

**7 JUNE 2004**

**Meeting No 1412**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 6.07pm on 7 June 2004 pursuant to Notice 10/1412 dated 3 June 2004.

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### PRESENT

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

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

At the commencement of business at 6.07pm those present were:-

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

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

#### Opening Prayer

The Lord Mayor opened the meeting with prayer.

**ITEM 1. CONFIRMATION OF MINUTES****Minutes of Council Meeting of Monday 17 May 2004**

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

That the minutes of the Meeting of Council of Monday 17 May 2004, as circulated to Councillors prior to this meeting, be confirmed.

Carried.

**Minutes of Extraordinary Meeting of Council of Tuesday 1 June 2004**

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

That the minutes of the Extraordinary Meeting of Council of Tuesday 1 June 2004, as circulated to Councillors, be confirmed.

Carried.

**ITEM 2. DISCLOSURES OF INTEREST**

Councillor Harris declared a non-pecuniary interest in Item 7.2(E) in that he has a commercial business relationship with the Griffin Theatre Company. Councillor Harris was present during discussion and voting on that Item.

No other interests were declared.

**ITEM 3A. LIVERPOOL STREET - TRIAL CLOSURE AT WHITLAM SQUARE**

FILE NO: S027148

DATE: 2/6/04

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

For some years since the community consultation commenced for the Eastern Distributor, residents in East Sydney have lobbied to close Liverpool Street at Whitlam Square as a means to improve the safety of pedestrians, as well as address problems of rat-running through-traffic using Liverpool Street as a short-cut. This proposal has previously been supported by the East Sydney Neighbourhood Association (ESNA) as part of their Strategic Plan for East Sydney, with additional support also expressed by residents from various streets within East Sydney.

Whitlam Square is a complex intersection of several main traffic routes including Liverpool Street, College Street, Wentworth Avenue and Oxford Street. While the continuation of Liverpool Street to the east of Whitlam Square is primarily intended to cater for local traffic only, it is often used as a short-cut to Paddington and the east. The situation is exacerbated by the bend in the road where Liverpool Street joins Oxford Street, which has a tendency to funnel further traffic into Liverpool Street.

Council is shortly to commence construction of the Oxford Street Gateway project. The re-design of the intersection, which includes a narrowing of the entrance to Liverpool Street, will make it safer for pedestrians to cross and will also reduce traffic flows into Liverpool Street.

Given that work is about to commence on the upgrade, which has undergone extensive public consultation, the project will continue as approved. At the same time however, it is possible for Council to review the possibility of closing Liverpool Street to through-traffic altogether, with the exception of emergency vehicles, on a trial basis.

The City has a delegation from the Roads and Traffic Authority (RTA) which allows it to close roads to traffic following the completion of a number of steps which includes public consultation as well as seeking the agreement of the Police and RTA via the Sydney Traffic Committee.

**RECOMMENDATION:**

That arising from consideration of a Minute by the Lord Mayor to Council on 7 June 2004, on Liverpool Street – Trial Closure at Whitlam Square, it be resolved that:

- (A) Council agree in principle to the trial closure of Liverpool Street at Whitlam Square, subject to the satisfactory outcome of public consultation;
- (B) the views of the local community and emergency services be canvassed in respect of the proposal;
- (C) the proposal be advertised in accordance Section 116 of the Roads Act 1993;
- (D) a Traffic Management Plan to be lodged with the Roads and Traffic Authority for approval;
- (E) the proposal be referred to the Sydney Traffic Committee for advice, and
- (F) following completion of public consultation, a further report is to be referred back to Council for final determination.

(SGD) COUNCILLOR CLOVER MOORE  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 7 June 2004, on Liverpool Street – Trial Closure at Whitlam Square, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

### **ITEM 3B. TRAFFIC IMPACTS ARISING FROM THE CROSS CITY TUNNEL**

FILE NO:

DATE: 3/6/04

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

##### To Council:

The Cross City Tunnel (CCT) project provides a number of significant benefits to the City of Sydney with improved traffic flow, enhanced public transport services, dedicated cycleways and improved pedestrian amenity.

In spite of assurances by the Roads and Traffic Authority (RTA), residents remain concerned that traffic arrangements at the eastern and western approaches to the CCT do not adequately address local community concerns in regard to rat-running through traffic intruding into local streets.

Experience from construction of the Eastern Distributor shows that Local Area Traffic Management (LATM) plans are essential to limit flow-on impacts on surrounding residential areas. While comprehensive LATM plans were developed as part of the Eastern Distributor to protect local communities, the same approach has not been used with the CCT.

For residential areas to maintain and rediscover amenity, through-traffic must be directed onto major roads. Residents in the Darlinghurst, Rushcutters Bay and Kings Cross areas in particular believe that LATM Plans are essential to ensure residential amenity is not only protected but enhanced.

It is therefore imperative for the RTA to develop well researched, coordinated, and community-based LATM plans to address residents concerns and protect local communities.

Both Woollahra and Leichhardt Council's share similar concerns and have indicated they intend to request that the RTA develop and implement LATM Plans for affected areas.

##### RECOMMENDATION:

That arising from consideration of a Minute by the Lord Mayor to Council on 7 June 2004, on Traffic Impacts Arising from the Cross City Tunnel, it be resolved that:

- (A) Council request the Roads and Traffic Authority to develop and implement Local Area Traffic Management (LATM) plans to assess and minimise the impact of the Cross City Tunnel (CCT) on residential areas to the west and east of the CCT. In particular, LATM plans should investigate the impact on affected suburbs including Darlinghurst, East Sydney, Rushcutters Bay, Kings Cross, Woollahra, Ultimo, Glebe and Forest Lodge; and
- (B) the Lord Mayor, together with the Mayors of Leichhardt and Woollahra, seek to meet with the Minister for Roads to pursue the Councils' concerns.

(SGD) COUNCILLOR CLOVER MOORE  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 7 June 2004, on Traffic Impacts Arising from the Cross City Tunnel, it be resolved that the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

#### **ITEM 4. MEMORANDA BY THE GENERAL MANAGER**

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

#### **ITEM 5. MATTERS FOR TABLING**

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

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

Carried.

**ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 31 MAY 2004****PRESENT**

Councillor Robyn Kemmis  
(Chair)

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

At the commencement of business at 4.10pm those present were -

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

The meeting of the Finance, Properties and Tenders Committee concluded at 4.31pm.

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 10 May 2004 be received, and the recommendations set out below for Items 6.2 to 6.4 inclusive be adopted, with Item 6.1 being noted

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.

**INVESTMENTS HELD BY COUNCIL AS AT 30 APRIL 2004 (S02-0960)****6.2**

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 31 May 2004, on Investments Held by Council as at 30 April 2004, it be resolved that-

(A) the report be received and noted; and

- (B) opportunities for and implications of ethical investments be assessed as part of the draft Investment Policy and Strategy which is being prepared by Council officers for the consideration of Council.

Carried.

### **MARCH 2004 - QUARTER 3 BUDGET AND CORPORATE PLAN REVIEW (S019994)**

#### **6.3**

That arising from consideration of a report by the Finance Manager to the Finance, Properties and Tenders Committee on 31 May 2004, on March 2004 - Quarter 3 Budget and Corporate Plan Review, it be resolved that Council: -

- (A) note year to date performance versus budget;
- (B) note the Quarter 3 year end forecast showing a Net Surplus of \$70.3M;
- (C) note the Quarter 3 year end forecast for Capital Works Expenditure of \$80.0M;
- (D) note the Quarter 3 year end forecast for plant and assets of \$16.4M; and
- (E) note the performance indicators and year to date achievements as detailed at Attachment C to the subject report.

Carried.

Note – At the meeting of the Finance, Properties and Tenders Committee, both the Chair (Councillor Kemmis) and the Lord Mayor extended thanks and congratulations to Council staff on an extraordinary achievement.

### **FOOTWAY LICENCES – REVIEW OF FEE CONCESSIONS UNDER SOUTH SYDNEY COUNCIL FOOTWAY RESTAURANT LICENCE POLICY (L56-00352)**

#### **6.4**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 31 May 2004 on Footway Licences – Review of Fee Concessions Under South Sydney Council Footway Restaurant Licence Policy, it be resolved that –

- (A) the waiving of legal fees and security deposits set out in the resolution of South Sydney City Council dated 18 December 2002 (as shown at Attachment B to the subject report) be continued for a further 2 year period until December 2005; and

- (B) the map (as shown at Attachment B to the subject report) be amended to include, in addition to Regent Street and Redfern Street, those areas of Chalmers Street previously covered by the former South Sydney Council Footway Restaurant Licence Policy.

Carried.

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

**6.5**

Note – No report was circulated and this matter was not discussed at the meeting of the Finance, Properties and Tenders Committee, nor at the meeting of Council.

**ITEM 7. REPORT OF THE CULTURAL AND COMMUNITY CARE COMMITTEE - 31 MAY 2004**

PRESENT

Councillor Phillip Black  
(Chair)

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

At the commencement of business at 4.34pm those present were -

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

The meeting of the Cultural and Community Care Committee concluded at 5.13pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor Lee -

That the Report of the Cultural and City Care Committee of its meeting of 31 May 2004 be received, and the recommendations set out below for Items 7.2 and 7.3 be adopted, with Item 7.1 being noted

Carried.

The Committee recommended the following -

**DISCLOSURES OF INTEREST**

**7.1**

At the meeting of the Cultural and Community Care Committee –

Councillor Harris declared a non-pecuniary interest in Item 7.2(D) in that he has a commercial business relationship with the Griffin Theatre Company. Councillor Harris took part in discussion and voting on this matter; and

Councillor Black declared a non-pecuniary interest Item 7.2 in that he is President of the South Sydney Heritage Society, which is the recipient of subsidised accommodation from Council. Councillor Black took part in discussion and voting on this matter.

No other interests were declared.

### **Closed Meeting**

At 4.35pm, the Cultural and Community Care Committee resolved -

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

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 7.2 on the agenda as this matter comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 7.3 on the agenda as this matter comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and

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

Items 7.2 and 7.3 were then dealt with by the Cultural and Community Grants Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

### **CULTURAL AND COMMUNITY GRANTS, SUBSIDIES AND SPONSORSHIP (S031204)**

#### **7.2**

That arising from consideration of a report by the Manager, Cultural and Community Affairs to the Cultural and Community Care Committee on 31 May 2004, on Cultural and Community Grants, Subsidies and Sponsorship, it be resolved that:

- (A) the report be received and noted;
- (B) Council develop a Sponsorship Policy against which all requests for sponsorship can be critically assessed. This Policy should define the strategic directions for the various areas of the City of Sydney Cultural Sponsorship, which include Community Sponsorship, Sponsorship for Events and City of Sydney produced events;
- (C) Council consider Sponsorships for 2005/2006 and future years once clause (B) has been implemented;
- (D) Council receive a report in regard to the allocation and assessment criteria for the provision of Subsidised Accommodation at the earliest possible time; and

- (E) the Manager Cultural and Community Affairs be requested to contact the S.H. Ervin Gallery, Pinchgut Opera, Griffin Theatre Company, Historic Houses Trust for Sydney Open and the Spanish Quarter Street Festival and establish whether or not they would suffer undue financial hardship and be unable to proceed with their projects if they are not given, within the next few months, certainty as to future funding, and report back to the next meeting of Council.

