at the intersection with the walls.
- (25) The ceiling of the food preparation area shall be constructed of set plaster or other rigid smooth faced material painted with a washable paint of a light colour.
- (26) The following requirements for the concealment of pipes, condensates and vermin proofing apply:-
- (a) All service pipes, electrical conduits and refrigeration condensate pipes shall be chased into walls, floor or plinths.
  - (b) All openings in walls, floors and ceilings through which service pipes pass shall be made proof against the access of vermin.
  - (c) The premises shall be made proof against the access of rats and vermin.
- (27) The appliances shall be capable of keeping food hot, at a temperature of not less than 60°C, or keeping food cold, at a temperature of not more than 5°C and such appliances shall be provided with a thermometer, accurate to 1 °C and able to be easily read from outside the appliance.
- (28) All joints formed by the butting together of fittings shall be sealed in such a manner as to eliminate any cavity or crevice or alternatively, a clear space of at least 75mm is to be provided between fittings.
- (29) The following requirements apply to clearances and supports of equipment:-
- (a) All stoves, refrigerators, cupboards and similar fittings shall be placed on approved metal legs 150mm in height or on solid plinths.
  - (b) All shelving shall be fixed 25mm clear of the walls on approved solid metal brackets. Any proposed perforated hollow channel wall brackets should be eliminated.
- (30) The use of void construction is strictly prohibited in:-
- (a) any liquor bar areas;
  - (b) all in situ bars, bar counters, servery bars or the like; and
  - (c) any bounding or internal wall or partitions.
- (31) That the commercial premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia.

- (32) 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 ventilations systems (Building Code of Australia and Australian Standard 1668 Parts 1 & 2).
  - (b) Commercial and residential garbage and recycling storage rooms (Council's Code for Waste Handling in Buildings).
  - (c) The layout, disposition and method of installation of fixtures, fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas: STANDARD REQUIREMENT – National Code for the Construction and Fit Out of Food Premises and the Food Act 2003 and Regulations there under.

## **Schedule 1B**

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

- (33) 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.

#### **INSULATION – ENERGY EFFICIENCY**

- (34) To reduce both summer heat gain and winter heat loss, the proposed residential building(s) is to be insulated to achieve energy efficiency and thermal comfort. Insulation to the following R value standards is to be provided;
- (a) R3.0 for roofs and ceilings (combined value)
  - (b) R1.5 for walls

Details are to be included in the specification submitted with the Construction Certificate.

**HOT WATER SYSTEM**

- (35) Centralised, gas boosted solar hot water services or centralised heat pump services shall be installed. The service must be adequately sized to meet the anticipated maximum hot water demand of each dwelling. Consideration should be given to position of the hot water system such that its efficiency is maximised by minimising heat loss in pipe-work.
- (36) In the case of centralised solar hot water services, the service installer must provide written confirmation that a minimum of 50% of the water heating per annum is provided from solar energy input. Where a pump is used to circulate water between tank and remote panels, any noise associated with the pump must not exceed 5dB at the property boundary.
- (37) Details to be submitted to Council or the accredited certifier prior the issue of a Construction Certificate.

**PUBLIC DOMAIN PLAN**

- (38) The following requirements apply:-
  - (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale; 1:200 will be acceptable for larger sites of over 200m street frontage.
    - (ii) Show the entire layout and pattern of flagstone paving where this paving is required.
    - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, JCDeceaux kiosks, APT's and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. For larger sites of over 200m street frontage 1:200 horizontal scale and 1:20 (exaggerated) vertical scale is acceptable. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
  - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
  - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
  - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to a uniform grade of 150mm above the gutter grading and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed or resurfaced (as required) to the centre line of the carriageway or to sufficient distance from the kerb to achieve a uniform transition into the existing pavement profile.
  - (vi) The retention and repair of any existing pavement lights.

- (vii) The retention and repair of any existing serviceable stone gutters to achieve a uniform kerb and gutter longitudinal grading free of vertical displacement of greater than 5mm between adjacent units.
  - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
  - (ix) Protection or replacement by the developer of all City assets to be retained as part of Public Domain works and recovery and return of any City assets where such removal has been approved.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney Certificate of Completion. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
  - (f) An “Application for Approval of Footpath Levels and Gradients” must be submitted at the City’s One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.
  - (g) 3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

#### **LETTER TO VERIFY SUPPORT FOR NEW LOADS**

- (39) 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).

#### **NON COMPLIANCE WITH THE DEEMED TO SATISFY PROVISIONS OF THE BCA**

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

- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
- (b) Details of the assessment methods used to establish compliance with those performance requirements.

### **SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**

(41)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

**Note:**

- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (c) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

**Note:**

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

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

- (42) 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**

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

#### **SUSTAINABLE TIMBERS**

- (44) 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.

#### **TELECOMMUNICATIONS PROVISIONS**

- (45) The following requirements apply to telecommunication facilities in the building:-

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

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

#### **REFLECTIVITY INDEX OF EXTERNAL GLASS**

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

#### **LANDSCAPING OF THE SITE**

- (47) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be lodged and approved by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
  - (a) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (c) Location, numbers and type of plant species ensuring that 85% of plantings are native species from the Sydney locale;
  - (d) Details of planting procedure and maintenance;
  - (e) Details of drainage and watering systems;
  - (f) Demonstrate design of planter boxes ie: irrigation, mulch, size, plant species, drainage and weight of growing medium/soil.

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

**RECEPTACLES FOR CIGARETTE BUTTS**

- (48) 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.

**WASTE MANAGEMENT FOR RESIDENTIAL DEVELOPMENTS**

- (49) A Building Waste Management Plan is to be submitted and approved by the Director City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 for construction of the development. Such plan must comply with Council's "Waste Code" and provide details of the following:-
- (a) The location, design and construction of the garbage rooms, recycling rooms, bin washing, collection areas, and vehicle access and standing areas.
  - (b) The natural or mechanical ventilation of garbage rooms and service areas, in accordance with the Building Code of Australia and Australian Standard 1668.
  - (c) The location and design of garbage chutes and compaction units required by the Code.
  - (d) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.
  - (e) The design features incorporated in the building and procedures to be undertaken by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within the garbage storage, recycling and collection areas.

All requirements of the approved Building Waste Management Plan must be implemented during the construction of the development.

**WASTE MANAGEMENT UPON COMPLETION**

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

**ACCESS FOR PEOPLE WITH DISABILITIES**

- (51) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and City of Sydney Access Development Control Plan 2004. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

**PROVISION FOR LATER FITOUT FOR PERSONS WITH A DISABILITY**

- (52) The unit(s) designated for persons with disabilities shall be designed so as to allow for future fit out in accordance with AS 1428.1 - 1993 "Design for Access and Mobility".

**UNDER AWNING LIGHTING**

- (53) The awning shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

Details of the lighting are to be submitted for the approval of Council prior to issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

**ACOUSTIC PRIVACY BETWEEN UNITS**

- (54) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) In order to assist acoustic control of airborne noise between units:
    - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
    - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
    - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
  - (b) In order to assist acoustic control of impact noise between units:
    - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
    - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
      - a. Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
    - (iii) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

## NOISE REDUCTION

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

(a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable  $L_{Aeq}$  (1 hour) level will not exceed the following levels:-

(i) In a naturally ventilated - windows closed condition:

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 35dB |
| b. | Living areas (24 hours)                     | 45dB |

(ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 45dB |
| b. | Living areas (24 hours)                     | 55dB |

(iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

(iv) The following repeatable maximum  $L_{Aeq}$  (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-

- |    |   |      |
|----|---|------|
| a. | Sleeping areas (night time only: 2200-0700) | 38dB |
| b. | Living areas (24 hours)                     | 46dB |

(b) In the preparation of the report:

(i) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

(ii) The repeatable maximum  $L_{Aeq}$  (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and

- (iii) The  $L_{Aeq}$  (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
- (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

#### **FLOOR TO CEILING HEIGHT**

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

#### **STORMWATER AND DRAINAGE**

- (57)
  - (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.

#### **UTILITY SERVICES**

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

## **ALIGNMENT LEVELS**

- (59) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (a) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.
  - (b) The following provisions apply to recycling areas:
    - (i) 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.
    - (ii) 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.
    - (iii) The building design must allow easy access to the garbage and recycling areas by residents and tenants, but prevent their use by non-residents/tenants.

## **SANITARY FACILITIES**

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

## **GEOTECHNICAL REPORT AND CERTIFICATION**

- (61) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
- (a) A Geotechnical Report which shall include the following information as appropriate:-
    - (i) Borehole/test pit logs or inspection records;
    - (ii) Field/laboratory test results;
    - (iii) General geotechnical description of site;

- (iv) Recommended safe bearing values and likely settlements of foundation material;
  - (v) Recommendations for stability and protection of excavations;
  - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
  - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
  - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
  - (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.

#### **Notes**

- (e) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
  - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (f) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

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

## **Schedule 1C**

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

#### **DEMOLITION DETAILS**

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

#### **GROUND WATER MANAGEMENT**

- (63) A Qualified hydrological engineer shall prepare a work methodology statement, to identify measures to be undertaken with the excavation on the site to ensure that the groundwater and watertable are not affected, nor direct subterranean aquifers to surrounding land. Appropriate testing shall be undertaken and a hydrological report shall be prepared prior to construction, a copy shall be submitted to the Certifying Authority and Council prior to works commencing.

#### **DEMOLITION WORK METHOD STATEMENT**

- (64) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;

(d) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

(e) Disconnection of Gas and Electrical Supply;

(f) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

(g) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

(h) Waterproofing of any exposed surfaces of adjoining buildings;

(i) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.

(j) Working hours, in accordance with this Development Consent;

(k) Confinement of demolished materials in transit;

(l) Proposed truck routes, in accordance with this Development Consent;

(m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.

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

#### **OTHER DEMOLITION DETAILS**

(65) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.

- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
- (c) Dilapidation Report/s of adjoining buildings are to be submitted by an appropriately qualified Structural Engineer prior to commencement of demolition/excavation works, and at completion of demolition/excavation works.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

#### **EXCAVATION WORK METHOD STATEMENT**

- (66) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person and the suitably qualified project structural engineer must advise on the preparation of the excavation work method statement and must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
- (a) Name and address of the company/contractor undertaking excavation works;
  - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
  - (c) Name and address of the transport contractor, and location of the disposal site;
  - (d) Type and quantity of material to be removed from site;
  - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
  - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
  - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;

- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

**Note:**

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

**NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS**

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

**WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION**

- (68) The following environmental protection measures are required:-
  - (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
  - (b) Such statement must include:-
    - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
    - (ii) The proposed method of discharge;
    - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
    - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.

- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected.

#### **PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND/OR EXCAVATION AND/OR CONSTRUCTION**

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

#### **WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION**

- (70) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.

Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.

The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-

- (a) Compliance with the requirements set out in Annexure (“A”) of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
- (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
  - (i) Type and quantities of material expected from demolition and excavation;
  - (ii) Name and address of transport company;
  - (iii) Address of proposed site of disposal;
  - (iv) Name/address of company/organisation accepting material;
  - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
  - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
  - (vii) Material for disposal and justification of disposal;
  - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

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

**Note:**

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

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

- (71) 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 are available by contacting Council's CCTV Unit on 9265 9232.
- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

#### **APPLICATION FOR A ROAD OPENING PERMIT**

- (72) A separate Road Opening Permit under Section 138 of the Roads Act 1993 shall be obtained from City Care Unit of the City of Sydney prior to the commencement of any:-
- (a) Excavation in or disturbance of a public way, or
  - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Documents required with the Road Opening Permit application include:-

- (c) A plan and relevant sections showing scope of works, boundaries, utility services, levels of proposed excavation, and details of method of reinstating public way;
- (d) Evidence that public utility drawings have been inspected;
- (e) Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project;
- (f) A Security Deposit for reinstatement of public way.

The Road Opening Permit will be subject to further conditions that shall be complied with.

### **FOOTPATH DAMAGE BANK GUARANTEE**

- (73) Prior to release of a temporary structure approval under Section 68 of the Local Government Act 1993 (Hoarding Approvals), the owner of the site must provide a bank guarantee for the sum of an amount to be notified by Council's Public Domain Manager, as security for any damage rectification.

The following protective measures shall be provided under any hoarding on the public footway during construction of the development to the satisfaction of the Council:-

- (a) Plastic sheeting to cover the stone paving;
- (b) Minimum 12mm thick plywood on top of the plastic sheeting; and
- (c) These measures shall be maintained in a safe and tidy condition for the duration of construction.

### **APPLICATION FOR BARRICADE PERMIT**

- (74) 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**

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

## **CERTIFICATION OF MECHANICAL VENTILATION**

- (76) 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.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
  - (i) Supply Air Ducts, Shafts and Fans - Blue
  - (ii) Return Air Ducts, Shafts and Fans - Pink
  - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
  - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
  - (v) Mixing Boxes and Conditions - Yellow
  - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

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

- (77) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):

- (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
- (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
  - (i) The relevant clauses of the Building Code of Australia (BCA);
  - (ii) The relevant conditions of Development Consent;
  - (iii) The Architectural Plans incorporated with the Construction Certificate; and
  - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
  - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

**Notes:**

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
  - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

- (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
- (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

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

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

## **Schedule 1D**

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

#### **CITY OF SYDNEY COMPLIANCE INSPECTIONS**

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

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

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

- (80) The hours of construction and work on the development shall be:
  - (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 1.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
  - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

#### **SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (81) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval and construction certificate (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted. If demolition is being undertaken, the words, Danger - Demolition Site, with an international logo must be displayed.