Carried.

Note – Councillor Black informed Council that the Manager Cultural and Community Affairs, as requested, had reported back to all Councillors and advised them that, having contacted the organisations referred to in clause (E), they had all responded that they were able to wait a few months for a decision on funding, but the sooner a decision was made the better they could plan for the future.

### **NEW YEAR'S EVE BRIDGE EFFECT – EXEMPTION FROM TENDER (SO31819-01)**

#### **7.3**

That arising from consideration of a report by the New Year Eve's Producer to the Cultural and Community Care Committee on 31 May 2004, on New Year's Eve Bridge Effect – Exemption from Tender, it be resolved that -

- (A) Council approve an exemption from the need to tender for the Construction services for the 2004 New Year's Eve Bridge Effect due to the following exceptional circumstances:
- (i) the time constraints resulting from the circumstances surrounding this creative production process;
  - (ii) the limited number of suppliers who can undertake work of this nature and on this scale;
  - (iii) the procurement and contracting process, as outlined in the subject report, which will involve seeking a limited expression of interest and quotes from at least three suppliers;
- (B) the General Manager be authorised to negotiate and execute contracts with a value exceeding \$100,000 with suppliers of Construction Services, in consultation with the Lord Mayor, with a view to fulfilling the requirements for the 2004 New Year's Eve Bridge Effect .

Carried.

**ITEM 8. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE -31 MAY 2004**

PRESENT

Councillor Marcelle Hoff  
(Chair)

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

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

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

The Lord Mayor left the meeting of the Community Services, Small Business and Tourism Committee at 6.29pm during discussion on Item 8.2 and did not return.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.40pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor Pooley -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of 31 May 2004 be received, and the recommendations set out below for Item 8.3 be adopted, with Items 8.1 and 8.2 being noted.

Carried.

**DISCLOSURES OF INTEREST**

**8.1**

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

**INQUIRY INTO ISSUES RELATING TO REDFERN WATERLOO (2029813)**

**8.2**

That consideration of this matter be deferred to the meeting of Council on 7 June 2004.

Carried.

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

Note – the Community Services, Small Business and Tourism Committee requested that amendments, as detailed at the meeting, be made to the draft submission shown at Attachment A to the subject report.

### **Closed Meeting**

At 6.35pm, the Community Services, Small Business and Tourism Committee resolved –

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 8.3 on the agenda as this matter comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

it was further resolved that the meeting be closed for this item on the basis that discussion of this matter 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 communication.

Item 8.3 was then dealt with by the Community Services, Small Business and Tourism Committee while the meeting was closed to the public and subsequently dealt with by Council in open session.

### **HOMELESS STREET OUTREACH SERVICE - EXTENSION OF CONTRACT (S008854/2029618 (DW546115/FR/DT))**

#### **8.3**

That arising from consideration of a report by the Director Community Living to the Community Services, Small Business and Tourism Committee on 31 May 2004, on Homeless Street Outreach Service – Extension of Contract, it be resolved that -

- (A) Council not invite tenders for the continued operation of the City Street Outreach Service described in the subject report (CSOS) for a one (1) year period because of the extenuating circumstances which have arisen due to the amalgamation of the former City of Sydney and South Sydney City Councils, namely:
- (i) the CSOS now needs to be revisited to reflect the changed City of Sydney boundary;
  - (ii) new funding and operational arrangements need to be agreed with the Department of Housing;
  - (iii) the necessity for the provision of an ongoing service;
  - (iv) there being one month remaining prior to the expiry of the contract with Independent Community Living Association (ICLA) for the provision of CSOS,

and accordingly a satisfactory result would not be achieved by inviting tenders;

- (B) Council extend the current contract with ICLA for 12 months in order to provide enough time to clarify the long term provision of outreach services across the LGA;
- (C) authority be delegated to the General Manager to enter into a contract with ICLA in accordance with this resolution;
- (D) 'in principle' support be given to the further investigation and clarification of a 'one service' model for outreach service provision within the LGA; and
- (E) all relevant documentation be executed by Council's attorney.

Carried.

**ITEM 9. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 31 MAY 2004**

**PRESENT**

The Deputy Lord Mayor Councillor John McInerney  
(Chair)

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

At the commencement of business at 6.45 pm those present were -

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

Councillor Firth arrived at the meeting of the Planning Development and Transport Committee at 6.50 pm during discussion on Item 9.9 which had been brought forward. The Lord Mayor (Councillor Moore MP) arrived at the meeting of the Planning Development and Transport Committee at 7.25 pm, also during discussion on Item 9.9.

Councillor Hoff left the meeting of the Planning Development and Transport Committee at 8.29pm during discussion on Item 9.5. Councillor Hoff returned at 8.33pm during discussion on Item 9.6.

**Apology**

The Lord Mayor (Councillor Moore MP) extended her apologies in that she would be late arriving at the meeting of the Planning Development and Transport Committee, as she was required to attend a community meeting in Woolloomooloo.

**Order of Business**

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

1. Disclosures of Interest
9. Development Application: 32-32A Darlinghurst Road, Potts Point (Empire Hotel)
11. Development Application: 342 Bulwara Road, Ultimo
10. Development Application: 326-342 Liverpool Street, Darlinghurst
12. Development Application: 4-32 Lyons Road, Camperdown - Adaptive Re-Use of Westons Biscuit Factory for Residential and Commercial Purposes
2. City of Sydney Draft Contaminated Land Development Control Plan 2004 - Report on Submissions
3. City of Sydney Draft Access Development Control Plan 2004- Report on Submissions
4. South Sydney Local Environmental Plan 1998 - Draft Amendment no. 16 - Exhibition of Additional Heritage Items

5. Section 96(2) Application: Proposed Extension of Construction Hours - Streetscape Upgrade of Darlinghurst Road (and Parts of Macleay Street) Darlinghurst/Kings Cross
6. Section 82A Review: 1-17 Euston Road, Alexandria (Continuing Use for Retailing of Homewares/Appliances and Extend Hours of Operation)
7. Section 82A Review: 1-17 Euston Road, Alexandria (Coffee Shop)
8. Section 82A Review Application: 304-308 King Street, Newtown
13. Masterplan Application: 219-231 Botany Road, Waterloo
14. Development Application: 176-178 Cope Street, Waterloo
15. Development Application: 328-342 King Street Newtown

The meeting of the Planning Development and Transport Committee concluded at 9.00 pm.

### Report of the Committee

Moved by Councillor McInerney, seconded by Councillor Lee -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 31 May 2004 be received, and the recommendations set out below for Items 9.4, 9.8 and 9.10 to 9.14 inclusive be adopted, with Items 9.1, 9.3, 9.5, 9.6 and 9.9 being noted, and Items 9.2, 9.7 and 9.15 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

### **DETERMINED BY COUNCIL**

### **DISCLOSURES OF INTEREST**

#### **9.1**

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

### **CITY OF SYDNEY DRAFT CONTAMINATED LAND DEVELOPMENT CONTROL PLAN 2004 – REPORT ON SUBMISSIONS (S027676)**

#### **9.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to the City of Sydney Draft Contaminated Land Development Control Plan 2004, it be resolved that Council:-

- (A) approve the development control plan, shown at Attachment “A” to the subject report, pursuant to Clause 21(1)(b) of the Environmental Planning and Assessment Regulation 2000 as the City of Sydney Contaminated Land Development Control Plan 2004 with its operation to commence from the date of publication of its Notice of Approval;
- (B) delegate authority to the Lord Mayor to make any minor drafting changes that may be required as a result of the Central Sydney Planning Committee’s consideration of the City of Sydney Draft Contaminated Land Development Control Plan 2004;
- (C) repeal the following development control plans under the provisions of Clause 22 of the Environmental Planning and Assessment Regulation 2000 from the date which the City of Sydney Contaminated Land Development Control Plan 2004 takes effect:-
  - (i) Development Control Plan No. 42 – Contaminated Land Management (prepared by Leichhardt Council) – June 2000 (amended January 2001);
  - (ii) Contaminated Land Development Control Plan (prepared by the former South Sydney City Council);
  - (iii) South Sydney Development Control Plan 1997 – Part E – Section 1.8 Site Contamination (prepared by the former South Sydney City Council); and
- (D) advise submitters of the outcome of Council’s decision.

Amendment. At the meeting of Council, at the request of Councillor McInerney and by consent, the motion was amended by the deletion, in clause (B), of the words “Lord Mayor” and the substitution of the words “General Manager”.

Motion, as amended by consent, carried.

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee on Item 9.2.

### **CITY OF SYDNEY DRAFT ACCESS DEVELOPMENT CONTROL PLAN 2004 - REPORT ON SUBMISSIONS (S010063)**

#### **9.3**

That consideration of this matter be deferred to the meeting of Council on 7 June 2004.

Carried.

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

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

**DRAFT SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1998 - AMENDMENT NO. 16 - EXHIBITION OF ADDITIONAL HERITAGE ITEMS (20229465)**

**9.4**

That arising from consideration of a report by the Heritage Planner to the Planning Development and Transport Committee on 31st May 2004, in relation to the exhibition of South Sydney Local Environmental Plan 1998-Amendment No. 16, it be resolved that Council:-

- (A) endorse the exhibition of the Draft Local Environmental Plan 1998 Amendment No. 16 for a minimum of 28 days, as shown as Attachment A to the subject report, in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and associated Regulations; and
- (B) note that Council has delegated powers to issue a Section 65 Certificate under the Act, to allow the exhibition to proceed.

Carried.

Note - Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee on Item 9.4.

**SECTION 96(2) APPLICATION: PROPOSED EXTENSION OF CONSTRUCTION HOURS- STREETScape UPGRADE OF DARLINGHURST ROAD (AND PARTS OF MACLEAY STREET) DARLINGHURST/KINGS CROSS (D/03/00490/A)**

**9.5**

That consideration of this matter be deferred to the meeting of Council on 7 June 2004.

Carried.

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

Note - Mr Sean Mah and Mr Ken Hutt addressed the meeting of the Planning Development and Transport Committee on Item 9.5.

**SECTION 82A REVIEW: 1-17 EUSTON ROAD, ALEXANDRIA (CONTINUING USE FOR RETAILING OF HOMEWARES/APPLIANCES AND EXTEND HOURS OF OPERATION) (U03-00914)**

**9.6**

That consideration of this matter be deferred to the meeting of Council on 7 June 2004.

Carried.

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

Note - Mr Gary Shiels addressed the meeting of the Planning Development and Transport Committee on Item 9.6.