#### **SITE CONTROLS**

- (82) Debris and rubbish must be hosed down and kept damp to prevent dust nuisance, and waste materials must not be burnt on the site.

Demolition must be carried out to AS2601-1991 Demolition Code.

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

- (83) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
  - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a work zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
  - (d) In addition to any approved work zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) If a work zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a work 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.
- (84) All costs of traffic management measures associated with the development shall be borne by the developer.

#### **HAZARDOUS AND INDUSTRIAL WASTE**

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

#### **SOIL AND SEDIMENT PROSECUTION NOTE**

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

**ENCROACHMENTS AND SURVEY CERTIFICATE**

- (87) No portion of the proposed structure shall encroach onto the adjoining properties.
- (88) All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a Survey and Report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

**NO ENCROACHMENT ON COUNCIL PROPERTY**

- (89) No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**PROTECTION OF STREET TREES**

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

**CONTROL OF RUN-OFF DURING CONSTRUCTION**

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

**NO OBSTRUCTION OF THE PUBLIC WAY**

- (92) 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.

### **ACCESS DRIVEWAYS TO BE CONSTRUCTED**

- (93) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

### **CONSTRUCTION VEHICLES TO BE COVERED**

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

#### **Note:**

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

## **Schedule 1E**

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

#### **NUMBERING**

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

#### **SECURE ELECTRONIC ENTRY DEVICES**

- (96) Appropriate electronic secure entry devices shall be fitted to all entrances and residential units within the subject site prior to the issues of an occupation certificate.

#### **OCCUPATION CERTIFICATE TO BE SUBMITTED**

- (97) 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.

**FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

- (98) 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.

**MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (99) 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.

**CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**

- (100) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

**CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (101) 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.

**COMPLEMENTARY STRUCTURAL REPORT**

- (102) A Complementary Structural Report, prepared by an appropriately qualified structural engineer, shall demonstrate that the structure satisfies Australian Standards adopted by the BCA including Fire limit State requirements of AS1170 Part 1.

**CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (103) Prior to issue of an Occupation Certificate or use of the premises, a Geotechnical Inspection Certificate in the form of Attachment G2, or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy submitted to Council, (if it was not the PCA).

**Notes**

- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G2 and must have:-
  - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
  - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
  - (iii) Evidence of relevant experience in the form of a CV/Resume;
  - (iv) Appropriate current professional indemnity insurance.

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

#### **COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY**

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

#### **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

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

#### **WASTE COLLECTION CONTRACTS**

- (106) 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.

#### **GLAZING TO COMPLY WITH THE CODE**

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

#### **TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**

- (108) For temporary shoring, a separate application must be lodged to Council under the provisions of Section 68 of the Local Government Act 1993.

For temporary ground anchors, new permanent basement wall/s or other ground retaining elements:-

- (a) Prior to issue of a Construction Certificate, the following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-

- (i) Dilapidation Report of adjoining buildings/structures.
  - (ii) Evidence that public utility services have been investigated.
  - (iii) If adjoining a Public Way:-
    - a. Evidence of a \$10 million dollar Public Liability Insurance Policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document shall be submitted to Council.
    - b. Bank Guarantee in accordance with the City's Fees and Charges. The original document shall be submitted to Council.
- (b) **Prior to commencement of work:-**
- (i) The location of utility services shall be fully surveyed and the relevant Public Utility Authority requirements complied with; and
  - (ii) The following documents shall be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA):-
    - a. Structural drawings and certification as prescribed elsewhere in this Schedule.
    - b. Geotechnical Report and certification as prescribed elsewhere in this Schedule.
- (c) Prior to issue of Occupation Certificate, the City's Development Engineer shall be notified on 9265 9105 when the Restoration of the Public Way is complete and in accordance with the following:-
- (i) All ground anchors shall be de-stressed and isolated from the building prior to completion of the project.
  - (ii) The temporary structure, including foundation blocks, anchors and piers shall be removed above and below the public way, prior to completion of project, down to a depth of 2m.
  - (iii) All timber shall be removed.
  - (iv) The voids then backfilled with stabilised sand (14 parts sand to 1 part cement).
- (d) After satisfying (c) (i) to (iv), notification in writing by the contractor shall accordingly be submitted satisfactory to the PCA and a copy to Council (if Council is not the PCA).

- (e) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way shall be borne by the owner of the land for works approved under this consent.

### **STREET NAME PLATE**

- (109) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

## **Schedule 1F**

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

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

- (110) 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**

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

#### **NOISE - USE**

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

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

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

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

- (113) 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.

#### **WINDOW CLEANING**

- (114) 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.

#### **NO SIGNS OR GOODS ON PUBLIC AREA**

- (115) Portable signs or goods for sale or display must not be placed or carried, worn or otherwise displayed, on the footway or other public areas.

## **Schedule 2**

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

Carried unanimously.

Note - Mr Paul McKeown and Mr David Crane addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 8.3.

#### Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor Firth -

That the Report of the Development Assessment Sub-Committee of its meeting of 29 November 2004, be received and the recommendations set out below for Items 8.4 and 8.6 be adopted, with Item 8.7 being noted and Item 8.5 being dealt with as shown immediately following that item.

Carried.

The Development Assessment Sub-Committee recommended the following:

#### **DEVELOPMENT APPLICATION: 1 HOLLAND STREET AND 9 CANAL ROAD ST PETERS (ST PETERS TIP)**

##### **8.4**

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 29 November 2004, in relation to Development Application U03-00635 made by Alexandria Landfill Pty Ltd for the sites at 1 Holland Street ( Lot 100 in DP 845651 ) and 9 Canal Road ( Lot 11 in DP 1013168 - Also known as 10-16 Albert Street) St Peters, to use (except for a 3023 sqm area in the south eastern corner of Lot 11 in DP 1013168) for recycling, sorting, crushing of timber, glass, metal, plastics, building/demolition waste and green waste and for associated plant and vehicle maintenance all in conjunction with the continued use of the premises as a solid waste landfill depot, it be resolved that

(A) consent be granted subject to the following conditions:

### **Schedule 1A**

#### **Approved Development, Contributions and Covenants**

- (1) That the development shall be carried out substantially in accordance with Drawing Nos A 2152001-2005, Environmental Impact Statement prepared by Patrick James received by Council on 13 August 2003 and details submitted to Council on 12 August 2003 and the Alexandria Landfill Site Surface Water and Leachate Management Plan (September 2004 version) and additional information submitted to Council on 20 October 2003 and 7 April 2004 as amended by the conditions of this consent;

- (2) That the proposed use shall cease after a period of 3 years from the date of notification of this consent. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
- (2A) That current access arrangements to the site are not considered ideal with regard to their impacts on residents of Campbell Street/Campbell Road and Barwon Park Road. The access arrangements would be improved if alternative access could be arranged to Canal Road or Burrows Road. Part of the purpose of granting a 3 year trial consent is to allow adequate time to investigate and implement alternative access arrangements. Any extension of operations beyond 3 years will be assessed on whether such alternative access is provided, as well as the impacts during the trial period.
- (3) That the use shall cease within 90 days of the cessation of the current solid waste landfill operation if such use ceases prior to the 3 year limit contained in Condition 2 above;

## **Schedule 1B**

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

- (4) That the proposed dust suppression fencing adjoining 1-3 Burrows Road, the sprinkler system to the processing and stockpile areas and appropriate measures (retaining wall, bunding, contouring or the like) to prevent runoff of liquids, mud etc onto 1-3 Burrows Road shall be fully constructed and operational prior to any processing commencing anywhere on the site. Details of any retaining wall are to be submitted to Council for approval prior to the lodgement of a Construction Certificate for such work;
- (5) That all neighbouring properties of unlike use which adjoin the site at a similar topographic level shall be protected from the nuisance of dust by a dust proof screen which is to be erected to a height sufficient to restrict the migration of dust from the site and such screen shall be maintained at a standard which provides for the effective control of the movement of dust at all times. Details shall be submitted with the Construction Certificate;

## **Schedule 1C**

### **Conditions to be complied with prior to commencement of use**

- (6) That prior to commencement of the use twenty five (25) off street car parking spaces shall be provided, paved, linemarked and maintained at all times in accordance with standards contained in the applicable Council Development Control Plans;

- (7) That prior to the use commencing a plan of management detailing treatment techniques to eliminate the tracking of sediment onto the egress road and onto public streets by vehicles exiting the site shall be submitted to Council's satisfaction; such plan shall include daily cleaning of the roadway between the entry and the weighbridge and wheel wash area;

## **Schedule 1D**

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

- (8) That no processing of materials shall take place within 150 metres of the Albert Street boundary and 50 metres of any boundary to any other site (other than the boundary to the former JA Bradshaw property ( known as 1 Woodley St or 2 Albert Street and the boundary to 3-5 Canal Road- former Building Recyclers site);
- (9) That if any of the stockpiles of recovered materials exceed the limits set by the EPA (Condition 72 below) they shall be reduced to comply with that condition prior to any processing of materials taking place on the site;
- (10) That within 6 months of this consent a 5 metre wide landscaped strip shall be provided along the boundaries between this site and 1-3 Burrows Road and this site and Albert Street and shall include shrubs capable of growing to 2 metres high and quick growing native trees capable of reaching a mature height of 6 metres or more. Such strip shall be provided with appropriate soil and ground preparation and with an irrigation system and shall be maintained; a plan for such works shall be submitted to Council within 3 months of this notice of determination. Such plan to include planting schedules and details of levels, irrigation works and maintenance procedures
- (11) That within 6 months of this consent the stockpiles, of both materials awaiting processing and materials which have been processed, shall be reduced to a maximum of 5 metres in height above the ground levels existing prior to stockpiling commencing and shall be maintained at or below that height from that time onwards;
- (12) That stockpiles (processed and unprocessed) containing fines (soil etc) shall be located at least 100 metres from the Albert Street boundary and 50 metres of the boundary to 1-3 Burrows Road;
- (13) That all areas of all stockpiles shall be within the range of an operational sprinkler at all times or shall be covered with a fabric cover or similar;
- (14) That the hours of operation shall be restricted to:
  - (a) For landfill, processing of materials and the arrival and departure of trucks - 7.00 am to 6.00 pm Mondays to Fridays, and 7.30 am to 4.00 pm Saturdays excluding public holidays;

- (b) For inwards movement of goods only (no processing or outwards goods movement) - 9.00 am to 3.00 pm Sundays excluding public holidays (in addition to the above hours); and
  - (c) For maintenance and office activities only - 7.00 am to 7.00 pm Mondays to Fridays, 7.30 am to 5.00 pm Saturdays and 9.00 am to 3.00 pm Sundays.
- (15) That no semi trailers or trucks with dog trailers shall service the site on Sundays.
  - (16) That at no time shall any truck arrive or depart the site via Albert Street or Campbell Lane;
  - (17) That all vehicles shall enter and leave the site in a forward direction;
  - (18) That all haul roads and stockpile areas shall be regularly wet down to prevent dust emissions from the site;
  - (19) That on days of high wind those parts of the site with a potential for high dust transmission shall be wet down and the company shall develop procedures and train staff in them to ensure such;
  - (20) That a 20 km/h speed limit shall apply on the site and shall be signposted accordingly;
  - (21) That any water that is used for dust control, fire fighting or the like on the site shall be of a quality that would be acceptable to Sydney Water as trade waste and shall also be of primary human contact quality such that it will cause no harm to the health of persons who may come into contact with such water: the water used (other than any water directly from Sydney Water's mains supply) shall be tested regularly to ensure such and test results shall be forwarded to both Marrickville and Sydney City Councils within 3 months of this consent and on a six month basis thereafter; The minimum requirements for such testing regime shall be those set out in the Department of Infrastructure, Planning and Natural Resources' 'Recommended Bore Licence Minimum Analytical Suite' for the Botany Sands Aquifer'.
  - (22) That the receipt of materials for processing and the processing of materials shall cease or the water used for dust suppression and the like replaced with water from the Sydney Water mains supply if the water quality shown by the tests required by Condition (21) above fail to meet the specified criteria; if the required water in such a case is not available from Sydney Water the use shall cease forthwith and the stockpiles and processing equipment removed within 30 days;
  - (23) That no putrescible, medical or hazardous waste shall be received at the recycling facility or processed at any time and all loads shall be checked upon arrival to ensure such;