**SECTION 82A REVIEW: 1-17 EUSTON ROAD, ALEXANDRIA (COFFEE SHOP) (U03-00878)**

**9.7**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to the Section 82A Review of the determination for application U03-00878 for the construction of a coffee shop on the ground floor level of the Victoria's Basement Premises at 1-17 Euston Road Alexandria, it be resolved that -

(A) the earlier determination of refusal be upheld. The grounds for review set out in the application do not justify a change to the determination for the following previous reasons:

- (1) That the proposed coffee shop does not comply with the objectives of the Mixed Uses 10 zone in particular objective (h) as it combined with the main use of the premises will result in a degradation of the amenity of nearby residents resulting from car and bus parking/traffic, noise, fumes and the proposed hours of operation (Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979);
- (2) That the proposed coffee shop will increase the premises parking generation whilst reducing the on site parking provision and adversely affecting onsite vehicle circulation and accordingly it is contrary to the objectives and provisions of DCP 11 – Transport Guidelines for Development (Section 79C (1) (b) of the EPA Act 1979);
- (3) That the granting of consent to the proposal is not in the public interest (Section 79 C (1) (e) of the EPA Act 1979).

(B) the following additional reasons for refusal be provided:

- (1) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 in that it does not comply with the Mixed Use 10 zone objectives in Clause 21(1)(a), (b), (e), (f) and (g) of South Sydney Local Environmental Plan, 1998;
- (2) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Clause 10 of South Sydney Local Environmental Plan 1998, because it is not consistent with the zone objectives;

- (3) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Objectives stipulated in Section 1.2 of South Sydney Development Control Plan No. 11 – Transport Guidelines for Development in that it does not adequately cater for vehicles;
- (4) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Part B – Section 3 of South Sydney Development Control Plan 1997 –Urban Design, in that it does not enhance the city’s urban villages, public spaces, and pedestrian networks;
- (5) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Part D – Section 2 - Access of South Sydney Development Control Plan 1997 – Urban Design;
- (6) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Part B – and Part D of Section 6 – Cumulative Tradeoffs of South Sydney Development Control Plan 1997 – Urban Design;
- (7) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Part E – Section 1.2 and 1.6 – Site Layout and Parking, Access and Servicing of South Sydney Development Control Plan 1997 – Urban Design in that vehicle circulation pattern is inaccessible;
- (8) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Part E – Section 4.2 – Safety and Security of South Sydney Development Control Plan 1997 –Urban Design in that the proposal will encourage unsafe vehicle movements within the site;
- (9) The proposal is unsatisfactory having regard to Section 79(c)(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, in that it does not comply with Part E – Section 6 – Operational Controls of South Sydney Development Control Plan 1997 –Urban Design in that no management plan has been submitted to reduce the impact to amenity.

Amendment. At the meeting of Council, at the request of Councillor Pooley and by consent, the motion was amended by the addition of clause (C) as follows:

“A further report on ways to control traffic, particularly buses, in the vicinity of the subject site, such as a Traffic Management Plan for the area, weight limits on surrounding roads, etcetera be prepared by the Manager Transport Management in the near future to the Planning Development and Transport Committee.”

Motion, as amended by consent, carried.

Note - Mr Gary Shiels addressed the meeting of the Planning Development and Transport Committee on Item 9.7.

**SECTION 82A REVIEW APPLICATION: 304-308 KING STREET, NEWTOWN (U02-01146)**

**9.8**

That arising from consideration of a report by the Town Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to the Section 82A review of determination for Development Application 02-01146 made by SPD Town Planners for the site at 304-308 King Street, Newtown, for the additional use of private video booths and sex on premises to an existing restricted premises being 'The Basement Adult Bookshop', it be resolved that -

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

- (1) The proposal does not comply with the Mixed Uses No.10 Zone objectives of South Sydney Local Environmental Plan 1998, having regard to section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- (2) The proposal does not comply with the objectives and requirements of South Sydney Sex Industry Policy, having regard to section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.
- (3) The proposal will have an adverse impact on the amenity of surrounding properties, having regard to section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979.
- (4) The proposal is unsuitable and inappropriate for the site and its surrounding context, having regard to section 79C(1)(b), (c), and (d) of the Environmental Planning and Assessment Act 1979.
- (5) The proposal is not in the public interest, having regard to section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

(B) Council advise the applicant and objectors of the decision.

Carried.

**DEVELOPMENT APPLICATION: 32-32A DARLINGHURST ROAD, POTTS POINT (EMPIRE HOTEL) (D2004/00142)**

**9.9**

That -

- (A) consideration of this matter be deferred to the meeting of Council on 7 June 2004; and
- (B) an inspection of the subject site be undertaken by interested Councillors on Saturday morning, 5 June 2004.

Carried.

(Note - This matter was dealt with by Council as Item 14 on the Business Paper).

Note - Mr Andrew Woodhouse, Ms Patricia Arnott, Ms Wanda Jaworski, Ms Annette Nevin and Mr Andrew Jolliffe addressed the meeting of the Planning Development and Transport Committee on Item 9.9.

**DEVELOPMENT APPLICATION: 326-342 LIVERPOOL STREET, DARLINGHURST (D/03/01344)**

**9.10**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to Development Application D/03/01344 made by PDP Darlinghurst Apartments for the site at 326-342 Liverpool Street Darlinghurst, for the redevelopment of the former telephone exchange building, it be resolved that consent be refused for the following reasons:-

- (1) The proposed development represents an overdevelopment of the site resulting in adverse streetscape impacts. In this regard the proposed development fails to satisfy the provisions of the South Sydney Local Environmental Plan 1998, the South Sydney Development Control Plan 1997 and State Environmental Planning Policy 65.
- (2) The demolition of the existing building is not supported on the basis of non-compliance with the provisions of the heritage conservation controls in the South Sydney Local Environmental Plan 1998; the South Sydney Development Control Plan 1997; and the South Sydney (Heritage Conservation) Development Control Plan 1998.
- (3) The proposed development fails to satisfy the considerations contained in Clause 28: Built environment and design principles contained in the South Sydney Local Environmental Plan 1998.
- (4) The proposed development fails to satisfy the height and scale performance criteria contained in the South Sydney Development Control Plan 1997.

- (5) The proposed development fails to satisfy the floor space ratio and scale performance criteria and controls contained in the South Sydney Development Control Plan 1997.
- (6) The proposed development by virtue of the height, scale, bulk, mass and location presents an inappropriate built form within the adjoining Liverpool Street, Little Surrey Street, Victoria Street and Womerah Avenue streetscapes and fails to satisfy the provisions of the South Sydney (Heritage Conservation) Development Control Plan 1998.
- (7) The proposed development, due to its size and scale, will have an overbearing impact on the surrounding buildings and will result in a loss of amenity to the adjacent residential buildings.
- (8) The proposed development contains excessive car parking which results in a non-compliance with the required car parking numbers in accordance with South Sydney Development Control Plan No. 11 – Transport Guidelines for Development.
- (9) The proposed development would set an undesirable precedent for future development within the locality.
- (10) The proposed development does not provide for an appropriate contextual relationship with the surrounding low scale, fine-grained residential buildings which are characteristic of the Conservation Area.
- (11) The proposed development is contrary to provisions within both local and state planning instruments, is contrary to the objects of the Environmental Planning and Assessment Act 1979 and would not be in the public interest.

Carried.

Note - Mr Michael McCarthy and Ms Jo Holder addressed the meeting of the Planning Development and Transport Committee on Item 9.10.

## **DEVELOPMENT APPLICATION: 342 BULWARA ROAD, ULTIMO (D2004/312)**

### **9.11**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to Development Application D/2004/312 made by Mr Ismail Alwahwah for the site at 342 Bulwara Road Ultimo, to use the ground floor shop as a convenience store, it be resolved that -

- (A) determination of the application be deferred as the notification incorrectly identified the suburb as Pyrmont rather than Ultimo;
- (B) the application be re-notified and re-advertised for a period of 21 days; and
- (C) the application be presented to the Planning Development and Transport Committee for consideration following the expiration of the re-notification period.

Carried

**DEVELOPMENT APPLICATION: 4-32 LYONS ROAD CAMPERDOWN - ADAPTIVE RE-USE OF WESTONS BISCUIT FACTORY FOR RESIDENTIAL AND COMMERCIAL PURPOSES (D0301238)**

**9.12**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to Development Application D/03/01238 made by 13 Pymont Bridge Road P/L for the site at 4-32 Lyons Road Camperdown, for the partial demolition, alterations and additions, and adaptive re-use of the main Westons Biscuit Factory Building, it be resolved that development consent be granted pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

## **Schedule 1A**

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

**Note:** Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

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

#### **APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No.D/03/01238 dated 20 November 2004 and Statement of Environment Effects prepared by JBA Urban Planning Consultants, dated November 2003 and drawings numbered, prepared and dated as follows:

<b>Drawing No.</b>	<b>Prepared by</b>	<b>Date</b>
DA-02/D	Marchese + partners architects	5/04/2004
DA-03/E	Marchese + partners architects	5/04/2004
DA-04/D	Marchese + partners architects	22/10/2003
DA-05/C	Marchese + partners architects	22/10/2003
DA-06/D	Marchese + partners architects	22/10/2003
DA-11/A	Marchese + partners architects	1/04/2004

and as amended by the following conditions:

**SECTION 94 CONTRIBUTIONS PLAN - 1997**

- (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, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$33,300.62
Open Space/Townscape/Public Domain	\$152,215.39
Accessibility And Transport	\$1,008.74
Management	\$1,866.00
Multi function administrative centre	\$63,266.24
<b>Total</b>	<b>\$251,656.99</b>

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.

**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.

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

#### **DEMOLITION/SITE RECTIFICATION**

- (3) 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.

#### **TUNNEL**

- (4) To remove the potential of collapse and/or subsidence the disused tunnel linking the Biscuit Factory to the Riveta Factory building should be backfilled and sealed prior to the issue of any Occupation Certificate for the building.

#### **OVERHEAD STRUCTURES**

- (5) Any overhead structures, other than essential utility services, linking the subject site and the former Riveta Factory building on Barr Street shall be removed prior to the issue of any Occupation Certificate for the building.

#### **FLOOR SPACE RATIO**

- (6) The following applies to Floor Space Ratio:-

The Floor Space Ratio of the proposal must not exceed 2.43:1 calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purpose of the calculation of FSR, the Floor Space Area of the development is 10,637sq.m.

Prior to issue of a Construction Certificate and an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

### **RESIDENTIAL STORAGE SPACE**

- (7) 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 of Central Sydney DCP 1996.

### **ENERGY EFFICIENCY OF APPLIANCES**

- (8) Any electrical appliances provided by the developer within the scheme, (whether located within private or common property), for example, cooking appliances and communal laundry facilities, shall be energy rated to achieve an energy efficiency minimum of three stars.

### **SEPARATE DEVELOPMENT APPLICATION FOR SPECIFIC USE**

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

### **ARCHAEOLOGICAL INVESTIGATION**

- (10) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.

Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.

The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.

General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.

Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

**Note:**

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

**HERITAGE**

- (11) Prior to the commencement of works a interpretation strategy is to be prepared and submitted for the approval of Council which will illustrate to the public the history, development and significance of the site. It is to be prepared by a suitably qualified and experienced heritage practitioner with the assistance of a professional historian. The interpretation strategy is to include:
- (a) a video recording of the biscuit factory in operation prior to its closure;
  - (b) an archival photographic recording of the building fabric and the factory in operation in accordance with the NSW Heritage Office Guidelines;
  - (c) an oral history prepared in accordance with the Oral History Association Handbook (4<sup>th</sup> edition), by Beth Robertson, by a member of the Oral Historian Association of Australia.
  - (d) Details and the location of any proposed interpretative displays, machinery and the like which are to be erected in publicly accessible locations in the approved scheme.

**Note:** The indicative locations for the interpretative displays as shown on the approved plans within the through site link may not necessarily be the final location. This will be the subject of further consideration when the type of display is known.

In addition to a copy of the interpretative strategy being submitted to Council, once approved, further copies are to be lodged with the State library of NSW and the George Weston Company.

- (12) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

- (13) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (14) Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.
- (15) That the face brickwork and sandstone detailing of the existing buildings are not to be rendered, painted or coated.
- (16) That where the external brickwork of the buildings have been painted, the paint is to be removed to expose the original brickwork using a method that does not damage the brickwork. If however the brickwork is in poor condition or the paint cannot be removed without causing damage to the brickwork, then Council is to be advised of this in writing and the brickwork is to be painted in earth tones in keeping with the architectural style and character of each building. A schedule of these proposed colours is to be submitted to Council and approval sought before any painting is carried out. Any historic signage encountered in the process of paint removal should be investigated for retention and conservation.
- (17) That the trim external details of the buildings to be retained are to be painted in predominantly earth tones in keeping with the overall character of each building. A schedule of colour is to be submitted to Council's satisfaction prior to the release of a Construction Certificate.
- (18) That the street frontages of each existing building shall be restored/refurbished as closely as possible to their architectural style and detailing.
- (19) That the double hung sash windows in the existing building to be retained are to be timber framed.
- (20) New services in the existing buildings are to be placed as unobtrusively as possible with minimum intervention to the original/significant fabric.

#### **THROUGH SITE LINK**

- (21) A documentary public right of way must be created over the through site link between Barr Street and Lyons Road (at no cost to Council), prior to the issue of an Occupation Certificate. The location and terms of the right of way must be to the satisfaction of Council, and include that the cleansing, lighting and maintenance of the right of way is the responsibility of the owner of the land and are to be to Council's satisfaction.

**Note:** The right of way shall be restricted in height and depth to exclude any private and common property below ground level and the overhead walkways above.

- (22) The area within the through site link marked on the approved plans by a bold, hatched area is to be kept clear of street furniture, plantings and any other obstacles in order to maintain a clearway for pedestrians.

**SEPARATE APPLICATION FOR SIGNS**

- (23) That a separate development application shall be submitted at the appropriate time for any proposed signs.

**BUILDING CODE OF AUSTRALIA**

- (24) The proposed construction is to comply with the requirements of Type A Fire Resistance Levels, and specific details with respect to the proposed means of compliance with the provisions of Clause C1.1 of the Building Code of Australia (BCA), applicable to a building of combined Class 7(a), 6 and 2, are to be submitted and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.
- (25) Modifications made to the building are to comply with Section D3 of the BCA and AS 1428.1.
- (26) Egress provisions from the building must be accordance with the provisions of Section D of the BCA, and specific details of required egress are to accompany any future application for a Construction Certificate.
- (27) 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.

**APPLICATION FOR RETENTION OF FAÇADE ON A PUBLIC PLACE**

- (28) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to retain the façade on the public place, and such application is to include:-
- (a) Architectural, construction and structural details of the design to comply with the WorkCover Authority Code of Practice for Façade Retention, the relevant Australian Standards 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 works on site.

**TRAFFIC AND PARKING**

- (29) The layout of the car parks and service vehicle parking areas shall comply with AS2890.1-1993 and AS 2890.2-2002.

**VEHICULAR SPACES**

- (30) The approved vehicle spaces shall be allocated on the development site as follows:
- (a) 69 x residential spaces;
  - (b) 17 x residential visitor spaces, (to be located close to exit/entry points);
  - (c) 12 x shop spaces.
  - (d) 47 x cycle racks or equivalent cycle storage area.
  - (e) 2 x car wash bays with appropriate plumbing and drainage
  - (f) 10 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1 and be designated to those units constructed as adaptable housing.
- (31) All spaces must be allocated and marked according to the above requirements. If the development is to be strata subdivided, the carpark layout must respect the above allocation.
- (32) The change in grade of ramps shall be limited to 12.8% by providing transitions.
- (33) Each pair of stacked parking spaces shall be assigned to the same tenant or concurrently allocated.
- (34) A separate application shall be made to Council Civil Engineering and Footways Unit for any new footway crossing or proposed re-instatement of footway.
- (35) All visitor parking spaces shall be grouped together, and located at the most convenient location to the car park entrance. All spaces shall be clearly marked "*VISITOR*" prior to the issue of an Occupation Certificate.

**CAR PARK ENTRY FINISH**

- (36) Car park roller doors shall be designed and constructed for quiet operation.
- (37) A "Stop" sign shall be installed at the exit point of each car park to require exiting vehicles to stop at the building line.

**NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME**

- (38) Residents are not eligible to participate in the resident permit parking schemes.

**Note:**

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

**APPROVED DESIGN ROOF-TOP PLANT**

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

**CONSISTENCY OF DRAWINGS**

- (40) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

**PLAN OF MANAGEMENT FOR OVERHEAD WALKWAYS AND AWNINGS**

- (41) Prior to the issue of a Construction Certificate a Plan of Management shall be submitted to Council for the approval of Council and shall provide details as to how the awnings and overhead walkways are to be cleaned and maintained.

**EXTERNAL LIGHTING**

- (42) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.
- (43) Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.

**LOADING AND UNLOADING DURING CONSTRUCTION**

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

- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (f) The loading and unloading of construction vehicles may not occur on Parramatta Road or Pyrmont Bridge Road.

## **Schedule 1B**

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

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

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

- (46) 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.

#### **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;

- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;

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

### **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.

### **TELECOMMUNICATIONS PROVISIONS**

- (49) 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.

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.

- (50) 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.

#### **AWNINGS**

- (51) The awning/canopy must comply with the City of Sydney Awnings Policy 2000.

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

(52)

- (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:**

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.

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.

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.

**PUBLIC DOMAIN PLAN**

(53) 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) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, (including city maps, notice boards, benches, bollards, bins, J C Deceaux kiosks, APT’s and phone booths), utility poles, parking meters, pedestrian and traffic signals, service pits, stormwater pits and signage (including street nameplates, historical, parking and traffic).

- (iii) 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.
  - (iv) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
  - (v) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the South Sydney Streetscape Masterplan Technical Manual.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the South Sydney Streetscape Masterplan Technical Manual 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 South Sydney Streetscape Masterplan Technical Manual and 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 South Sydney Streetscape Masterplan Technical Manual.
  - (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) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a Bond to the value of \$100,000 in the form of a non expiry Bank Guarantee being the building damage deposit for the public way and any Council assets. This deposit will be returned by way of written request upon the satisfactory completion of the work approved under this application and those works as submitted under any Public Domain Plan, completed to the satisfaction of Council's Public Domain Manager.
- (f) 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.
- (g) An "Application for Approval of Footpath Levels and Gradients" must be submitted at the City's One Stop Shop with the appropriate fee at the time of lodgement of the public domain proposal. The fee will be determined in accordance with the City of Sydney Schedule of Fees and Charges.

**Note:**

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

**ALIGNMENT LEVELS**

- (54) 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.

These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

### **ACOUSTIC PRIVACY BETWEEN UNITS**

- (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 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.
    - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
  - (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

## NOISE REDUCTION

(56) 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).

## **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.
- (59) 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).

## **WASTE MANAGEMENT FOR RESIDENTIAL DEVELOPMENTS**

- (60) A Building Waste Management Plan is to be submitted and approved by the Council 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**

- (61) 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.

## **STRATA SUBDIVISION**

- (62) Any proposal to Strata subdivide the development or part thereof is to be undertaken in accordance with the Strata Schemes (Freehold Development) Act 1973 as amended and will require the following:
- (a) A separate application to Council or an accredited certifier to approve the final Strata Plan and endorse the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
  - (b) Full compliance with the relevant conditions of consent contained within this development consent.

- (c) All car parking and storage spaces are to be linemarked and numbered in correlation with the Strata Plan or appropriately identified on site to Council's satisfaction.
- (d) In accordance with the provisions of Section 38 of the Strata Schemes (Freehold Development) Act 1973, the final Strata Plan is to include the nature, location and magnitude of all encroachments of part(s) of the building upon the alignments of Barr Street, Pymont Bridge Road and Lyons Road.
- (e) All utility car parking and storage lots in the Strata Plan are to be encumbered with the statutory Restriction on Use in accordance with the provisions of Section 39 of the Strata Schemes (Freehold Development) Act 1973. A documentary Restriction as to User is to be created over all car parking and storage part-lots in the Strata Plan pursuant to Section 88B of the Conveyancing Act 1919. Such restriction is to burden the affected lots, is to be created appurtenant to Council, in terms restricting the use of the spaces forming part of those lots to occupants or tenants of the subject building, consistent with the provisions of Section 39 of the Strata Schemes (Freehold Development) Act 1973 and to Council's satisfaction.
- (f) No part of the Common Property, exclusive of service vehicle spaces, is to be used for the parking or storage of vehicles or boats and the Owners Corporation must not grant or permit to be granted any lease, licence or exclusive use rights over any part of the Common Property for the purpose of parking or storage of vehicles or boats.
- (g) A documentary Restriction on Use is to be created over the Common Property in the Strata Plan, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to this effect and to Council's satisfaction.
- (h) The residential component of the building must be used for permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, boarding house, tourist accommodation or other short term rental accommodation.
- (i) A documentary Restriction on Use is to be created over all residential lots in the Strata Plan, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms to this effect and prohibiting any change of use from Residential as defined in the South Sydney Local Environmental Plan 1998.
- (j) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (Council or an accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Regulation 1998 prior to the issue of the Strata Certificate.

**PAVING MATERIALS**

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

**FLOOR TO CEILING HEIGHT**

- (64) 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.

**GEOTECHNICAL REPORT AND CERTIFICATION**

- (65) 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.
- (66) 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

#### SITE CONTAMINATION REPORTS

- (67) Prior to the issue of a Construction Certificate for above ground works, a Stage 2 Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- (68) Where a site is determined to be a “Contaminated Site” under the definition contained in ANZECC/NHMRC 1992 definitions, prior to the issue of a Construction Certificate for above ground works:-

- (a) A Remediation Action Plan (RAP), which details the proposed method for the proper cleaning of contaminated materials from the site, is to be provided to the satisfaction of the PCA, (and a copy to sent to Council if it is not the PCA).
- (b) A suitability qualified and accredited “Independent Auditor”, to the satisfaction of Council, (in terms of Section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.
- (c) The approved Remediation Action Plan, must be available on the site at all times during the progress of the work.
- (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
- (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the Remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

#### **DEMOLITION DETAILS**

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

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

- (70) 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.
- (71) 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.