- (24) That no paper waste or plastic bags shall be accepted at the site and if inadvertently received in a load they shall be stored in a contained environment to prevent them being windblown off the site until such time as they can be disposed of or removed from the site;
- (25) That the recommendations made within Section 7 of “Alexandria Landfill Site Water & Leachate Management Plan for Revised Filling Plan – October 2003” shall be complied with;
- (26) That all parking spaces and access thereto shall be used exclusively for parking and access and shall not be used for storage or any other purpose;
- (27) That not more than fifteen (15) full time persons shall be employed on the site in conjunction with the use at any one time without the prior approval of Council;
- (28) That all vehicles carrying materials to or from the site shall have their loads covered at all times with tarpaulins or similar covers;
- (29) That no vehicles associated with the use shall park or queue on surrounding streets;
- (30) That no vehicles shall arrive or depart the site or stand on street awaiting the site’s opening contrary to the hours of operation restrictions contained in condition (14) above;
- (31) That no bins or trucks or trailers shall be left on street should they arrive outside the hours set out in Condition (14) above and appropriate procedures to ensure this shall be prepared and communicated regularly to all company, contract or other drivers who would bring bins / trucks to the site;
- (32) That the applicant shall take steps to encourage “ back loading’ of recovered materials – that is the removal of processed materials in trucks used to bring raw waste to the site;
- (33) That all site works shall comply with the occupational health and safety requirements of Workcover;
- (34) That any liquid waste, medical waste, toxic, contaminated or hazardous waste or asbestos or asbestos products received at the site shall be turned away and if any such waste is discovered in other loads it shall be stored and disposed of in accordance with the requirements of the Environment Protection Authority as expeditiously as possible;
- (35) That all incoming loads shall be inspected to ensure compliance with Condition (34) above;
- (36) That the environmental protection measures as detailed in Section 8 of the Environmental Impact Statement dated 7 August 2003 submitted with the application shall, except if inconsistent with any other conditions of the consent, be implemented and carried out;

- (37) That no dangerous goods shall be stored on the site other than fuels and lubricants required for the operation of plant and equipment on the site;
- (38) That no composting of green waste (general garden vegetation) is to occur on the site;
- (39) That the operation of the premises shall be conducted in a manner which does not pollute waters as defined in the Protection of the Environment Operations Act 1997;
- (40) That all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid waste collected from such devices shall be disposed of in accordance with the Protection of the Environment Operations Act 1997;
- (41) That only clean and unpolluted water shall be permitted to discharge from the subject premises into Council's stormwater drainage system;
- (42) That signs shall be displayed and maintained adjacent to all stormwater drains on the premises, clearly indicating "Clean Water only – NO wastewater or rubbish";
- (43) That satisfactory methods and/or devices shall be employed within the site to prevent the tracking of mud and sediment onto surrounding streets from vehicles leaving the site;
- (44) That an employee of the business shall regularly inspect the roadways within 100 metres of the site entrance to check for any material deposited thereon by vehicles entering or leaving the site and if such is observed the deposits shall be promptly and completely cleaned up (not washed or swept into Council's gutters or drains);
- (45) That the operator shall liaise with the Sydney Water Corporation, Energy Australia, AGL a telecommunications provider concerning the provision of utility services to the site and any works to such services resulting from the development shall be at no cost to Council;
- (46) That, if required by the electricity supply authority, an area of land for a substation to be established shall be dedicated to such authority in accordance with their size and locational requirements provide such are is not in the required landscaped setback areas;
- (47) That a separate application shall be submitted to and approved by Council prior to the erection of any advertisements or advertising structures;
- (48) That all materials and equipment associated with the use shall be stored on the premises in a neat and tidy manner behind the existing fence and not visible external to the site;

- (49) That the results of the air sampling tests shall be recorded, assessed and reviewed by an independent Consultant practicing in air quality assessments and shall be submitted to Council within 12 months of commencement of operation of the proposal with any recommendations of the Independent consultant being incorporated into the operating procedures of the premises;
- (50) That all mechanical, degreasing and pressure cleaning operations of mobile plant and trucks shall be conducted in the workshop/maintenance building and if required in relation to discharges resulting from such a Trade Waste Permit from Sydney Water shall be obtained prior to the carrying out of such works if not already obtained;
- (51) That the use shall operate in line with the requirements of the Workcover Authority and the Environment Protection Authority;
- (52) That a Road Opening Permit shall be obtained if any works are required to be carried out to any public road or Council controlled land;
- (53) That existing and future vehicle routes on the site shall be paved in concrete or equivalent dust suppressing material within 3 months of this consent and to be kept as free of dust and loose materials as practicable at all times;
- (54) That at all times that the premises are in operation an operational truck wheel wash shall be in place on the site. All vehicles other than cars shall use such wheel wash prior to exiting the site and no vehicle washing other than wheel washing is to occur on site unless an appropriately constructed and drained vehicle washing area is constructed;
- (55) That tipping drop heights shall be minimised to prevent fugitive dust emissions;
- (56) That raw materials stockpiles shall be wet down prior to material being removed from them for processing;
- (57) That an anemometer shall be maintained on the site at all times and shall be installed and operated in accordance with its manufacturer's instructions. The anemometer shall be linked to a permanent recording device that issues an audible warning and which operates the water suppression system. The anemometer shall also be checked 2 hourly during the hours of operation of the premises;
- (58) That dust emissions from the stockpiles and other areas of the site shall be suppressed at all times by a permanently installed irrigation system and by water trucks and the installed suppression system shall be designed such that it will operate the spray system when wind speeds as measured by the anemometer installed on the site exceed 8 metres/sec even when the site is not open : details of such system and the means of the automatic triggering shall be submitted to Council within 3 months of commencement of the use;

- (59) That the operation of the processing equipment and compactors/excavators shall cease when the anemometer installed on site reads wind speeds in excess of 8m/sec in any direction and shall not recommence until the wind has fallen to below 8 m/sec;
- (60) That any site works or the like necessary for the carrying out of this development (landscaping, installation of irrigation pipes etc) shall be carried out between 7.00 am and 5.00 pm Monday to Friday;
- (61) That any filling in the road proposal affected area shall be clean fill and fully compacted;
- (62) That the detailed landscape plan and specification for the site required by Condition (10) above shall be prepared by a qualified landscape Architect, and shall be submitted to Council within 3 months of the date of this consent. Such plan shall include :-
- (a) Levels and drainage details – plans , details and/or sections indicating existing and proposed levels, fall arrows, sub surface drainage, swales or detention points
  - (b) 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 75 mm depth.
  - (c) Minimum requirements for planting
    - (i) trees minimum size 75 litre;
    - (ii) shrubs with a mature height of over 3 metres, minimum pot size 10 litres, 1 per 4 square metres;
    - (iii) shrubs with a mature height of 1m to 3m, minimum 5 litres or 200mm pot, 1 per 2 square metres; and
    - (iv) groundcovers 150 mm pot, 6 per square metre.
- (63) That the use of the premises shall not give rise to:
- (a) Transmission of offensive noise to any place of different occupancy, and
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). the source noise level shall be assessed as an LA eq, 15 min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and

- (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW EPA Industrial Noise guidelines
- (64) That the noise and vibration from the use and operation of any plant and equipment and /or building services associated with the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment (Operations) Act 1997;
- (65) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (66) That hazardous and/or industrial waste arising from the operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment protection Authority and the NSW Workcover Authority pursuant to the provisions of the following;
  - (a) Protection of the Environment Operations Act 1997.
  - (b) Protection of the Environment Operations (Waste) regulation 1996.
  - (c) Waste Minimisation & Management Act 1995.
  - (d) NSW Occupational Health & Safety Act 2000.
  - (e) NSW Construction Safety Act 1912 (Regulation 84A-J Construction Work involving Asbestos or Asbestos Cement 1983).
  - (f) The Occupational Health and Safety (Hazardous Substances) Regulation 1996.
  - (g) The Occupational Health and Safety (Asbestos Removal Work) Regulation 1996.

**Note 1:** That in accordance with the provisions of Section 83 of the Environmental Planning and Assessment Act this consent shall not become operative until a minimum period of 28 days has elapsed from the notification of the granting of this consent;

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

## **Schedule 2**

### **Terms of Approval**

## **Integrated Development Approval Conditions**

### **The Terms of Approval for Integrated Development as advised by the Environment Protection Authority.**

- (67) That the development shall be undertaken in accordance with the proposal contained in Development Application DA U00635 and supporting documentation.
- (68) That the proponent is limited to processing 240,000 tonnes per annum of waste through the recovery facility.
- (69) That the applicant must reduce and thereafter maintain the quantity of wastes stockpiled for processing to 40,000 tonnes. No more mixed wastes shall be received at the premises for sorting until the stockpile is reduced to below this limit.
- (70) That only the following range of materials may be separated for recycling and reprocessing at the facility:
  - (a) wood and green waste
  - (b) metals
  - (c) glass
  - (d) plastics
  - (e) inert aggregate and inert construction and demolition materials.
- (71) That the proponent shall prepare and submit to the EPA for approval a product testing and marketing plan for recovered materials prior to recovered resources being stockpiled or leaving the site. This plan must specify the specifications and quality assurance methods for each of the materials in the above condition. Acceptable recovered material specifications include the Specification of Supply of Recycled Material for Pavements, Earthworks and Drainage (Resource NSW, June 2003) and specifications established by recyclers receiving any recovered metal scrap, plastic and glass;
- (72) The stockpiles of recovered materials (including the stockpiled materials already processed on site) must not exceed the following limits at any time;
  - (a) Timber for reuse – 500 tonnes;
  - (b) Shredded timber and green waste – 500 tonnes;
  - (c) Metal scrap – 500 tonnes stored in bins;
  - (d) Glass – 500 tonnes;
  - (e) Plastic – 500 tonnes; and
  - (f) Inert construction materials – 20,000 tonnes stored in individual stockpiles each not exceeding 4000 tonnes.

- (73) Dust spray systems must be installed to minimise dust from all stockpiles and processing areas at the facility;
- (74) Dust sprays and /or dust collection systems must be installed and operating on all crushing, grinding and screening equipment at the facility;
- (75) That any pollution reduction programs which the EPA may attach to their licence for the proposal to address environmental management of the premises shall be complied with;
- (76) That the licensee must operate the proposed recycling facility in accordance with the SWLMP that was negotiated and agreed to by the EPA and the licensee;
- (77) That the licensee must submit to the DEC/EPA and implement a Dust Management Plan (DMP) within 3 months from the date of the development consents from Marrickville and Sydney City Councils.

The DMP should include but should not be limited to:

- (a) Controlling dust emissions from processed waste stockpiles;
- (b) Controlling dust emissions from unprocessed waste stockpiles;
- (c) Controlling dust emissions from processing waste materials;
- (d) Preventing dust, waste or waste water from the wheel wash being tracked from the premises by vehicles on the premises

The DMP should be prepared by an appropriately qualified and independent person.

- (78) That all processed waste stockpiles should be reduced to below the maximum tonnages allowed (in the limit condition above – Condition 72) before commissioning of the recycling facility and the processing of unprocessed materials.

**The terms of Approval for Integrated development relating to Water Licence (Part V Water Act, 1912)**

- (79) That under the provisions of Part V (s116) of the Water Act (1912), this licence shall be valid for the period of the development consent.
- (80) That the licensee shall allow the Department of Infrastructure, Planning and Natural Resources, or its authorised representatives, subject to appropriate occupational health and site safety provisions, full and free access to the works (ie groundwater interception works and groundwater investigation/monitoring bores), for the purpose of undertaking inspection or test of works and its fittings, and shall carry out any work or alterations deemed necessary by the Department to ensure the protection and maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution/contamination of surface and subsurface water.

- (81) That the licensee shall notify the Department of Infrastructure, Planning and Natural Resources if the works (ie groundwater interception works, investigation/monitoring bores) are to be abandoned and, contingent with site safety requirements, seal off the works by:
- (a) backfilling the work to ground level with clay or cement, or
  - (b) other methods agreed to or directed by the Department of Infrastructure, Planning and Natural Resources.
- (82) Any groundwater interception works for purposes of leachate control, groundwater investigation and/or groundwater monitoring are required to be licensed and a bore licence application shall be submitted and a licence obtained from the Department of Infrastructure, Planning and Natural Resources. Completion details (Form A - Particulars of completed bore) of all bores and/or detailed construction information for the groundwater interception works are required to be forwarded to the Department of Infrastructure, Planning and Natural Resources within three (3) months of approval of the Development Application.
- (83) That any licence granted authorises groundwater interception to address leachate control and dust suppression use on-site only and no entitlement to the groundwater intercepted for any other water supply purpose is authorised.

#### Specific Conditions - Groundwater

- (84) That the licensee will ensure that operational site plans promote the sustainable use and management of local natural resources.
- (85) That the licensee shall not allow any discharge of intercepted waters into or onto:
- (a) any adjoining public or crown land,
  - (b) any other persons land without written permission,
  - (c) any creek, river, water course or aquifer without approval from the determining authority
  - (d) any native vegetation as defined under the Native Vegetation Conservation Act (1997), or
  - (e) any wetlands of environmental significance.
- (86) That an efficient monitoring system must be installed to the satisfaction of the Department of Infrastructure, Planning and Natural Resources to measure the groundwater interception (dewatering) activity, both quality and quantity. Any variation with the requirements given in this Condition must be approved by the Department of Infrastructure, Planning and Natural Resources.