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

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

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

**Note:**

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

**NOTIFICATION OF EXCAVATION WORKS**

- (73) 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**

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

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
  - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
  - (ii) The proposed method of discharge;
  - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
  - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

### **PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN FOR DEMOLITION AND CONSTRUCTION**

(75) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition and/or excavation. It must include details of the:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;

- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition and/or excavation period.

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

- (76) 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.
- (77) 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.
- (78) 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**

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

- (80) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

#### **ENVIRONMENTAL PROTECTION DURING CONSTRUCTION**

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

- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:-
  - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
  - (ii) The proposed method of discharge;
  - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
  - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
  - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater – Soils and Construction (August 1998).
- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

### **FOOTPATH DAMAGE BANK GUARANTEE**

- (82) 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 a sum to be notified by Council Public Domain Manager, as security for any damage rectification.

### **USE OF MOBILE CRANES**

- (83) 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**

- (84) 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**

- (85) 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**

- (86) 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

- (87) 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.

### **DEMOLITION WORKS**

(88) All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with:-

- (a) The approved Demolition Work Method Statement;
- (b) Australian Standard AS2601-1991- Demolition of Structures;
- (c) Relevant Codes of Practice of the WorkCover Authority (NSW);
- (d) The Construction Safety Act 1912 and Demolitions Regulations;
- (e) The Occupational Health and Safety Act 1983; and
- (f) All other relevant Acts and Regulations.

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

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

(89) The hours of construction and work on the development shall be:

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

- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (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.
- (91) 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.
- (92) 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**

#### **OCCUPATION CERTIFICATE**

- (93) 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.

#### **NUMBERING**

- (94) 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.

## **CERTIFICATION OF GEOTECHNICAL INSPECTION**

- (95) 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.
- (96) The pool/spa pool is to be maintained in accordance with the requirements of the Public Health Act 1991, Public Health (Swimming Pools and Spa Pools) Regulation and the NSW Health Department Guidelines for Disinfecting Public Swimming Pools and Spa Pools.

## **COMPLIANCE CERTIFICATE FOR NOISE REDUCTION**

- (97) 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.

## **STREET NAME PLATE**

- (98) 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).

- (99) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (100) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

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

- (101) 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.

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

- (102) 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.

#### **CERTIFICATION FOR STRUCTURAL INSPECTIONS**

- (103) 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.

## **Schedule 1F**

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

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

- (104) 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.

#### **NOISE - USE**

- (105) 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**

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

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

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

### **REMOVAL OF GRAFFITI**

(107) 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**

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

## **Schedule 2**

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

Carried.

**MASTERPLAN APPLICATION: 219-231 BOTANY ROAD, WATERLOO (U03-00547)****9.13**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to the Masterplan Application 547/03 made by Humphrey and Edwards Architects for the site at 219-231 Botany Road Waterloo, for a Masterplan for a Mixed Use Development, it be resolved that the application be refused for the following reasons:-

- (1) That the proposal is inconsistent with Zone No 10(c) - Mixed Use zone objectives outlined in Clause 21 C of the South Sydney Local Environmental Plan (LEP) 1998, requiring the promotion of a mixed use development to contribute to the economic growth and employment opportunities in Green Square, the provision of 25% non residential floor space of the total floor space proposed, to minimise any adverse impact on residential amenity and to ensure the development contributes to the vibrant, sustainable community of Green Square.
- (2) That the proposal is inconsistent with the objectives of Clause 27A – Vision for Green Square requiring the four key concepts of the vision for Green Square being Diversity, Connectivity, Interdependency and Long Term Growth to be satisfied.
- (3) That the proposal is inconsistent with the objectives of Clause 27B – Planning Principles for Green Square requiring development to contribute to and enhance this important commercial and residential location.
- (4) That the proposal is inconsistent with Clause 28 of LEP 1998 – Urban Design, particularly as regards character of the area, privacy, building separation and access to sunlight of the proposed development.
- (5) That the proposal does not comply with the objectives or controls of Part E, Section 1 of South Sydney Development Control Plan 1997: Urban Design (DCP 1997) as regards site layout, access, building envelope, setbacks and visual privacy of the proposed development.
- (6) That the proposal does not comply with the objectives or controls of Part F Section 2 and Section 4 in regards to Residential Flat Buildings and Mixed Use Development in respect to visual privacy, safety and security and the establishment of non residential land uses on site.
- (7) Approval of the application is not in the public interest.

Carried.

**DEVELOPMENT APPLICATION: 176-178 COPE STREET WATERLOO (U03-00467)**

**9.14**

That arising from consideration of a report by the Senior Planner to the Planning Development and Transport Committee on 31 May 2004, in relation to Development Application 467/2003 made by Soliz Pty Ltd for the site at 176-178 Cope Street Waterloo, for a Mixed Use Development comprising (1) commercial unit, 14 residential units and associated car parking, and following consideration of a request by the applicant, it be resolved that this matter be deferred to the next meeting of the Planning Development and Transport Committee.

Carried.

**DEVELOPMENT APPLICATION: 328-342 KING STREET NEWTOWN (U03-00572)**

**9.15**

That arising from consideration of a report by the Town Planner to the Planning Development and Transport Committee on 31 May 2004, on Development Application: 328-342 King Street Newtown, made by Metro Plaza Pty Ltd, for the demolition of existing two storey commercial building and erection of a mixed use building comprising ground floor commercial area including a supermarket, three levels of residential use (38 residential units) and two levels of basement carpark, it be resolved that -

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

- (1) The proposal does not comply with the zone objectives of the Business 3 zone under South Sydney Local Environmental Plan 1998, in that:
  - (a) The proposal does not consist of an appropriate form of urban residential development to support the vitality of the commercial strip; and
  - (b) The proposal does not implement energy efficiency and other sustainable development practices (Section 79C (1) (a) (i)).
- (2) The proposal does not comply with the heritage conservation provisions, in particular Clauses 22(e) (f), 23A (2) (a) (b) (c) (d) and Clause 24 of the Local Environmental Plan 1998 (Section 79C (1) (a) (i)).
- (3) The proposal does not comply with the built environmental design principles under Clause 28 of the South Sydney Local Environmental Plan 1998 it that it fails to:
  - (a) Reinforce and protect the local topography, streetscape and character of the locality;

- (b) Be compatible with the scale and design of neighbouring development;
  - (c) Be energy efficient in terms of natural ventilation; and
  - (d) The proposal is not considered to be compatible with the scale and design of neighbouring development (Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979).
- (4) The proposal does not comply with the objectives and numerical requirements of South Sydney Development Control Plan (DCP) 1997 – Urban Design, in that:
- (a) The floor space exceeds 2:1;
  - (b) The height exceeds 12 metres;
  - (c) The external appearance of the proposal is inconsistent with the surrounding area in regard to character and bulk;
  - (d) The proposal fails to comply with the minimum communal and private open space requirements; and
  - (e) The proposal is not consistent with the DCP (Section 79C (1) (a) (iii)).
- (5) The proposal has not provided sufficient information to determine whether the site is suitable for the intended proposal particularly in submitting information about:
- (a) Impact during construction (Construction Management Plan);
  - (b) A Site Audit Statement to determine whether the site is contaminated and if so whether the intended use is appropriate;
  - (c) Conflict between cross flow ventilation information and required acoustic levels for the residential component; and
  - (d) Energy efficiency of the site particularly in regard to water efficiency (Section 79C (1) (b)).
- (6) The proposal is inconsistent with the provisions made under the King Street Enmore Road Heritage Conservation Development Control Plan, in particular:
- (a) Section 7.1 Building Massing;
  - (b) Section 7.2 Building Height;
  - (c) Section 7.5 Building Façade;
  - (d) Section 7.6 Roof and Parapets; and

- (e) Section 7.8 Retail Frontages (Section 79C (1) (b)).
- (7) The proposal is not in the public interest (Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979).
- (B) those who made submissions to Council in relation to this application be notified of Council's decision.

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

That arising from consideration of a report by the Town Planner to the Planning Development and Transport Committee on 31 May 2004, on Development Application: 328-342 King Street Newtown, made by Metro Plaza Pty Ltd, for the demolition of existing two storey commercial building and erection of a mixed use building comprising ground floor commercial area including a supermarket, three levels of residential use (38 residential units) and two levels of basement carpark, and after considering a request from the applicant, it be resolved that this matter be deferred to a future meeting of the Planning, Development and Transport Committee.

Motion, as amended by consent, carried unanimously.

**ITEM 10. INQUIRY INTO ISSUES RELATING TO REDFERN WATERLOO  
(2029813)**

Moved by Councillor Hoff, seconded by Councillor Black -

That arising from consideration of a report by the Director Community Living to the Community Services, Small Business and Tourism Committee on 31 May 2004, and to Council on 7 June 2004, on Inquiry into Issues Relating to Redfern Waterloo, it be resolved that Council forward the submission, as shown at Attachment A to the subject report, as amended at the meeting of Council, to the NSW Legislative Council.

Carried.

**ITEM 11. CITY OF SYDNEY DRAFT ACCESS DEVELOPMENT CONTROL  
PLAN 2004 - REPORT ON SUBMISSIONS (S010063)**

Moved by Councillor McInerney, seconded by Councillor Pooley -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 May 2004, and to Council on 7 June 2004, in relation to the City of Sydney Draft Access Development Control Plan 2004, it be resolved that Council:-

- (A) approve the development control plan, shown at Attachment A to the subject report, pursuant to Clause 21(1)(b) of the Environmental Planning and Assessment Regulation 2000 as the City of Sydney Draft Access Development Control Plan 2004 with its operation to commence from the date of publication of its Notice of Approval, subject to the following amendments:
- (1) replacement of the diagrams in Appendix Two of the Draft DCP with those provided to Councillors prior to the meeting;
  - (2) amend clause 4.2.4 so that it reads:

“Walkways shall be provided with landings or rest areas –

    - (a) every 25 metres for gradients 1:33
    - (b) every ~~14~~ 15 metres for gradients 1:20:
  - (3) amend clause 4.2.5. so that it reads:

“Intent:

    - (A) To Ensure that ramps and step ramps are designed correctly to provide ~~smooth~~ sharp transitions between sections of different gradients to allow for access to public places for both ambulant and on-ambulant people.”
  - (4) amend point 3 of Section 3.2 so that it reads:

“3. Alternative solutions may include a temporary ramp, access through a side entrance or the like. However, applicants should note that these solutions will only be acceptable as a ‘last resort’ and every effort should be made to ensure that equitable access is provided through the principal entrance of the building.”

- (5) delete the following text from Section 1.10 Exemptions:

“Further exemptions may also apply, refer to Section 3.1 – Variation to Access.”

- (B) repeal of the following development control plans and policies under the provisions of Clause 22 of the environmental Planning and Assessment Regulation 2000 from the date which the City of Sydney Access Development Control Plan 2004 takes effect:
- (1) South Sydney Equitable Access Design Policy;
  - (2) Leichhardt Development Control Plan No. 32 – Design for Equity of Access;
  - (3) Objective 1 of the City of Sydney Access Policy; and
  - (4) South Sydney Development Control Plan 1997 – Part E, Sections 4.4 and 4.5.
- (C) delegate authority to the General Manager to make any minor drafting changes that may be required as a result of Council’s consideration of the City of Sydney Draft Access Development Control Plan 2004; and
- (D) advise submitters of the outcome of Council’s decision.

Carried.

**ITEM 12. SECTION 96(2) APPLICATION: PROPOSED EXTENSION OF CONSTRUCTION HOURS- STREETScape UPGRADE OF DARLINGHURST ROAD (AND PARTS OF MACLEAY STREET) DARLINGHURST/KINGS CROSS (D/03/00490/A)**

Moved by Councillor McInerney, seconded by Councillor Lee -

That arising from consideration of a report by the Systems & Planning Co-Ordinator to the Planning Development and Transport Committee on 31 May 2004, and to Council on 7 June 2004, in relation to the Section 96(2) application made by The Council of the City of Sydney for extended working hours for construction, it be resolved that the Development Consent for D/03/00490 be amended by the insertion of the following condition numbered 45(A) after Condition 45 contained in Schedule 1D as follows:

**HOURS OF CONSTRUCTION WORK AND NOISE**

- (45) The hours of construction and work on the development shall be:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.30 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.30 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
- (b) 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".

**(45A) Notwithstanding Condition No.45:**

- (a) *Low noise works comprising conduit work, plumbing, stormwater and small hand excavation (no use of machinery except for the use of forklift, and mini excavator (as a crane only) may be carried out during the extended hours between 5:30pm and 12 midnight, Mondays to Thursdays only, inclusive for an initial trial period of one month, starting from the date of commencement of the extended hours, in accordance with the following:*
  - (i) *Prior to the commencement of work within the extended hours, the applicant shall notify the Director of City Planning-Northern Zone of the intended date of the commencement of works with the extended hours.*
  - (ii) *Prior to the commencement of work within the extended hours, the Construction Company shall enter into a deed with Council wherein the applicant agrees to lodge a performance bond. The amount of the bond shall be \$10,000. The performance bond is to be provided by Bank Guarantee and the bond may be forfeited in part or in full upon a breach of any conditions of consent relating to the extended construction hours.*
  - (iii) *No jack hammering, rock breaking, saw cutting, or the use of a backhoe or hydraulic/pneumatic hammers, and the like is to be carried out outside the standard approved construction hours stipulated in Condition No.45.*
  - (iv) *Any noise associated with the extended hours of construction shall not exceed the noise criteria stipulated in Council's "Construction Hours/Noise within the CBD" Policy, that is, any work between 7pm and 11pm is to meet noise criteria (no more than 3dba above the background noise level) and no increase in noise above the background level permitted after 11pm.*

- (v) *No noise or vibration shall be audible by the residents within any surrounding dwelling, outside the hours allowed in Condition No 45(iv).*
- (vi) *That truck deliveries are not to occur during the extended hours period, beyond the hours allowed in Condition No.45.*
- (vii) *The on-site after hours contact number for the Site Manager is to be made accessible to surrounding residents, including detailing the availability at all times of a responsible person who has the authority to cease any noisy works.*
- (viii) *The approval for extended hours is given for an initial trial period of one month. At the end of an initial trial period of one month, the General Manager may approve further trial periods of up to two months, subject to conditions of consent being satisfied and that no nuisance has been caused to the residents of surrounding properties.*
- (ix) *The approval for extended hours is given only for that section of Darlinghurst Road indicated in the map in Attachment A to the report to Council on 7 June 2004.*

Carried unanimously.

**ITEM 13. SECTION 82A REVIEW: 1-17 EUSTON ROAD, ALEXANDRIA (CONTINUING USE FOR RETAILING OF HOMEWARES/APPLIANCES AND EXTEND HOURS OF OPERATION) (U03-00914)**

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That arising from consideration of a report by the Senior Town Planner to the Planning Development and Transport Committee on 31 May 2004, and to Council on 7 June 2004, in relation to Section 82A Review of the determination for application U03-00914 for the use for retailing of homewares/appliances and extend hours of operation at 1-17 Euston Road Alexandria, it be resolved that -

- (A) Council note that the Land and Environment Court has taken control of this development application from Council; and
- (B) a further report on ways to control traffic, particularly buses, in the vicinity of the subject site, such as a Traffic Management Plan for the area, weight limits on surrounding roads, etcetera be prepared by the Manager Transport Management in the near future to the Planning Development and Transport Committee.

Carried unanimously.

**ITEM 14. DEVELOPMENT APPLICATION: 32-32A DARLINGHURST ROAD, POTTS POINT (EMPIRE HOTEL) (D2004/00142)**

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 31 May 2004, and to Council on 7 June 2004, in relation to Development Application 2004/00142 made by Martin & Spork Pty Ltd for the site at 32-32A Darlinghurst Road Potts Point, for alterations and additions to three shop tenancies with frontage to Roslyn Street and their conversion to a Sports Bar forming part of the existing hotel complex with 24 hour trading it be resolved that consent be refused for the following reasons:-

- (1) The proposed development constitutes an undesirable expansion of entertainment related land uses towards more sensitive residential land uses. In this regard, the intensification and extension of the existing late opening pub use further into Roslyn Street would, by way of its extended hours of operation, increase noise and antisocial behaviour of patrons, unreasonably impact upon the amenity of nearby residences contrary to the aims and objectives of the South Sydney Local Environmental Plan (LEP) 1998 and the South Sydney Development Control Plan (DCP) 1997.
- (2) The proposed development would result in the loss of fine grained shopfronts adversely impacting on the character and appearance of the Heritage Conservation Area and Streetscape contrary to the provisions of the South Sydney LEP 1998, the South Sydney DCP 1997 and the South Sydney Heritage DCP 1998.
- (3) The proposed development would lead to a loss of three individual shops thereby reducing the variety of retail opportunities for residents, workers and visitors within the locality and detracting from the potential for activity at street level contrary to the provisions of the South Sydney LEP 1998 and the South Sydney DCP 1997.
- (4) The extension of the existing late opening pub into Roslyn Street would not be in the public interest.

Carried unanimously.

**ITEM 15. STREET TREE POLICY AND CAPITAL WORKS STATUS REPORT (S020209)**

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

That arising from consideration of report by the Executive Director Design (City Architect) to Council on 7 June 2004, on Street Tree Policy and Capital Works Status Report, it be resolved that Council endorse the development of three new Council policies: The Urban Tree Management Policy, The Street Tree Master Plan and The Significant Tree Register.

Carried unanimously.

**ITEM 16. QUESTIONS ON NOTICE**

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

**QUESTIONS WITHOUT NOTICE****ESNA STRATEGIC PLAN (S032438)**

1. By Councillor McInerney -

**Question**

Lord Mayor, in June last year the East Sydney Neighbourhood Association (ESNA) presented its Strategic Plan to the City of Sydney. This was followed by a four hour workshop involving the ESNA Committee, former Lord Mayor, Lucy Turnbull, and key Council staff. A second workshop to deal with more difficult issues was planned but not, I understand, held before the Council was removed.

Lord Mayor, do you plan to hold the second workshop?

**Answer by the Lord Mayor**

Councillor McInerney, the answer is Yes, but before I set a date I will get information from Council officers on these issues and the action Council can take. That information will be used to ensure the workshop is productive and we achieve outcomes. This is a community which, in the absence of strategic planning, has prepared its own strategic plan and I believe that plan is very worthwhile. I would like to see Council develop it for the benefit of that community.

**SYDNEY WATER POLICE SITE (S032443)**

2. By Councillor Lee -

**Question**

Does the Lord Mayor agree with the following statement by the State Member for Bligh?

“Access to government information is a basic democratic right.”

My question refers to the welcome news that Council and the Sydney Harbour Foreshore Authority are close to successfully concluding negotiations for Council to purchase the Sydney Water Police Site at Pyrmont Point.

Given her views that access to government information is a basic democratic right, will the Lord Mayor confirm that the full cost to the City of Sydney for the purchase of the Water Police Site will be \$11 million plus the full cost of remediation works?

**Answer by the Lord Mayor**

Councillor Lee, the agreement hasn't been finalised. I believe I can confirm the price, it is \$11 million. We don't know what the remediation costs will be. I invite the General Manager, who is involved in the negotiations, to comment.

**General Manager**

Lord Mayor, the cost is \$11 million plus one dollar, \$11 million for the Water Police Site and one dollar for the other public lands which will be transferred to us, including Pymont Point Park.

In terms of remediation costs, that would depend on the future uses of the site. Obviously, as the owner of the site, we will be responsible for remediation, but the extent of those costs will depend on the nature of any contamination and the uses that we propose for the site.

**Councillor Lee (Supplementary Question)**

Does the Lord Mayor also agree with another quote from the State Member for Bligh and I quote -

“We have a right to know the real cost, who is paying ...”

Will the Lord Mayor also confirm in public tonight that Councillors have been given in confidence an estimate of the cost of these remediation works?

Will the Lord Mayor agree to make this estimate public and, if not, why not, if she believes that we, the public, have a right to know the real cost and who is paying?

**Answer by the Lord Mayor**

I invite the General Manager to comment.

**General Manager**

Lord Mayor, the Council report that was provided to Councillors last week contained an estimated price range for the cost of redeveloping the site for passive and active recreation uses. Included within that cost will be an element associated with possible remediation.

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

My position certainly is that this information should be made public, I think, during the course of the negotiations which aren't finalised. There is some sensitivity about it, but, of course, we are dealing with public land and public monies and, of course, it should be in the public domain. That is my view whether it be Council or Government.

**HERITAGE BUILDINGS - GLEBE (S032444)**

3. By Councillor Firth

**Question**

Lord Mayor, at the community meeting held by the Glebe Society last Thursday night, also attended by Councillor Kemmis, to discuss the development application for The Abbey site in Bridge Road, Glebe - and I am sure Councillors are aware of the issues there - a number of community members raised the issue of the Council purchasing this valuable heritage site and thus being in the position to protect and preserve all three heritage buildings: Reussdale, The Abbey and the historic Hamilton from demolition.

Will the Lord Mayor consider the option of Council purchasing this site?

**Answer by the Lord Mayor**

Councillor Firth, I can't give you an answer on that. I was discussing this with residents at the launch of the Plan of Management for Foley Park on Saturday. This is something that Council would need to consider.

I know there is great concern in that community about proposals for that site. I know it is a very important site in terms of heritage and in terms of importance to the Glebe community, and I do know that many people have been contacting me and Council and saying "what about getting this site" and "what about getting that site" and asking us to purchase every site that is causing a problem.

We have to look at this very carefully in terms of our priorities and in terms of our financial ability but, certainly, that is something I can ask the General Manager to consider. I certainly don't know what the outcome will be and I can't give a commitment. But, certainly, we can consider our future property portfolio.

I will ask the General Manager to report on this matter, but not tonight. I don't think the General Manager should be asked to report on the spot on something so substantial. I think these matters need to be investigated and need to come back to us. I am sure that is what Councillor Firth would expect.