- (87) That the proponent is to prepare an annual environmental management report and forward a copy to the Department of Infrastructure, Planning and Natural Resources. The environmental report should include the following:-
- (a) volume of groundwater intercepted and pumped off-site for each of the two Botany Sands interception systems (weekly volumes)
  - (b) groundwater levels in the four shale boreholes and in the Botany Sands monitoring bore (monthly measurements)
  - (c) the results of bi-annual water quality samples from monitored groundwater and surface water systems including groundwater from the interception works and stormwater discharge. The list of analytes should include those given in the Department's 'Recommended Bore Licence Minimum Analytical Suite' for the Botany Sands Aquifer (see attached information sheet).
- (88) That after receipt of the licence, the proponent shall provide DIPNR on an annual basis with the interpreted report on monitoring, detailing the quantity of water pumped from the facility in the previous 12 months as per condition 87(a), the water level data described in condition 87(b), water quality data described in condition 87(c) and detailing any changes to the environment that may trigger the need for remedial action.

### **Schedule 3**

#### **Conditions relating to Sydney City Council section of site only**

- (89) That the nature strip in front of 1 Holland Street shall be kept in a clean, tidy and weed free condition at all times.
- (90) That 1 Holland Street shall be used only for bin storage, truck parking and the sorting and transfer of glass, metals and plastics only.
- (B) the persons who made written representations regarding this proposal be advised of Council's Decision and of their third party right of appeal under Part 83 of the Environmental Planning and Assessment Act.
- (C) the Environment Protection Authority, DIPNR, Marrickville Council and the Roads and Traffic Authority be advised of Council's decision

Carried unanimously.

**DEVELOPMENT APPLICATION: 82 PARRAMATTA ROAD, CAMPERDOWN  
(D/04/724)****8.5**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 29 November 2004, in relation to Development Application D/04/724 made by Longhill Planning for the site at 82 Parramatta Road, Camperdown, for the addition of five new working rooms in the attic level of the existing brothel, it be resolved that consent be granted subject to the conditions as detailed in the subject report.

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

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

Noes (1) Councillor Mallard.

At the meeting of Council the above motion was carried on the following show of hands -

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

Noes (1) Councillor Mallard.

Note - The conditions of development consent, as referred to in the motion, are as follows:-

## **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/04/00724 dated 25 June 2004 and drawings numbered DA-01 and DA-02 prepared by Civitas Partnership dated 5 February 2004 and as amended by the following conditions:

**SECTION 94 CONTRIBUTIONS PLAN - 1998**

- (2) 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	\$211.48
Open Space New Parks	\$785.02
Accessibility And Transport Management	\$ 6.04
	\$ 25.00
Total	\$1027.54

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

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

where:

C is the original contribution amount as shown above;

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

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 or before the release of an Occupation Certificate, whichever occurs first.

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

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

#### **HOURS OF OPERATION**

- (4) The hours of operation are regulated as follows:-
  - (a) The premises are permitted to operate 24 hours a day, seven days a week.
  - (b) Notwithstanding (a) above, the additional working rooms at attic level may be used for a trial period of 1 year.
  - (c) Council must be notified in writing as to when the extended trading hours are to commence.
  - (d) Applications for the extension or review of the first trial period shall be subject to public notification and referral to local police as to whether or not there have been any complaints or incidents connected with the premises in the trial period.

#### **PLAN OF MANAGEMENT**

- (5) The operation of the premises shall be conducted in accordance with the Council approved plan of management. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, the plan of management shall be appropriately reviewed and submitted to Council for approval.

#### **MANAGEMENT OF PREMISES**

- (6) The store room located at attic level shall not be fitted out or used as a working room. No rooms shall be used for residential purposes.

- (7) No part of the brothel or building in which the premises are situated shall be used as a dwelling unless separate access is available to the dwelling.
- (8) No display or soliciting shall take place outside the premises. 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.
- (9) 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 are to be kept clean and free of litter during normal working hours.
- (10) Clients are required to wait inside the building and are not permitted to wait outside the premises or in passageways associated with the premises.
- (11) 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. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (12) The only client pedestrian entrance to the brothel shall be from Larkin Street.
- (13) A floor manager and door manager shall be on the premises whenever the brothel is operating.
- (14) No sex worker under the age of 18 shall work on the premises.

## **HEALTH**

- (15) The premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.
- (16) Clean linen and towels shall be provided for the use of each client.
- (17) The proprietor shall ensure that all linen, towelling and other bed coverings which come into contact with clients shall be changed immediately after each use.
- (18) The proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius.
- (19) The proprietor shall ensure that all sex workers undertake regular sexual-health check-ups and that accurate records are kept indicating the frequency of such check-ups.

- (20) The proprietor shall supply an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients.
- (21) The proprietor shall provide written information, ie pamphlets and brochures for sex workers and clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating in and/or reading the English language.
- (22) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
- (23) The maintenance of swimming and spa pools shall be in accordance with the NSW Health Department "Public Swimming Pool and Spa Pool Guidelines".
- (24) The proprietor's attention is drawn to Section 13 of the Public Health Act, 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agreed to accept the risk.

#### **POWER OF ENTRY**

- (25) The proprietor of the brothel must allow the entry by authorised persons from Council and NSW Department of Public Health and health service providers.

#### **SIGNS**

- (26) The following signage requirements apply:-
  - (a) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
  - (b) No advertisements or signs other than an approved identification sign, relating to the brothel or business carried there in shall be erected, displayed or exhibited to public view in the window or entrance of the premises, or in, outside or directly above an access corridor to the premises.
  - (c) No merchandising display relating to the brothel, or business carried out there in shall be erected, displayed or exhibited in an access corridor (including any stairwell to the premises) so as to be open to the public or used by the public.

#### **WASTE MANAGEMENT**

- (27) 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).

- (a) 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 (Council or a private accredited certifier) prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 or prior to commencement of the use if a Construction Certificate is not required. 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.

**FIRE SAFETY**

- (28) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following works are required to be completed prior to the issue of an Occupation Certificate to ensure that there is adequate fire safety in the building:
  - (a) The second floor level slab is to achieve a FRL of 180/180/180 in accordance with Specification C1.1 of the BCA. Certification in the form of an engineer's certificate certifying the required FRL shall be submitted and approved by the Certifier prior to the issue of a Construction Certificate.
  - (b) The main switchboard located in the carpark level sustaining emergency equipment shall be enclosed in 120/120/120 fire rated construction and any doorway or opening to the enclosure provided with a -/120/30 self closing fire door in accordance with the requirements of Clause C2.12 of the BCA. Details for the fire rating of the enclosure shall be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.
  - (c) An additional exit to the second floor level is to be provided in accordance with Clause D1.4 (c) as exit travel distances exceed 20m. Alternatively a Fire Engineered Alternative Solution Report prepared by an Accredited Fire Safety Engineer is to be provided to satisfy the Performance Requirements of DP4 of the BCA. Details of the additional stair or a copy of the Fire Engineered Alternative Solution Report shall be submitted to and approved by the Certifier prior to issue of Construction Certificate.

- (d) The electrical distribution board cabinets located throughout the premises shall be upgraded to include doors with non combustibile construction and contain smoke seals in accordance with Clause D2.7 of the BCA. Details of the doors are to be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.
- (e) A fire hydrant system is to be installed to provide coverage to all levels of the building in accordance with the requirements of Clause E1.3 of the BCA. Alternatively it may be possible to obtain a Clause 188 Exemption from the NSW Fire Brigade via a formal written submission. Hydraulic details and design certification to Clause E1.3 of the BCA and AS2419.1 1994 for the hydrant system, or a Clause 188 exemption is to be submitted to and approved by the Certifier prior to issue of a Construction Certificate.
- (f) Emergency lighting shall be provided to every room or space in every storey of the building to which there is public access in accordance with the requirements of Clause E4.2 (f) of the BCA. Electrical details and reflected ceiling plans detailing the emergency lighting layout and design certification to AS/NZS2293.1 1998 shall be submitted to and approved by the Certifier prior to issue of a Construction Certificate.

#### **FIRE SAFETY CERTIFICATE**

- (29) 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.

#### **ANNUAL FIRE SAFETY STATEMENT**

- (30) 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.

#### **COMPLIANCE WITH THE BCA**

- (31) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia, and evidence of this is to be provided within one month of the date of this notice, to the approval of Council.
- (32) Light shall be provided in accordance with the requirements of Part F.4 of the Building Code of Australia.
- (33) Portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS2444.

- (34) A system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4, of the BCA and A2293-1.
- (35) Exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8, of the BCA and AS 2293-1.
- (36) Suitable automatic fire detection and alarm systems shall be installed to comply with E2.2 of the BCA.

#### **DEEMED TO SATISFY CONDITIONS OF BCA**

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

#### **INFORMATION TO BE SUBMITTED TO CERTIFYING AUTHORITY**

- (38) 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.

#### **LETTER TO VERIFY NEW LOADS**

- (39) 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).

#### **CERTIFICATION OF MECHANICAL VENTILATION**

- (40) 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.

- (41) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-
- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
  - (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
    - (i) Supply Air Ducts, Shafts and Fans - Blue
    - (ii) Return Air Ducts, Shafts and Fans - Pink
    - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
    - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
    - (v) Mixing Boxes and Conditions - Yellow
    - (vi) Fire Dampers and Electric Heaters - Red
  - (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
  - (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
  - (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

## **NOISE**

- (42) 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) 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".
- (d) The "emission of an offensive noise" under the Protection of the Environment (Operations) Act 1997.
- (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

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

### **SUSTAINABLE TIMBERS**

- (43) 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.

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

- (44) 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.

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

- (45) 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.
  - (vi) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (c) **Notes:**
  - (i) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
    - a. Appropriate tertiary qualifications in Civil or Structural Engineering; AND
    - b. Corporate membership of the Institution of Engineers Australia or equivalent; AND
    - c. Evidence of relevant experience in the form of a CV/Resume;
    - d. Appropriate current professional indemnity insurance.
  - (ii) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

- a. An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
- b. Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use.

### **OCCUPATION CERTIFICATE**

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

### **MECHANICAL VENTILATION PERFORMANCE CERTIFICATE**

- (47) 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.

### **CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**

- (48) The efficient operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the partitioning layout. Adequate relief/transfer air openings must be provided to ensure the performance of systems during fire and non-fire conditions is not impaired.

### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (49) 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.
- (50) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (51) **Notes:**
- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
    - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
    - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
    - (iii) Evidence of relevant experience in the form of a CV/Resume;
    - (iv) Appropriate current professional indemnity insurance.
  - (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

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

- (52) 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**

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

## **Schedule 2**

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

1. 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).
2. This condition does not apply to:
  - (a) 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
  - (b) the erection of a temporary building.

Carried.

Note - Ms Barbara Walsh and Mr John Hancock addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 8.5.

**DEVELOPMENT APPLICATION: 12-14 O'CONNELL STREET, SYDNEY (SWAAB HOUSE) (D2004/00528)**

**8.6**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 29 November 2004, in relation to Development Application D2004/00528 made by 12 O'Connell Street Development Corporation for the site at 12-14 O'Connell Street for the award of Heritage Floor Space to the site, it be resolved that: -

- (A) the Conservation Management Plan for 12-14 O'Connell Street, Sydney, dated September 2004, prepared by Weir and Phillips Architects and Heritage Consultants be endorsed by Council; and
- (B) 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. D2004/00528 dated 12 May 2004 and Statement of Environmental Effects and Proposed Schedule of Works prepared by Weir and Phillips Pty Ltd, dated June 2004 and as amended by the following conditions:

**FLOOR SPACE RATIO**

- (2) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio of the proposal must not exceed 8.52 : 1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 6,261sqm.
  - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Central Sydney Local Environmental Plan 1996 applicable at the time of development consent to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

**AWARD OF HERITAGE FLOOR SPACE**

- (3) The owner may be awarded 1,176sqm 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 specified by condition 4 of this 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 6,261sqm.
  - (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 1,176sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

#### **PRIOR TO THE AWARD OF HERITAGE FLOOR SPACE**

- (4) Prior to the award of Heritage Floor Space: -
  - (a) The building must be upgraded with regard to fire safety in accordance with the conditions of development consent D2003/01242 dated 29 January 2004.
  - (b) The Interpretation Strategy prepared by Weir & Phillips Pty Ltd dated August 2004 shall be implemented to the satisfaction of the Director, City Planning – Northern Zone.

#### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (5) Archival recording for deposit in the City of Sydney Archives must be carried out after the work has been completed on site to the satisfaction of the Director, City Planning – Northern Zone, prior to the award of Heritage Floor Space.
  - (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work.
- (6) The form of recording is to be as follows:-
  - (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of ‘perspective correction’, comprising:-
    - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
    - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
    - (iii) A summary report of the photographic documentation, detailing;
      - a. the project description, method of documentation, and any limitations of the photographic record; and
      - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.

- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

### **REPORT TO BE COMPLIED WITH**

- (7) The development shall be in accordance with the recommendations of the Heritage Maintenance Plan and the Conservation Management Plan for 12-14 O'Connell Street, Sydney both dated April 2004 and September 2004 respectively, prepared by Weir and Phillips Architects and Heritage Consultants.
- (8) All maintenance within the building is to be carried out in accordance with Heritage Maintenance Plan, as reviewed from time to time, prepared by Weir and Phillips, Architects and Heritage Consultants, dated April 2004. The building managers are to create a record for all inspections and for all maintenance work undertaken at No 12-14 O'Connell Street as recommended in the Maintenance Plan.
- (9) All future works to be building are to be carried out in accordance with the policies and recommendations of the Conservation Management Plan, as reviewed from time to time, originally prepared by Weir and Phillips, Architects and Heritage Consultants, dated September 2004.