**REDFERN/WATERLOO PROJECT (S032440)**

4. By Councillor Hoff

**Question**

Lord Mayor, I understand that the Federal Government has made no formal commitment to providing financial resources for Redfern and Waterloo. I would ask the Lord Mayor to make a formal approach to the Federal Government and ask what they are willing to do to contribute towards the development of The Block. Further, could you also ask the Government how they will contribute towards the provision of community services and facilities in the Redfern/Waterloo area.

**Answer by the Lord Mayor**

Thank you, Councillor Hoff, I think that is a very important question. The Redfern Waterloo Project, which is sponsored by the State Government and which South Sydney Council was in partnership with, has been going for two years. We now have an Inquiry in the Upper House looking at the future of this very important area with very significant and complex concerns.

Whilst both the State Government and Council have been supporting social, environmental and public domain action in that area, there has been no involvement up to this point of time by the Federal Government. I think it is very important that the Federal Government contribute to the redevelopment, particularly, of the Aboriginal Housing Company's proposal on The Block, and I think it is very important that it contributes substantially to the social reforms that the Project has identified are needed so far, particularly in relation to housing and employment. They are two areas that I think the Federal Government should be involved in.

I think it is of great concern to us that the Federal Government has had such little involvement in urban renewal or the urban issues of our cities, given the majority of people in Australia live in our cities. I think that it is very important that this new Council lobbies the Federal Government to become involved in that process and to work with us as we have sought successfully to work with the State Government.

**COUNCIL'S JOINT CONSULTATIVE COMMITTEE (S032445)**

5. By Councillor Pooley

**Question**

Lord Mayor, you will recall in a recent briefing on the amalgamation that the issue of combining the JCCs (Joint Consultative Committees of the two former Councils) was raised. I'm wondering whether Councillors could be provided with information on how that process is progressing and also a list of dates of JCC meetings so that interested Councillors might attend?

**Answer by the Lord Mayor**

I invite the General Manager to respond.

**General Manager**

Members of the Joint Consultative Committee, including union representatives, are presently working on combining the constitutions and rules of both former bodies. In the interim, former delegates from the South Sydney Council are attending meetings of the former City of Sydney's JCC. I am not aware of how long the process of combining the two constitutions and rules will take but, at the last meeting I attended a couple of weeks ago, I asked that the process occur as quickly as possible.

It's an amalgamation issue and, as you know, we try to deal with all amalgamation issues quickly. This is not something that I have any control over, it's a matter for the unions, but we have asked that the matter proceeds as quickly as possible.

In terms of attendance at these meetings, attendance can occur by making a request to the relevant Chairperson of the Committee, and any Councillor who wishes to make that request can do so. The Chairperson is Steve Longhurst, who is a delegate of the United Services Union.

## **CROWN STREET RESERVOIR & SITE (S032441)**

**6.** By Councillor Black

### **Question**

Lord Mayor, an exceptionally significant heritage site in Surry Hills is under serious threat. I refer to the State Heritage listed item known as the Crown Street Reservoir & Site. It is Australia's oldest water reservoir. It was built in 1858-59 and is still in use as part of Sydney Water's water supply system.

Sydney Water proposes to subdivide this historically significant, publicly owned site and divest themselves of that part of the site fronting Crown Street for development, thus reducing the historic significance of the whole site.

A public meeting I attended last Wednesday night, called by the consultants on behalf of Sydney Water, presented three proposed development options and sought community response.

One concern I had with the presentation was that the consultants gave the meeting the impression that the City of Sydney is assisting Sydney Water in achieving its objective of subdivision and sale of the land along the Crown Street frontage.

Additionally distressing, it was revealed to the meeting that the Conservation Management Plan for the entire site, called for by the community at the previous public meeting last year, has not only already been completed but has been endorsed by the NSW Heritage Council on 5 May 2004 without any public input.

It also appears that the Sydney City Archives were similarly not consulted, despite the City being the builder and the owner of the site from 1856 until 1888, the City originally purchasing the land for the Reservoir in 1856. Sydney Water now manages this public land as the Reservoir and site which was transferred to the Board of Water Supply & Sewerage in 1888.

Although the facilitator refused to accept a motion at the meeting, there was overwhelming support from the community that this public land should not be sold nor subdivided and that no development should take place on the site of the now unused office building.

Can Councillors receive a report from the Planning staff on the current status of the planning process for this exceptionally significant historic site, and can Councillors also receive a report from the Heritage staff on this matter, particularly in regard to the 20<sup>th</sup> Century former Water Board administration building?

**Answer by the Lord Mayor**

Councillor Black, I share your concern about everything you have said. I invite the Director for City Planning (Northern Zone) to comment, if he is able, on the situation in relation to Council. I think the information that Councillor Black has just given us is quite alarming.

**Director for City Planning (Northern Zone)**

Lord Mayor, the simple answer is yes, staff can prepare a report on that. Certainly, there has been no endorsement by Council staff of subdivision or sale. I know there has been some dialogue between Council's Heritage officers on the site, but certainly no endorsement by Council of any plan that I am aware of.

**Answer by the Lord Mayor**

Thank you.

Councillor Black, the General Counsel has just pointed out to me that our Code of Meeting Practice states that Councillors must put every Question directly, succinctly and without argument. I would ask Councillors to take that on board in future, please.

**CODE OF MEETING PRACTICE (S032446)**

7. By Councillor Mallard -

**Question**

Lord Mayor, in defence of Councillor Black I ask the question - how do Councillors engage in policy dialogue when there are such constraints on Councillors' participation?

**Answer by the Lord Mayor**

Councillor Mallard, you could prepare a Notice of Motion. That could have been a Notice of Motion. As you know, we have extensive dialogue; in fact I think most of us were together for six hours today discussing Green Square. Additionally, we have regular weekly dialogues to discuss such matters and the Directors will be attending those meetings on a regular monthly basis.

**TREES IN THE DOMAIN (S032442)**

8. By Councillor Harris -

**Question**

Lord Mayor, I understand that there have been further negotiations today with the Royal Botanic Gardens over a Memorandum of Understanding, which includes the trees in the Domain. Lord Mayor, could you please bring us up to date on this matter?

**Answer by the Lord Mayor**

Councillor Harris, I have actually just received information. As you know, following our Extraordinary Meeting of Council last week, we made a Tree Preservation Order, but excluded the Royal Botanic Gardens and Domain Trust from that on the understanding that we would develop a Memorandum of Understanding which would apply to those lands. These negotiations are currently underway and an oral undertaking has been given to my office that nothing will happen to the trees whilst Council and the Trust are in negotiation.

My office has made it clear to the Trust that if Council is not happy with the Memorandum of Understanding, it would be prepared to extend the Tree Preservation Order to apply to Trust land; we have made that quite plain in our discussions.

We are currently formally requesting a written undertaking from the Trust to extend the undertaking given to the Court not to remove the trees for a further 14 days. We want to ensure that the Memorandum of Understanding is going to include the Hospital Road trees as well as other management of those important lands in the future, and that it will be done in consultation with the City.

**MANDATORY LIQUOR ACCORDS (S032438)**

9. By Councillor McInerney

**Question**

Lord Mayor, following on from our previous discussion tonight on the Empire Hotel, the issue of 24 hour liquor licences has emerged, not particularly in relation to the Hotel, but generally, and I wonder do you, Lord Mayor, or the staff have any information as to the success or otherwise of 24 hour liquor licences and, in particular, whether mandatory liquor accords, which were suggested as a way around some of these problems, are currently in action throughout Kings Cross?

**Answer by the Lord Mayor**

Councillor McInerney, this issue was something that was discussed at the alcohol summit. As you know the Premier brought down a report following the alcohol summit. That was introduced into Parliament just last week. Part of the report's recommendations do include mandatory liquor accords across the State.

I believe that the issue of 24 hour trading will be something that will be considered as those mandatory accords are developed for the Oxford Street precinct, for the Kings Cross precinct and, probably, for the George Street precinct, too.

I am sure everyone is aware, and it was made quite clear at the alcohol summit, that the issues that Superintendent D'Arcy in Kings Cross has to deal with on a regular basis relate to alcohol consumption in those venues that have 24 hour trading in the Darlinghurst Road precinct. That is quite well documented. It was discussed at the alcohol summit. It is an issue that comes up regularly in relation to increasing violence in Oxford Street and it has also been part of people's concerns in relation to George Street.

I would expect that as those mandatory accords are developed, that once that has gone through Parliament, that that would be something that would be very much on the agenda. Certainly I think, given that we have a dense residential community on either side of those roads, it would be something that would be very important to those communities.

### **SYDNEY WATER POLICE SITE (S032443)**

**10.** By Councillor Lee

#### **Question**

Lord Mayor, my question follows on from your answer to my last question and, in particular, the statement that you have no objection to the figures that were contained in the confidential briefing to Councillors on the Sydney Water Police Site being made public. I think that is what you said. As a preface to my question, before I can ask my question, I need to know whether I can mention the numbers.

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

I expressed concern during the course of the negotiations that there could be some sensitivity. I certainly don't have any problem with that information being made public. However, I would take advice on that. I invite the General Manager to comment.

#### **General Manager**

Yes, Councillor Lee, you can mention the numbers.

#### **Councillor Lee**

Thank you. Given that the Lord Mayor and the General Manager have no objection to my mentioning the numbers, I'm wondering if the Lord Mayor will confirm that the \$21 million to \$36 million that is proposed, which includes the \$11 million for the purchase of the site, includes not just the purchase of the site but the remediation works and the provision of some facilities?

Could the Lord Mayor or the General Manager tell us what facilities the Council is considering establishing on that Water Police site?

**Answer by the Lord Mayor**

I invite the General Manager to respond.

**General Manager**

The price, as I indicated, is \$11 million to purchase the site. We don't know at this stage what the proposed uses will be. The Lord Mayor has made it clear that there will be a serious process of community consultation on what the community wants to have on that site in terms of active and passive recreational uses. Therefore, in the Council report, we made an estimate of \$10 million to \$25 million as to what it would cost to transform that site, depending on the final outcome of that community consultation. That is why it is impossible for me to say today what that value would be.

Nevertheless, the in-principle agreement we have reached with the Sydney Harbour Foreshore Authority (SHFA), once that is finalised into a formal agreement, will require SHFA to provide us with all relevant documentation and reports pertaining to the possible contamination and remediation and so on. Then we will have a much better idea of what the cost will be. And, indeed, the final purchase of the site is contingent upon that due diligence. So, therefore, if we are not satisfied with the result of that investigation, the Council can opt not to proceed.

However, the advice we have received from SHFA during the course of those negotiations is that our proposed uses in terms of open space, for example, will significantly reduce any remediation costs and we believe at this stage, on the information available to us, that the costs are manageable.

The estimate we put forward to Council was \$10 million to \$25 million and that would involve capital works plus any remediation. I suppose you could say it ranges from a basic park for \$10 million to a park that contains things like child care facilities and whatever for \$25 million. The final cost really does depend on the outcome of the community consultation.

Any site of that size, and you are talking about 1.8 hectares and there are various difficulties with that site, is going to cost serious dollars to turn into a park, but we consider that that is money well spent for the future generations of people in Sydney and consistent with what we spend in other areas to achieve similar outcomes.