### **CARE OF BUILDING SURROUNDS**

- (10) 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**

- (11) 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**

- (12) 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.

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (13) 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. The location and design of the receptacle/s must to the satisfaction of the Director, City Planning – Northern Zone, prior to the award of Heritage Floor Space. 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.

### NUMBERING

- (14) Street numbers and the building name shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney", to the satisfaction of the Director, City Planning – Northern Zone, prior to the award of Heritage Floor Space. If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

## Schedule 2

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

Carried unanimously.

**DEVELOPMENT APPLICATION: 7-9 SEPTIMUS STREET, ERSKINEVILLE (U04-00270)**

### 8.7

That:-

- (A) consideration of this matter be deferred to the meeting of Council on 6 December 2004; and
- (B) a site inspection of the subject site be held on Saturday 4 December 2004.

Carried.

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

Note - Mr Tony Fiddes, Mr Nick Baldis and Mr Nick Gagliano addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 8.7.

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the Report of the Planning Policy Sub-Committee of its meeting of 29 November 2004, be received and the recommendations set out below for Items 8.10 to 8.13 inclusive and 8.15 be adopted, with Items 8.8, 8.9 and 8.14 being noted.

Carried.

The Planning Policy Sub-Committee recommended the following:

**DEVELOPMENT APPLICATIONS - ACCESS TO INFORMATION**

**8.8**

That consideration of this matter be deferred to the meeting of Council on 6 December 2004.

Carried.

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

Note - Mr Andrew Woodhouse and Ms Wanda Jaworski addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 8.8.

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

**8.9**

That consideration of this matter be deferred to the meeting of Council on 6 December 2004.

Carried.

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

Note - Mr Michael Buggy, Mr Dale Shaddock, Mr Andrew Woodhouse, Mr Derrick Hand and Mr Tone Wheeler addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 8.9.

**DEVELOPMENT CONTRIBUTIONS PLANS – STATUS REPORT AND REVIEW SCHEDULE (S033659)****8.10**

That arising from consideration of a report by the Contributions Planner to the Planning Development and Transport Committee on 29 November 2004, in relation to the review and consolidation of developer levies in the amalgamated City of Sydney, it be resolved that Council:-

- (A) undertake a consolidating review of the Contributions Plans covering the areas transferred from Leichhardt and South Sydney on 8 May 2003 and the area of South Sydney amalgamated on 6 February 2004 into a consolidated Contributions Plan (including Green Square) to eliminate the arbitrary 8 May 2003 boundary and reduce the number of plans and the inherent complications in managing multiple schemes. In the interim, the existing plan will continue in force;
- (B) work with the NSW Government to extend the Section 61 flat rate levy (or equivalent) to the areas which, on investigation, will most benefit from such an approach; and
- (C) commence negotiations with the NSW Government on the status and future of the Ultimo-Pyrmont Development Contributions Plans 1994 as this redevelopment project comes into its final years (noting the imminent transfer of assets and consent authority roles).

Carried.

**SYDNEY METROPOLITAN STRATEGY SUBMISSION****8.11**

That arising from consideration of a report by the Research Manager to the Planning Development and Transport Committee on 29 November 2004, on Sydney Metropolitan Strategy Submission, it be resolved that:

- (A) Council endorse the submission shown at Attachment A to the subject report, as a submission to the Department of Infrastructure, Planning and Natural Resources; and
- (B) authority be delegated to the General Manager to make minor amendments that may be necessary after the Council meeting.

Carried.

**EVELEIGH CARRIAGEWORKS MASTER PLAN (2029215)****8.12**

That arising from consideration of a report by the Strategic Planner to the Planning Development and Transport Committee on 29 November 2004, in relation to the exhibition of the Eveleigh Carriageworks Master Plan, it be resolved that -

- (A) Council receive and note the subject report;
- (B) Council note that the Eveleigh Carriageworks Master Plan was withdrawn by Railcorp's written request on 25 November 2004;
- (C) notwithstanding the fact that this application for a Master Plan has been withdrawn, it be noted that had the Master Plan not been withdrawn, Council would have resolved the following -
  - (i) that Council not endorse the Eveleigh Carriageworks Master Plan for the following reasons:
    - (a) the Master Plan does not adequately consider the site's broader strategic role in the social, physical and economic development of the suburbs of Redfern, Eveleigh and Darlington;
    - (b) that a greater proportion of non-residential development should be considered given the strategic and opportunity linkages to Redfern Rail Station and the Australian Technology Park;
    - (c) the Master Plan proposes an unacceptable departure from Council's car parking rates identified in South Sydney Development Control Plan 11 - Transport Guidelines for Development;
    - (d) the impacts of traffic movements along local streets have not been adequately addressed;
    - (e) the proposed building scale and density is unsympathetic and inappropriate for the surrounding residential area and will negatively impact on the significant heritage character of the site;
    - (f) the Master Plan does not make adequate provision ensuring the development of pedestrian linkages to Redfern Station and the Australian Technology Park;
    - (g) a higher affordable housing contribution than proposed by the Master Plan should be considered;
    - (h) the Master Plan does not contain adequate detail about the development of community facilities; and

- (ii) that Council not endorse the request to rezone the Eveleigh Carriageworks site from “Special Purposes – Railway Uses” under Sydney Regional Environmental Plan No. 26 – City West to Zone No. 10 - Mixed Uses under South Sydney Local Environmental Plan 1998, and the above concerns be considered in the future development of the site.

Carried unanimously.

Note - Mr Gavin Wild, Ms Kathy Meggitt and Mr Richard Butcher addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee on Item 8. 12).

### **SUBMISSION REGARDING THE STANDARD L.E.P. TEMPLATE WORKING PAPER (S015938)**

#### **8.13**

That arising from consideration of a report by the Manager Strategic Planning to the Planning Development and Transport Committee on 29 November 2004, in relation to the Standard L.E.P. Template, it be resolved that:

- (A) Council endorse the submission shown at Attachment A to the subject report for lodgement with the Department of Infrastructure, Planning and Natural Resources as the City of Sydney’s response to the Standard Plan Template Discussion Paper;
- (B) authority be delegated to the General Manager to make any minor drafting changes or corrections to the submission; and
- (C) Council refer the matter to the Central Sydney Planning Committee for receiving and noting.

Carried.

### **STRATA SCHEMES DISCUSSION PAPER AND SUBMISSION (S005110)**

#### **8.14**

That consideration of this matter be deferred to the meeting of Council on 6 December 2004.

Carried.

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

## **GENERAL BUSINESS**

### **8.15**

During discussion of General Business at the meeting of the Planning Policy Sub-Committee, the following matters were raised -

#### **(a) Street Furniture**

Councillor Harris raised the matter of Council's obligations under its contract with JCDecaux in relation to the City's street upgrade program, and also the application of the contract's terms to the former South Sydney Council area, particularly in relation to rolling advertising signs.

It was requested that a report be submitted, possibly to the Finance, Properties and Tenders Committee, in relation to this matter.

#### **(b) Regulation of Extended Trading Hour Hotels**

Councillor Harris raised the need to regulate the impact of hotels with extended trading hours on increasingly densely populated residential areas.

It was agreed that in the first instance the Police be asked for their comments about a particular incident near a hotel at Potts Point.

#### **(c) Darlinghurst Road**

Councillor Mallard raised the matter of the opportunity to encourage new uses for premises on Darlinghurst Road, in venues where sex industry/liquor trading licences are surrendered and businesses have closed.

The Chair (Councillor McInerney) indicated that this issue would no doubt be included in discussions involving Council staff.

#### **(d) City of Sydney Local Environmental Plan (LEP)**

Councillor Pooley raised the review of the City of Sydney LEP, including issues that may be incorporated in a revised LEP, such as opening hours for licensed premises.

The Chair (Councillor McInerney) indicated that opening hours for licensed premises would be more appropriately included in a Development Control Plan, with the LEP dealing with core controls, such as heritage, height, FSR and parking.

**ITEM 9. USE OF PLASTIC BAGS (2026689)**

Moved by Councillor Harris, seconded by Councillor Black -

That arising from consideration of a report by the Senior Specialist Planner to the Environment and Heritage Committee on 29 November 2004, and to Council on 6 December 2004, on Use of Plastic Bags, it be resolved that Council -

- (A) endorse the Plastic Bag Reduction Strategy as follows; and
- (B) note that the Acting General Manager has allocated \$102,000 from the General Manager's contingency to accelerate implementation of the Strategy.

Carried unanimously.

The Plastic Bag Reduction Strategy endorsed by Council is:

The goal of the City of Sydney Plastic Bag Reduction Strategy is to eliminate the use of light weight high density polyethylene (HDPE) plastic bags. The City will work towards this goal by:

- (a) supporting in principle legislative change to ban light weight high density polyethylene (HDPE) plastic bags;
- (b) work actively with retailers and the community to eliminate light weight high density polyethylene (HDPE) plastic bags from the City of Sydney;
- (c) develop and distribute plastic bags education materials, similar to those developed by the Watershed;
- (d) expand the Watershed's Bag Busters program City wide, including a program that recognises retailers who demonstrate plastic bag reduction leadership, subject to consideration in the City of Sydney Strategic Plan and 2005/06 budget;
- (e) including in a sustainability development control plan provisions that encourage retailers to implement strategies that support consumer behaviour change;
- (f) distribution to all residential premises a City of Sydney non woven polypropylene fold up bag in the current financial year;
- (g) undertaking an audit of all Council activities and operations with a view to eliminating single use light weight HDPE plastic bags over the next six months; and
- (h) continuing to build on strategies and communication with stakeholders and other Councils through City of Sydney, Sydney Coastal Councils and Southern Sydney Regional Organisation of Councils networks.

**ITEM 10. DEVELOPMENT APPLICATION: 7-9 SEPTIMUS STREET, ERSKINEVILLE**

Moved by Councillor Black, seconded by Councillor McInerney -

That arising from consideration of a report by the Executive Manager Assessments (Southern Zone) to the Planning Development and Transport Committee on 29 November, 2004, and to Council on 6 December 2004, in relation to Development Application U04-00270 made by Constructrite P/L for the site at 7-9 Septimus Street, Erskineville to demolish the two existing cottages and construct 4 x 2 storey dwellings on 4 Torrens title lots, it be resolved that -

(A) a deferred commencement consent be issued subject to the following conditions.

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

- (1) That the screen in front of the front door of each dwelling is deleted. Amended plans indicating this shall be submitted for approval;
  - (2) That the front path to each dwelling be repositioned to approach the front door (rather than the garbage bay). Amended plans indicating this shall be submitted for approval;
  - (3) Joinery for the window at the street frontage of each dwelling is to be of timber frame. Amended plans indicating this shall be submitted for approval;
  - (4) The roof form to the street shall be separated at the verandah level to further articulate the building form, consistent with the adjoining dwelling at No. 5 Septimus Street and the roof forms of the existing dwellings on the site.
  - (5) In order for the buildings to be further articulated to the street, to respect the street alignment and to reduce overshadowing of the property to the south, the southern-most pair of the proposed terraces shall be stepped towards the street by one additional metre.
- (B) Evidence of the above matters must be produced to Council's satisfaction or its delegate within 6 months otherwise the Consent will not operate. Upon written acceptance by Council of the above, consent shall operate subject to the following conditions and any conditions reasonably arising from the above.

## PART B – CONDITIONS OF CONSENT

### Schedule 1A

#### Approved Development, Contributions and Covenants

##### APPROVED DEVELOPMENT

- (1) That the development shall be generally in accordance with plans numbered A-01/D, A-02/C, A-04/C and A-05/D dated 8 October 2004, A-10/A, A-11/A, A-06/C and A-09/A dated 21 October 2004, 1101 LP101 dated 17 April 2004, landscape plan 1101 LP/01 dated 17 April 2004, stormwater management concept plan C1.01 dated Dec 2003, drawn by/for Architects Johannsen and Associates, subject to compliance with the conditions below;

##### MONETARY CONTRIBUTIONS

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10,000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and to ensure that the plans are suitably endorsed. The levy, to the value of \$2,060 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (4) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$2,132

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

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

where:

- C is the original contribution amount as shown above;  
 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 the consent being the Dec Quarter 2004

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

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$ 1,876
Open Space: New Parks (Outside Green Square)	\$ 16,910
Accessibility And Transport	\$ 29
Library resources	\$ 650
Management	\$ 429
Total	\$ 19,894

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 the Dec Quarter 2004.

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

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

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

#### Part B

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

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

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

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

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

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

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

## **Schedule 1B**

### **Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the certifying authority**

#### **BUILDING CONDITIONS**

- (6) Dilapidation Reports of the building at 9a and 5 Septimus Street are to be submitted by an appropriately qualified Structural Engineer with copies provided to each of the adjoining land owners.
- (7) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged Construction Certificate until a Construction Certificate application has been approved for each stage;
- (8) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a Construction Certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (9) 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;

The following stormwater details shall be submitted:-

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) Any proposed connection to the City's underground drainage system will require the owner to enter into a Deed of Agreement with the City Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to the City.
  - (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
  - (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the City's drainage system. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges;
- (10) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of City Works;

#### **ARCHIVAL RECORDINGS**

- (10A) That an archival record of the building, including measured drawings and photographs, is to be prepared in accordance with NSW Heritage Office Guidelines, and submitted to Council's satisfaction prior to the release of the Construction Certificate.

#### **SOLAR HOT WATER**

- (11) That each dwelling shall have a solar hot water heating system (electric or gas boosted). For each one bedroom and two bedroom dwelling, the solar hot water heating system shall have a tank with a capacity of 180 litres (one panel system) and for each three bedroom dwelling, the heating system shall have a capacity of 300 litres (2 panel system). Should the design, layout and orientation preclude a solar hot water heating system, a heating system with a minimum energy star rating of 3.5 stars shall serve as a replacement system. A statement from a suitably qualified energy adviser shall be submitted with the Construction Certificate, indicating the suitability of the solar hot water heating system in terms of orientation, location and capacity;

## WASTE MANAGEMENT

- (12) 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;

## LANDSCAPING CONDITIONS

- (13) 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.

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.

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

- (14) That the impact of the proposed construction works on existing trees either on site, within the footway, or on neighbouring properties, shall be assessed by a suitably qualified arborist. The arborist shall then submit a tree survey report to Council, providing accurate location, height, canopy spread, species and condition, with any protection and mitigation measures 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;
- (15) 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.

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;

## **Schedule 1C**

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

#### **BUILDING CONDITIONS**

- (16) 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;
- (17) 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:
- all proposed and required mechanical ventilation systems (Building Code of Australia and Australian Standard 1668 Part 1 and 2);

### **ENGINEERING CONDITIONS**

- (18) 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;
- (19) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (20) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (21) That the applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include.
  - (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;

### **Schedule 1D**

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

#### **BUILDING CONDITIONS**

- (22) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (23) That the demolition work shall comply with Australian Standard 2601-1991;
- (24) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;

#### **SITE OPERATIONS**

- (25) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited; and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (c) building work carried out inside an existing building, or
  - (d) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (26) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
  - (27) That 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 City of Sydney Local Traffic Committee for approval of an on-street Works Zone. If a Works Zone is not obtained then all loading & unloading of materials must occur on-site. It should be noted that it is not always possible to provide a Works Zone at every building site, for example at intersections, near traffic signals or pedestrian crossings, in narrow streets or where Clearway restrictions exist;
  - (28) That all loading and unloading of construction materials shall take place off street at all times unless the City of Sydney Local Traffic Committee approves an on-street Works Zone;
  - (29) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
  - (30) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:-
    - (a) Protection of the Environment Operations Act, 1997.
    - (b) Protection of the Environment Operations (Waste) Regulation 1996.
    - (c) Waste Avoidance and Recovery Act 2001.
    - (d) New South Wales Occupational Health & Safety Act, 2000.
    - (e) New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).

- (f) The Occupational Health & Safety Regulation 2001.
  - (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (31) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time. Refer to Council's Domestic Collection Policies as adopted by Council on 10 September 2003;
- (32) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (33) That the requirements of the Work Cover Authority shall be complied with;
- (34) 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;
- (35) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (36) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (37) 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;
- (38) That all work involving demolition, excavation and construction activities shall comply with "The City of Sydney Code of Practice 1992 – for Construction Hours/Noise within the Central Business District" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (39) 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;
- (40) 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;

- (41) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works;
- (42) 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 to 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.

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.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed;

- (43) 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;
- (43A) That the applicant is to be advised that, if any archaeological relics are uncovered during demolition works, such works are to immediately cease in the area and the NSW Heritage Office contacted. Depending on the findings, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can be considered in that area.

## **Schedule 1E**

### **Conditions to be complied with prior to the occupation of the Premises**

#### **OCCUPATION CERTIFICATE**

- (44) 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;
- (45) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;

#### **VENTILATION**

- (46) That the premises shall be ventilated in accordance with the Building Code of Australia and Australian Standard 1668 Parts 1 and 2;
- (47) That a system of mechanical exhaust ventilation shall be provided to residential bathrooms exhausting at least 20l/s per room;
- (48) That a system of mechanical exhaust ventilation shall be provided to the combined residential bathroom/laundry, exhausting at least 25 l/s per room;

#### **LANDSCAPE CONDITION**

- (49) 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;
- (50) 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;

#### **PARKING PERMIT CONDITION**

- (51) That before entering a purchase/lease/occupancy agreement, all intending owners, tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to obtain a parking permit under Council's on-street resident parking schemes;

**STREET NUMBER(S)**

- (52) 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;
- (53) That the applicant shall apply to the Director of City Works for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway.

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

Carried unanimously.

**ITEM 11. DEVELOPMENT APPLICATIONS - ACCESS TO INFORMATION**

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Director, City Planning - Southern Zone to Council on 18 October 2004, to the Planning Development and Transport Committee on 29 November 2004, and to Council on 6 December 2004, on Development Applications - Access to Information, it be resolved that -

- (A) Council receive and note the report, and supplementary information provided by the Director City Planning to Councillors prior to the Council meeting, and endorse the proposed measures and timetable; and
- (B) a report be submitted to the first meeting of the Planning Development and Transport Committee in 2005 advising on the cost of providing hard copies of documents to residents and the implications of the introduction of technology enabling applicants to submit their development applications electronically; such report to also cover the question of providing free copies to designated community groups.

Carried.

**ITEM 12. SOUTH SYDNEY DEVELOPMENT CONTROL PLAN 1997: DRAFT AMENDMENT NO. 6: 27-31 HUGHES STREET, POTTS POINT-REPORT ON SUBMISSIONS (S033930)**

Moved by Councillor McInerney, seconded by Councillor Hoff -

That arising from the consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 29 November 2004, and to Council on 6 December 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:-

- (A) Council approve the development control plan, shown at Attachment “A” to the subject report, subject to correction of the references to Floor Space Ratio in clauses 1 and 5 from 3:1 to 2.5:1, pursuant to Clause 21(1)(b) of the Environmental Planning and Assessment Regulation 2000 as the South Sydney Development Control Plan 1997 – Urban Design: Draft Amendment No.6: 27-31 Hughes Street, Potts Point, 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 minor drafting amendments that may be required as a result of the Central Sydney Planning Committee and Council’s consideration of the South Sydney Development Control Plan 1997 – Urban Design: Draft Amendment No.6: 27-31 Hughes Street, Potts Point; and
- (C) transitional arrangements on the site be taken into account when assessing the Development Application.

The motion was carried on the following show of hands -

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

Noes (1) Councillor Pooley.

**ITEM 13. STRATA SCHEMES DISCUSSION PAPER AND SUBMISSION (S005110)**

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Director City Planning (Northern Zone) to the Planning Development and Transport Committee on 29 November 2004, and to Council on 6 December 2004, in relation to the Strata Schemes Discussion Paper and Submission, it be resolved that:

- (A) the submission, as circulated to Councillors prior to the meeting of Council, be endorsed for sending to the Office of Fair Trading; and
- (C) authority be delegated to the General Manager to make any changes arising from consideration and debate by Council and minor changes to improve clarity of the submission.

Carried unanimously.

**ITEM 14. COUNCILLOR REPRESENTATION ON THE SYDNEY COASTAL COUNCILS GROUP**

Moved by Councillor Black, seconded by Councillor Hoff -

That arising from consideration of a report by the Environment Project Officer to Council on 6 December 2004, on Councillor Representation on the Sydney Coastal Council Group, it be resolved that Councillor Phillip Black and Councillor Chris Harris represent the City of Sydney at the full Group meetings.

Carried unanimously.

**ITEM 15. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2005 (A04-01171)**

Moved by Councillor Pooley, seconded by Councillor Lee -

That arising from consideration of a report by the Manager Secretariat to Council on 6 December 2004, on Proposed Schedule of Meetings and Briefings for 2005, it be resolved that Council adopt the schedule of meetings and briefings for 2005, as shown at Attachment A to the subject report.

Carried unanimously.

The Schedule of Meetings and Briefings for 2005, as adopted by Council, is as follows:

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**2005 PROGRAM OF MEETINGS**


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DATE	MEETING
MONDAY 7 FEBRUARY	<ul style="list-style-type: none"> <li>• BRIEFINGS</li> </ul>
MONDAY 14 FEBRUARY	<ul style="list-style-type: none"> <li>• COMMITTEES</li> </ul>
MONDAY 21 FEBRUARY	<ul style="list-style-type: none"> <li>• COUNCIL</li> </ul>
MONDAY 28 FEBRUARY	<ul style="list-style-type: none"> <li>• BRIEFINGS</li> </ul>
MONDAY 7 MARCH	<ul style="list-style-type: none"> <li>• COMMITTEES</li> </ul>
MONDAY 14 MARCH	<ul style="list-style-type: none"> <li>• COUNCIL</li> </ul>
MONDAY 21 MARCH	<ul style="list-style-type: none"> <li>• RECESS</li> </ul>
MONDAY 28 MARCH	<ul style="list-style-type: none"> <li>• RECESS - Easter Monday Public Holiday</li> </ul>
MONDAY 4 APRIL	<ul style="list-style-type: none"> <li>• COMMITTEES</li> </ul>
MONDAY 11 APRIL	<ul style="list-style-type: none"> <li>• COUNCIL</li> </ul>
MONDAY 18 APRIL	<ul style="list-style-type: none"> <li>• BRIEFINGS</li> </ul>
MONDAY 25 APRIL	<ul style="list-style-type: none"> <li>• RECESS - Anzac Day Public Holiday</li> </ul>
MONDAY 2 MAY	<ul style="list-style-type: none"> <li>• COMMITTEES</li> </ul>
MONDAY 9 MAY	<ul style="list-style-type: none"> <li>• COUNCIL</li> </ul>
MONDAY 16 MAY	<ul style="list-style-type: none"> <li>• BRIEFINGS</li> </ul>
MONDAY 23 MAY	<ul style="list-style-type: none"> <li>• LIKELY EXTRAORDINARY MEETING OF COUNCIL FOR THE PURPOSE OF PLACING THE DRAFT CORPORATE PLAN ON EXHIBITION</li> <li>• COMMITTEES</li> </ul>
MONDAY 30 MAY	<ul style="list-style-type: none"> <li>• COUNCIL</li> </ul>
MONDAY 6 JUNE	<ul style="list-style-type: none"> <li>• BRIEFINGS</li> </ul>
MONDAY 13 JUNE	<ul style="list-style-type: none"> <li>• RECESS (Queen's Birthday Public</li> </ul>

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**2005 PROGRAM OF MEETINGS**


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DATE	MEETING
	Holiday)
MONDAY 20 JUNE	• COMMITTEES
MONDAY 27 JUNE	• COUNCIL
MONDAY 4 JULY	• RECESS
MONDAY 11 JULY	• RECESS
MONDAY 18 JULY	• BRIEFINGS
MONDAY 25 JULY	• COMMITTEES
MONDAY 1 AUGUST	• COUNCIL
MONDAY 8 AUGUST	• BRIEFINGS
MONDAY 15 AUGUST	• COMMITTEES
MONDAY 22 AUGUST	• COUNCIL
MONDAY 29 AUGUST	• BRIEFINGS
MONDAY 5 SEPTEMBER	• COMMITTEES
MONDAY 12 SEPTEMBER	• COUNCIL
MONDAY 19 SEPTEMBER	• RECESS
MONDAY 26 SEPTEMBER	• RECESS
MONDAY 3 OCTOBER	• RECESS (Labour Day Public Holiday)
MONDAY 10 OCTOBER	• BRIEFINGS
MONDAY 17 OCTOBER	• COMMITTEES
MONDAY 24 OCTOBER	• RECESS - LGA CONFERENCE
MONDAY 31 OCTOBER	• COUNCIL

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**2005 PROGRAM OF MEETINGS**

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DATE	MEETING
MONDAY 7 NOVEMBER	• BRIEFINGS
MONDAY 14 NOVEMBER	• COMMITTEES
MONDAY 21 NOVEMBER	• COUNCIL
MONDAY 28 NOVEMBER	• BRIEFINGS
MONDAY 5 DECEMBER	• COMMITTEES
MONDAY 12 DECEMBER	• COUNCIL
MONDAY 19 DECEMBER	• RECESS

*The recess continues until the first Committee meetings of 2006.*

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**ITEM 16. QUESTIONS ON NOTICE**

FILE NO:

DATE: 3/12/04

**WALK TO WORK DAY**

1. By Councillor Mallard

**Question**

Lord Mayor, like many Sydneysiders I recently walked to work to mark 'walk to work day'. As I walk to work nearly every day I decided to particularly note the problems along my walk route last month. Can staff attend to the following walk to work pedestrian problem I noted?

- New footpath lights have been installed along the McElhone stairs connecting Victoria St Potts Point and Cowper Wharf Ave Woolloomooloo for several months now but are still not operating. Why have they not been turned on and when can we expect these quite dark and unsafe stairs to be better illuminated?
- On the very wide street intersection of Cowper Wharf Road and Dowling Street Woolloomooloo, it can be quite a dangerous challenge for an able bodied pedestrian using the footpath to cross Dowling Street owing to turning cars and trucks from all directions and the width of the intersection as well as traffic entering and leaving the Shell service station. Is it possible for Council to install a pedestrian refuge island at this busy intersection, particularly to assist the safer crossing for the elderly, mothers with prams and families as well as tourists?
- I am concerned about the state of Hyde Park at the entry point where pedestrians cross from the corner of College Street and Prince Albert Road entering the park alongside an antique canon. Pedestrians cut the formal entry point by about 6 metres taking a long established and well worn short cut walking over a garden bed and compacting the soil around the base of an old and stressed looking fig tree. Can staff look at this problem and recommend a solution because not only is there a serious trip hazard for pedestrians taking this short cut but the old age health care of the fig tree is being compromised by heavy soil compaction?

**Answer by the Lord Mayor**

In response to part 1 of your Question, the City's lighting contractors have completed the installation. However, EnergyAustralia (EA) is yet to connect the power supply to these. EA had been repairing underground cable faults in McElhone Street which had prevented connection to these stairs. The repair works have just been completed and EA Inspectors have been issued with works instructions for connection of power to McElhone Stairs. Staff expect the lights on McElhone Stairs will be in operation within the next fortnight.

In response to part 2 of your Question, the City places a high priority on the development of a safe and continuous pedestrian network that encourages people to walk. City staff will arrange for a report to be referred to the Sydney Traffic Committee to consider the installation of a pedestrian refuge across Dowling Street at its intersection with Cowper Wharf Roadway.

In response to part 3 of your Question, garden refurbishments within the north eastern section of Hyde Park North have been scheduled for February 2005. One of the areas included in the works is the garden area mentioned beside the cannon. It has been proposed that a fence be erected to stop access through the garden, and the worn areas of turf be returned.

### **CLIFF-TOP FENCE AT KEEGAN AVENUE, GLEBE**

#### **Question**

2. By Councillor Firth

The residents of Keegan Avenue Glebe have campaigned for almost ten years for local authorities to repair the fence along the cliff-top at Keegan Avenue, Glebe.

The fence's current state of disrepair is a public safety hazard, particularly considering that the Council has recently upgraded the children's playground beneath it. In 2000 a boulder dislodged from the cliff face and smashed a public bench in the playground.

The problem is that first Leichhardt Council and now the City of Sydney Council are insisting that transfers from 12 individual property owners be affected so the fence can be replaced. The process has been repeatedly stymied by changes of ownership, delays by mortgagors and the transfer of Glebe from Leichhardt Council to the City of Sydney Council.

The fence must be repaired as a matter of urgency. Can the Lord Mayor commit to the repair of the Keegan Avenue cliff-top fence within the next three months?

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

Keegan Avenue residents have approached the City to repair the fence at the cliff-top at Keegan Avenue. Both the fence and Keegan Avenue itself are in private ownership, being part of the 12 properties which have a frontage to Keegan Avenue.

In 1997, Leichhardt Council resolved to accept ownership of Keegan Avenue by way of transfer from the owners. However, despite a period of some 6 years, implementation of the transfer did not occur prior to boundary changes in May 2003.

The City remains willing to proceed with the transfer as agreed by Leichhardt Council in 1997, and has been dealing with Keegan Ave property owners for some time in an effort to do so. Given that Keegan Avenue comprises 12 lots in private ownership, a condition of the proposed transfer is that all 12 lots are transferred. If this did not occur, the City would be left with disjointed parts of Keegan Avenue in its ownership.

In view of the poor condition of the fence and the lack of resolution of the ownership transfer, City staff will suggest to owners that a fence be installed on Keegan Avenue 300-500mm back from the cliff face, and that the City would share the cost with property owners.

### **Adjournment**

At 9.35pm the meeting of Council adjourned.

At 9.43pm, at the resumption of the Council meeting, those present were -

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

## QUESTIONS WITHOUT NOTICE

### CUB SITE (S032441)

#### 1. By Councillor Black

#### Question

Lord Mayor, could you please inform Council on progress being made on the Carlton and United Breweries (CUB) site studies and if any delays are being encountered?

#### Answer by the Lord Mayor

Yes, Councillor Black. This issue was discussed at the CUB Sub-Committee meeting and concern was expressed at the time it has taken the owner to get back to us with the work that they have done on the heritage on the site, a very important issue, so that we can progress the work we are doing.

I invite the Deputy Lord Mayor, Councillor McInerney, to give further information to Council on this matter.

#### Councillor McInerney

Lord Mayor the point is that the fundamental planning criteria of this particular site are its heritage controls. It is impossible to move forward in a planning way without an absolute clear understanding of the heritage controls that need to apply to that site and that, by the way, is a phrase which I have copied from the Director General of the Department of Infrastructure, Planning and Natural Resources (DIPNR), Jennifer Westacott, who is on the joint committee of the Central Sydney Planning Committee and Council. That Sub-Committee has been formed to facilitate the development of a master plan and then, subsequently, a development plan for the site. So the Director General acknowledges the importance of that particular aspect.

Lord Mayor, the dilemma is the heritage controls for the CUB site have not been provided by the applicant. It is 13 months since they were first requested and five months, I might add, since promised by Australand, and we are still not in possession of the heritage conservation management plan (CMP). The dilemma that we face is that to move forward without the CMP is impossible. On the other hand, we clearly are in the position of being accused, quite wrongly, of delaying work on the site.

In November 2003, the City first requested that a site conservation management plan for the CUB be undertaken as part of the design competition. On 26 October of this year the Lord Mayor wrote to Australand's Managing Director about concerns the City had about the lack of supply of heritage information and associated delays. On 9 November 2004, Australand's Managing Director wrote back to the Lord Mayor promising a completed conservation management plan within four to five weeks. That was in November; we still do not have that plan. It was acknowledged in that letter from Australand that the conservation management plan was meant to be completed by 31 July 2004 and I quote from the letter from Australand: "It is clear that [our consultants] underestimated the time required to complete the process of assembly of the site CMP". I reiterate: the City is still waiting on a completed conservation management plan.

Our problem, Lord Mayor, as was recognised by the Sub-Committee, is (a) we can't move forward without it and (b) if we do not move forward we are being accused, quite unfairly, that we have delayed the planning of this site.

The dilemma we have is, can I say frankly, staring us in the face. It is the same process which has occurred in Redfern-Waterloo. I have on reliable authority that Australand has been to the Government and said they are being delayed. No mention to the Government that they still have not supplied a conservation management plan. Their request to the Government is: nominate this site as State Significant Development and let them get on with the job. Fine, but they don't have a conservation management plan. How are they going to get on with the job?

We would love to get on with the job, but we don't have the information. It would be absolutely a fundamental mistake if the State Government were to take the words that are being said by Australand as the facts of the matter and to nominate this site as State Significant Development.

We have a CSPC/Council sub-committee on which the head of the Government's planning department (DIPNR) sits, and that planning department and the head of that planning department have stressed the need for this conservation management plan. For the Government to move now and to take the option of the State Significant Development process or a State Significant Development site, would be to counteract the actions of the head of their department and, in fact, to counteract the whole community which is waiting for this study, and to counteract all the requests that we have made for this information.

And yet one can only look cynically upon these suggested rumours, and they are more than suggested rumours, and wonder if some action is going to be taken by the Government, notwithstanding the facts as I have outlined tonight.

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

The CUB Sub-Committee, and Councillor Firth was there too, are very concerned about the fact that Australand has failed to provide us, despite my many requests, with information that is basic to us proceeding with this work. We are finding it very frustrating. We want to move forward with the work on the site and we are being held up by Australand.

#### **COUNCILLORS' ACCESS TO INFORMATION (S032442)**

##### **2. By Councillor Harris**

##### **Question**

Lord Mayor, my question is through you to the General Manager. The role of a Councillor, under section 232(2) of the Local Government Act 1993 -

“The role of a councillor is, as an elected person:

- to represent the interests of the residents and ratepayers....”

Would you be able to explain to me my rights to information as a councillor on this Council compared to that of a resident, in the light of section 232(2)?

**Answer by the Lord Mayor**

I invite the Acting General Manager to respond.

**Acting General Manager**

Councillor Harris, I don't have that section of the Act in front of me. As I discussed with you during the meeting adjournment, there are two roles of a Councillor, one relating to the role as a member of the corporate body and one relating to the role of a Councillor as an elected person.

We also discussed the need to clearly define the rights of a Councillor in relation to certain things and the specific one we were talking about was inspecting Council files.

I think it is a question I have to take on notice. As I said during our discussion, I will come back with a detailed reply.

**Councillor Harris (Supplementary Question)**

Lord Mayor, I would like to ask a supplementary question. Is there a difference between the entitlement of a Councillor to information and the entitlement of a resident to information?

**Lord Mayor**

I don't actually know if that is supplementary or whether you are just asking the same question again. I think the Acting General Manager has said he would like to take the question on notice and come back to you.

Acting General Manager, when can Councillor Harris expect to receive the information?

**Acting General Manager**

Lord Mayor, I will circulate something as quickly as I can. I don't want to wait until next year's meeting cycle. I will arrange a comprehensive review and circulate a response as quickly as possible.

**MOU WITH LEICHHARDT COUNCIL (S032446)**

3. By Councillor Mallard

**Question**

Lord Mayor, are you aware that Leichhardt Council recently resolved to enact the Memorandum of Understanding (MOU) for border issues that you signed with the then Mayor of Leichhardt, Maire Sheehan, and has resolved to oppose the mangroves at the Bicentennial Park?

Are you aware of this development and how will it impact upon the review of the mangroves project which is underway?

**Answer by the Lord Mayor**

Councillor Mallard, I wasn't aware of that, but I invite Councillor Kemmis, who spent a great deal of time addressing the mangrove issue at a public meeting when others of us were addressing the issue of Redfern Park, to respond.

**Councillor Kemmis**

Lord Mayor, you will recall that Council asked us to call a public meeting of residents and relevant experts, including Waterways staff, about the proposals for the foreshore walk. We had that meeting on 24 November 2004 and about 115 people attended, including three Councillors from Leichhardt Council.

At that meeting we endeavoured to address the specific questions about the merits and otherwise of the proposal to include mangroves on the foreshore walk. Everybody in the room had an opportunity to address the questions that were asked - the merits and otherwise - and were also asked to put forward what they thought Council should do in terms of the mangrove proposal.

All of that information has been collected by an independent group of people. It is a lot of information, a lot of comment, and they have promised to come back to us with a summary of the report, a summary of the findings, and it will be made available to Council staff to carry forward that direction from Council and come forward with a recommendation.

It was at that time that the gist of what you said, Councillor Mallard, became apparent, that Leichhardt Council had a view on the mangroves, and it was expressed at the meeting and it was taken on board along with the views of all the other members of the community, including the Glebe community, where the park is situated.

**Councillor Mallard (Supplementary Question)**

I thank Councillor Kemmis for informing us of where the process is at. My question was really trying to understand what effect the MOU that the Lord Mayor signed, I think with Maire Sheehan, saying this will resolve the issues with the boundaries, will have.

Leichhardt Council has taken a clear position to enact the MOU and a clear position to oppose the mangroves, they have resolved that. What I am trying to work out is how that impacts upon the process we are in now, given that you have signed the MOU?

**Answer by the Lord Mayor**

Councillor Mallard, I did sign an MOU as a Mayoral candidate with another Mayoral candidate and it was about matters of mutual interest, border matters, relating to parkland, traffic, and public transport like light rail.

The MOU hasn't been taken up with the Mayor who was in fact elected so I don't believe the MOU I signed with the Mayoral candidate has standing, but I must say that I am very happy to reinitiate that process with the Mayor of Leichhardt.

In fact, the Mayor of Leichhardt was invited to a meeting I hosted recently for Mayors of the surrounding areas to talk about a matter of mutual interest, and that is the need for public transport in the area, and we all agreed to work on that together.

So, I don't believe that there is any basis, and I am happy to take advice from the Acting General Manager, but I've just got to say that it is not a tollway, it's not a flight path, it's not a smelter, it's not a polluting stack, it's a group of mangroves that are going to provide biodiversity.

As I go to all these very important meetings and rallies, and as I listen to Councillor Kemmis on the mangrove issues, I just find that it is really quite extraordinary, frankly. I know it is very important, particularly to the people of the Leichhardt Municipality, but it is quite extraordinary. As I say, it is not a tollway, it is not one of these things that I sit at heated meetings about, it's a group of mangroves to provide biodiversity.

But I am sure we are going to resolve it, and I am sure that we will be able to resolve it in consultation with all of the community, including our neighbours.

#### **DRAG RACING - THE ROCKS/MILLERS POINT (S032440)**

4. By Councillor Hoff

##### **Question**

Lord Mayor, at the Council meeting on 13 September 2004, I raised the issue of drag racing in Millers Point and The Rocks. You will recall that it was the major issue at our City community forum.

Could you please provide Council with an update on what action has been taken?

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

Thank you Councillor Hoff. I am informed there has been some police action, particularly on the October long weekend, and that provided some relief.

Finding a permanent solution is proving to be more complex because of the various government agencies involved and the different views of the residents and the local business community.

A working group has been set up to try and address these more complex issues. That working group does include various agencies and resident representatives and they are meeting every two weeks.

I understand that the residents' representatives include people who are directly affected and we did hear about it in some detail at our community forum that was held in the Reception Room.

I invite the Director City Planning (Southern Zone) to also respond.

**Director City Planning (Southern Zone)**

Lord Mayor, there is a working group. From memory, the advice of the Council officer who has the most direct involvement was that he anticipated that the outcome of that working group will be fed back through the Traffic Committee and that there will be a report to Council sometime early in the new year.

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

Thank you. It would be really nice if Council could go back to the next community forum for that group having resolved that issue, because clearly it is a matter that is causing a great deal of distress, particularly for those older people who are having to put up with it every weekend.

**INTERNATIONAL GRAMMAR SCHOOL (S032445)**

5. By Councillor Pooley

**Question**

Lord Mayor, I have been approached by representatives of the International Grammar School who, I understand, have also written to yourself and the Acting General Manager as well.

They indicate that they believe they are currently breaching occupational health and safety regulations in relation to the heat inside some classrooms on some days. They further advise that their attempts to access the sinking fund for the purchase of air conditioners has been somewhat difficult.

Could you please advise of the status of their request or could I be advised when such a resolution is achieved?

**Answer by the Lord Mayor**

Councillor Pooley, I will invite the Acting General Manager to respond.

**Acting General Manager**

Lord Mayor, I will try and do both, the second being that when a resolution is achieved I will let you know.

As for the first, I understand that the Properties staff have been liaising with the people of the International Grammar School, a significant tenant of ours, on an ongoing basis for probably a period of between one and two months to try and achieve a resolution.

There is the practical issue which you have raised which has been exacerbated by recent hot weather.

There is a long term complex lease, which attributes responsibility to the Grammar School but, as you have noted, there is a sinking fund issue. It is being worked upon and we are trying to resolve this issue as quickly as possible.

### **HOMELESS OUTREACH PROGRAM (S032439)**

6. By Councillor Kemmis

#### **Question**

Lord Mayor, at the last Council meeting you informed Council that you would be having a follow up meeting with the Minister for Housing to formalise the work between the City and the State in terms of our homeless outreach program? Could you inform Council about the outcome of that meeting?

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

Councillor Kemmis, yes I would be pleased to do that. I had a follow up meeting with Carl Scully, the Minister for Housing, on 18 September. As a result of that meeting the City and the Department of Housing are going to work together to develop a joint outreach service to be in place by 1 July next year.

At present there are two outreach services operating in the City. They are the Street Outreach Service, which the City has operated since 2000, and the Homeless Action Team Outreach and Support Service, that was established by the Department of Housing, and that used to work co-operatively with South Sydney Council.

The City has a vital interest in working co-operatively with street based services - as a socially responsible Council and as a manager of the public domain. Our Rangers and street and park cleansing staff have played an important role in identifying homeless people who need help.

The Department's Homeless Action Team provides ongoing support to people who have been assisted into accommodation. This is also a very important issue. It is not just a matter of putting a roof over people's heads. The majority of people, if not all of the people living on the street have some serious problem. Often it's a mental illness, it's usually a substance abuse, there aren't life skills there, there's been severe trauma in their lives, and so once we get them into accommodation they then need ongoing assistance which the Department, as a State Government agency, is in a much better position to provide than the City.

The new model of the City and the State working together will build on the strengths of the two existing policies, it will avoid duplication and lead to an improved service for homeless people in the City and that, of course, is what everyone on this Council would want. In the meantime the City and the Department of Housing will work to ensure the two services operate as seamlessly as possible.

We have two services operating currently. They are actively co-ordinating their services and they are sharing information and resources and I would particularly like to commend Felicity Reynolds, Council's Project Co-ordinator, Homelessness, and her team for working hard to get this project to this stage. Felicity has worked closely with Elena Katrakis from the Department of Housing, and I think the Minister expressed a great deal of enthusiasm for us developing a service conjointly.

I invite the Acting Deputy General Manager to respond also.

### **Acting Deputy General Manager**

Lord Mayor, perhaps I could just provide some figures for the Councillors' benefit. Last year, in the calendar year, as we don't have all the statistics yet for this year, our street team had 1871 interactions with homeless people and the Homeless Action Team Outreach and Support Service had just over 500.

So it is quite a large service, as you can understand, and there are strengths in both services. What we are really trying to do is to learn from the experiences of both the different services and look at what we can now do better and what we can do together.

### **KINGS CROSS PARTNERSHIP (S032444)**

7. By Councillor Firth

#### **Question**

Lord Mayor, can you request Council officers to submit a report to Council providing a breakdown of the details of the roughly \$800,000, I don't know if we have a final figure, granted by the City of Sydney to the Kings Cross Partnership prior to the last Council election?

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

Councillor Firth, I will invite the Acting General Manager to respond.

#### **Acting General Manager**

Lord Mayor, I think the solution is to distribute the Council report which, as I recall, sets out the breakdown of the Kings Cross Partnership support.

**INNER CITY TRAFFIC (S032438)**

8. By Councillor McInerney

**Question**

Lord Mayor, at the last Council meeting you informed Council of your plans to invite inner City Mayors to a briefing on traffic. Could you inform Council of the outcome of this briefing?

**Answer by the Lord Mayor**

Thank you Deputy Lord Mayor. I did mention this briefing in my response earlier to Councillor Mallard. I will just give you a bit more detail.

It was a really important meeting. We had the Mayors, and where we couldn't have Mayors there were Councillors representing those Mayors, from Botany Bay, Canada Bay, Leichhardt, Marrickville, Randwick, Waverley and Woollahra. As you can see, there were Mayors from every political persuasion there and we met to discuss the transport needs of inner Sydney.

This is the issue that we have been discussing at the business forum with City business leaders and I thought it was very interesting that, given the breadth of the political spectrum sitting in the room, there was a unanimous view about our inner city transport needs. I thought that this was very interesting as there was virtually a unanimous view of the business community that action is needed.

I presented to the Mayors the information that I have also presented to the business community, the fact that the forecasts show that there will be a 30 per cent increase in the residential population in the coming decade, and there is going to be a 20 per cent increase in jobs. It is going to mean that Sydney is expected to grow by 20 per cent. These are quite significant figures and they are going to impact seriously on the City and on those neighbouring Councils.

It was agreed that more of the same, ie, more buses, was not an acceptable solution either for the current levels of demand or for the future, and it was agreed that a mass transit system is needed. That group expressed support for a light rail mass transit system that begins in the central business district (CBD) - and this was stressed by the group - it needed to begin in the CBD so that people could experience that form of transport, how pleasant it is, how efficient it is, how effective it is, how it moves large numbers of people. Once they experience that, they would then support it as it moved out to an integrated network that the City and the surrounding Councils would like to see.

It was discussed that the routes that we have developed so far in our discussion document registered general support from those Council representatives as well. Woollahra would like to see a route along New South Head Road. At the moment there is one along Oxford Street so they would also like to see an arm and that is very logical given the very heavy public transport use on that New South Head Road route. So we started getting into that sort of detail.

We agreed that our consultants would go and brief those other Councils. They were very interested in that and they were very interested in developing further the details of the routes that would emanate from the City.

I would like to sum up by saying that they want to see a light rail network established, they want to see it start in the CBD, and they want to work constructively with the City to achieve this goal, to put pressure on the State Government. They want to form a working group and I have written on their behalf to seek an urgent meeting with the Premier.

The general consensus around the table was this was not something that we can deal with in five years time, that the need is urgent and we need to respond to it now. It fits in very much with the work that the City has been doing that we are discussing with the business community and, of course, it fits in very much with the metropolitan strategy that the State Government is currently doing.

So I think it was a very worthwhile exercise and I would like to thank Sue Salmon of the Office of the Lord Mayor for the very hard work that she is putting in on this particular issue. It is something that the City is driving and I see it as our role to be doing that because, as Councillor Lee kept pointing out in the lead up to the election, there is a very serious congestion problem in Sydney.

We are trying to address it and we are trying to work out what the best solutions are to address it and so far we are finding consensus both with the City community and with the local government communities surrounding the city. We are building up a very strong network of support to take to the State Government to say action is needed, as well as shuttle buses, Councillor Lee.

### **KINGS CROSS PAVEMENT WORKS (S032443)**

**9.** By Councillor Lee

#### **Question**

Lord Mayor, are the Kings Cross pavement works substantially complete? If so, why is there a large number of granite paver pallets in Macleay Street near the El Alamein Fountain?

If further works are proposed, what is their extent, and when is it expected that those works will be completed?

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

Councillor Lee, I will invite the Acting Director City Development to respond.

#### **Acting Director City Development**

Lord Mayor, I can't confirm the exact use for those pavers but they will all be moved by Saturday.

There is still a substantial amount of work to complete on Macleay Street and Darlinghurst Road. There is a small amount of work still to be done in Roslyn Street on the eastern side.

There are still works in Springfield Avenue to be done which will be happening in the new year, and that will also include the completion of the western side of the stairs in Springfield Plaza and there are some works outside the Millenium Hotel which we are doing on their behalf, for which we are being paid, which has actually moved them ahead of when they would normally have been done with their development consent.

**Councillor Lee (Supplementary Question)**

Lord Mayor, when do we intend to re-open Darlinghurst Road to two-way traffic? Is it this weekend or after these other works are finished in the new year?

**Answer by the Lord Mayor**

Councillor Lee, I will invite the Acting Director City Development to respond.

**Acting Director City Development**

Lord Mayor, it will be after the weekend. The roads are being cleaned over the next couple of days so there will be a four day shutdown.

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

Councillor Lee, we are expecting, as we open Darlinghurst Road on Saturday for our Kings Cross celebration and festival, to see the stunning, newly completed footpath, cleaned and sealed, and the new library and it should be quite a delightful weekend in terms of the preparations that Council has undertaken.

**ITEM 17. NOTICES OF MOTION**

FILE NO:

DATE: 23/11/04

**STREET FURNITURE (S032460)****1. By Councillor Harris -**

That copies of tender documents and all contracts with JCDecaux and associated companies be provided to the Chairman of the Planning Policy Sub-Committee for his perusal and discussion with interested Councillors.

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

Moved by Councillor Harris, seconded by Councillor McInerney -

That the Acting General Manager be requested to arrange a briefing of all interested Councillors on -

- (a) the tender process; and
- (b) the terms of existing contracts,

relating to the provision of street furniture throughout the current local government area.

Carried.

**GRAFFITI REMOVAL (S032460)****2. By Councillor Harris -**

That any decision to extend or renew the contract for graffiti removal be brought before Council for discussion before a new contract is executed and that in the interim period Councillors be provided with a copy of the current contract.

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

Moved by Councillor Harris, seconded by Councillor Kemmis -

In relation to the provision of graffiti removal services:

(A) Council note that:

- (i) in excess of 10,000 incidents of graffiti have been removed monthly in the current year;

- (ii) on 28 October 2002, the former City of Sydney Council resolved to enter into a contract for graffiti removal services. The contract commenced on 2 December 2002, with an initial 2 year term, and includes provisions to extend the term for three one-year periods;
  - (iii) following proclamation of boundary changes on 19 February 2003, which took effect on 8 May 2003, the original contract was varied by resolution to apply to the extended local government area of the former City of Sydney Council;
  - (iv) following amalgamation of the two former Councils on 6 February 2004, the contract was again varied by resolution to apply to the whole new local government area;
  - (v) the exercise of the option to extend the contract is within the delegations by Council to the General Manager;
- (B) the General Manager be requested to review the expected impacts, including resources, cost and lead times required if Council wishes to undertake graffiti removal itself, and to report back to Council by 30 June 2005.

Carried unanimously.

**THE LATE TED McDERMOTT (S032463)**

3. Moved by Councillor Pooley, seconded by Councillor Lee -

That this Council expresses its deep regret at the passing of Ted McDermott, a lifelong South Sydney resident. It extends its deepest sympathy to his wife Freda, and his extended family and friends.

That a letter expressing these sentiments, under the Lord Mayor's signature, be conveyed to his family.

Carried unanimously.

**Closed Meeting**

At 10.27pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

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

Section 10A(2)(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); and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 6.4 on the agenda as this matter 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 be 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.

Carried.

Items 4B and 6.4 were then dealt with by Council while the meeting was closed to the public.

**ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 29 NOVEMBER 2004 (CONTINUED)**

The Committee recommended the following:-

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the recommendations of the Finance, Properties and Tenders Committee of its meeting of 29 November 2004 for Item 6.4 be adopted.

Carried unanimously.

**TENDER FOR SYDNEY TOWN HALL UPGRADE - PHASE A COMPLETION OF WORKS - TENDER 0423 (15629)****6.4**

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 executed.

At this stage of the meeting, all staff, with the exception of the Acting General Manager and the Manager Employee Relations, left the meeting of Council.

**ITEM 4B. ENTERPRISE AGREEMENT**

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

That arising from consideration of a Memorandum by the Acting General Manager to Council 6 December 2004, on Enterprise Agreement 2007, it be resolved that Council endorse Enterprise Agreement 2007, as shown at Attachment C to the subject Memorandum.

Carried unanimously.

At 10.40pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 20 December 2004 at which  
meeting the signature herein was subscribed.