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

I would like to add to that and I would like to thank and again congratulate the General Manager on the work that he has done to ensure that this Council is going to be able to provide harbour foreshore access to all of Sydney, create what I believe will be a stunning harbour foreshore park, a stunning extension of the harbour foreshore walkway. What we hope is that we will see a landscaped park in the life of this Council.

Clearly, works are going to have to be staged in accordance with our budget and in accordance with our commitments elsewhere, but I believe that this has been a stunning achievement for the City and I am very appreciative of the work that the General Manager has done, together with SHFA. As well, I am very pleased that the Minister for Infrastructure and Planning is also supportive of this project. I think that this is a very, very exciting outcome for us and I certainly know, from the feedback we have received, that that sentiment is shared by many people right across Sydney.

And that, together with the ongoing commitment to the Aquatic Centre in Ultimo, whatever its final form, will ensure that that community is going to benefit very much from this action.

## **REVIEW AND EVALUATION OF SELECTED INFRASTRUCTURE IN PYRMONT (S032439)**

**11.** By Councillor Kemmis

### **Question**

Lord Mayor, I wonder if I might find out about the status of action to appoint the two community representatives to the steering committee for the traffic and open space study in Pyrmont.

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

I invite the Policy Adviser, Office of the Lord Mayor, to respond.

### **Policy Adviser, Office of the Lord Mayor**

Lord Mayor, there is to be a meeting on 27 June 2004, which Councillor McInerney and Councillor Hoff are convening, for the groups on the Pyrmont Ultimo peninsula. One of the issues at that meeting will be to recommend two representatives for the steering committee.

## **REVIEW AND EVALUATION OF SELECTED INFRASTRUCTURE IN PYRMONT (S032444)**

**12.** By Councillor Firth

### **Question**

Lord Mayor, at the Ultimo Lord Mayor's forum, it was raised by residents that Ultimo be included in the strategic traffic and open space study in Pyrmont, currently being conducted by Council. It was felt that a traffic study of the Pyrmont peninsula makes no sense unless Ultimo is included within its scope. I think that that is actually right because Pyrmont is a peninsula and, if you undertaking a study on the traffic coming into Pyrmont, you can't really do a proper study without looking at the impact that has on Ultimo.

Can you the Lord Mayor undertake to include Ultimo in Council's Infrastructure Study for Pyrmont?

**Answer by the Lord Mayor**

Councillor Firth, yes, I certainly can and I have made a special point of calling these forums community forums, not Lord Mayor's forums. I would just like that to be taken on board in terms of our approach. Yes, certainly I think those two areas should be considered conjointly.

**MOTOR BOAT RAMP - ANZAC BRIDGE (S032440)**

13. By Councillor Hoff

**Question**

Lord Mayor, given that we have just been speaking about the harbour foreshores and how much we appreciate them and value them, and also talking about the foreshore walkway, could the Lord Mayor ascertain what is being done about the proposed development of a motor boat ramp beneath the Anzac Bridge at Bank Street, Pyrmont?

**Answer by the Lord Mayor**

I invite Council staff to comment on this issue. I know that there are proposals from certain quarters for a motor boat ramp. I also understand that that could interfere with our planned harbour foreshore walkway, and I know from lobbying that I have received from rowers at the Olympic Breakfast we attended last week, that there is concern from rowers and from people who enjoy the harbour foreshore for passive recreation.

Perhaps Council officers could tell Council what status that proposal is at and what impact it is going to have on those two areas - the passive recreation and enjoyment of the water, as well as the harbour foreshore, or perhaps I could request a report on the matter.

I invite staff to respond.

**General Manager**

Lord Mayor, we will prepare a report. The Executive Manager, Office of the General Manager, would also like to respond.

**Executive Manager, Office of the General Manager**

Lord Mayor, my understanding is that it is a State Government proposal, but a report can be prepared for Council on this matter.

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

Thank you, I ask that a report be prepared on the issue.

**SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (S032445)**

**14.** By Councillor Pooley

**Question**

Lord Mayor, I refer to the answer by the General Manager at the last Council meeting (page 184 of the minutes refers) regarding the fact that by virtue of South Sydney's membership of the Southern Sydney Regional Organisation of Councils (SSROC) the City is now a member. I'm just wondering whether we could have a report prepared for the next Committee meeting to select Council's delegates to SSROC, please.

**Answer by the Lord Mayor**

I invite the General Manager to respond.

**General Manager**

Councillor Pooley, since that Council meeting I have received a letter from SSROC asking the City of Sydney to become a member. They are acting on the understanding that, because the former South Sydney Council doesn't exist, that the City is no longer a member. I don't believe that to be the case.

In any event, if we are required to rejoin, we will. I just wanted to clarify that aspect of my previous answer. I will clarify the situation and if I have to submit a report to Council or consult with the Lord Mayor on who might be delegates if we are still a member I will do that.

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

If any Councillors are interested in being a delegate, could they let me know.

**HM BARK ENDEAVOUR (S032441)**

**15.** By Councillor Black

**Question**

Lord Mayor, a replica of James Cook's ship, the HM Bark Endeavour, was built in the late 1980s/early 1990s at a cost of \$17 million. The ship was a gift to the nation but is currently based in Europe. I understand that the Commonwealth Minister for the Arts, Senator Rod Kemp, has begun talks with the HM Bark Endeavour Foundation with the aim of returning the ship to Australia to base it in Darling Harbour.

I was wondering if you could initiate dialogue with the relevant NSW Minister with the objective of liaising with Senator Kemp in regard to possible sponsorship by the State Government in conjunction with the City of Sydney?

**Answer by the Lord Mayor**

Councillor Black, yes, I can.

**BICYCLE PARKING FACILITIES - SYDNEY TOWN HALL (S032446)**

16. By Councillor Mallard

**Question**

Lord Mayor, I refer to Council's Draft Corporate Plan, currently on exhibition, where it states on page 44 that Council will "enhance the supply of bicycle parking facilities in the City". Can Council lead by example and install visitor bicycle parking facilities outside the Sydney Town Hall?

**Answer by the Lord Mayor**

Councillor Mallard, my answer to that is yes, but first I will ask for a report on the matter.

**COUNCIL CONTRACTS (S032443)**

17. By Councillor Lee

**Question**

Lord Mayor, are you aware of the following comments by the State Member for Bligh in introducing the Government (Open Markets Competition) Bill:

"only the release of the contracts can expose the truth .... The automatic release of contracts will help prevent inappropriate deals."

Will the Lord Mayor give a commitment tonight to make all Council contracts public, in accordance with the terms of her own bill?

**Answer by the Lord Mayor**

Councillor Lee, yes, I certainly can.

**PYRMONT COMMUNITY SAFETY AUDIT REPORT (S032444)**

**18.** By Councillor Firth

**Question**

Lord Mayor, at the last Pyrmont Action Annual General Meeting, they asked me to raise the issue of the Pyrmont Community Safety Audit Report, which was prepared last year. There has been a whole series of recommendations, which I am sure have been forwarded to most Councillors. Could I please have an update about where that is up to - the recommendations of the Pyrmont Safety Audit Report?

**Answer by the Lord Mayor**

Yes, we will get that for you.

**CITY OF SYDNEY PARTNERSHIPS REGISTER (S032445)**

**19.** By Councillor Pooley

**Question**

Lord Mayor, could information on the City of Sydney Partnerships Register be placed on Council's website and readily accessed from the home page? This information was available on the former South Sydney website which is no longer online.

A friend of mine recently sought some information from the One Stop Shop in this building and they were unaware of it. The information is available at Redfern but I think we need to make that information available at Glebe, Kings Cross and in this building.

**Answer by the Lord Mayor**

Councillor Pooley, it is very important and yes, certainly we can.

**DRAFT PLANS OF MANAGEMENT (S032441)**

**20.** By Councillor Black

**Question**

Lord Mayor, following the successful launch of the Draft Plan of Management for Foley Park, Glebe, last Saturday, I was wondering whether councillors can expect similar draft plans of management for Redfern Park, Prince Alfred Park and Erskineville Park?

**Answer by the Lord Mayor**

Councillor Black, that is an excellent question and, yes, I am looking forward to that. I invite the Executive Director City Development to comment.

**Executive Director City Development**

Lord Mayor, we are going through the development of the Plan of Management process over the next six months. I cannot give you a specific time for each Park because it depends on the community engagement process, which is a statutory process for the development of plans of management, but it will be within the next 12 months.

**LEGAL PROCEEDINGS (S032446)**

21. By Councillor Mallard

**Question**

Lord Mayor, I refer to my question at the last Council meeting, shown on page 174 of the minutes, at which I asked about a report on legal actions in which Council is involved, which I was informed is distributed quarterly. Can Councillors receive a report outlining all legal action the Council is undertaking, as requested in my former question, including details of the plaintiff and status of proceedings? We still have not received that report.

**Answer by the Lord Mayor**

Yes, Councillor Mallard, we will have that listed for the next Briefings session, which will be held on Monday week, 21 June 2004, as next Monday is a public holiday.

**DEVELOPMENT APPLICATIONS ON COUNCIL'S WEBSITE (S032442)**

22. By Councillor Harris

**Question**

Lord Mayor, are there any issues with displaying all development applications on the website as they are lodged with Council?

**Answer by the Lord Mayor**

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

**Director for City Planning (Northern Zone)**

Lord Mayor, certainly we put most development applications on notification, about 90 per cent of development applications. There is a weekly email service, to which we have subscribed every Councillor. That is also available to the public.

Council's website has all development applications on notification. There is also a link if anyone wants to request a weekly email of every new development application.

In terms of the website for upcoming Committee meetings, in addition to staff advising objectors and applicants of items listed on the agenda for Committee meetings (who generally know well in advance), the agenda for the meeting, once cleared and finalised, is also placed on the website prior to the meeting.

Certainly all the development applications that are notified are placed on the website and in the last couple of months the web server team has put on it provision to allow anyone with access to email to get a weekly list, and all the Councillors should be receiving that. If they are not, I ask that they let me know or, if Councillors would prefer a paper copy, that can be arranged.

### **CODE OF MEETING PRACTICE (S032445)**

**23.** By Councillor Pooley

#### **Question**

Lord Mayor, you reflected earlier on what you thought were the fair provisions of the Code of Meeting Practice. I make the point that this is the Code of the former City of Sydney. There was another very fair Code of Meeting Practice around in the former City of South Sydney. As we are all aware, this was a merger and not a takeover, and I wonder whether we could examine both Codes at the next Committee meeting in order to agree on a joint Code of Practice for the new City of Sydney?

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

Councillor Pooley, I think that is a very good request and we certainly can.

**ITEM 17. NOTICES OF MOTION****GATEWAY PROJECTS (S032455)**

1. Moved by Councillor Mallard, seconded by Councillor Harris, that -

Council resolve to establish a committee to review the design of the 'Gateway Projects' (Oxford Street, Broadway and William Street) called the '*Gateway Project Design Review Committee*'.

- (1) That the review be conducted in light of the new Council's stated position to implement holistic and sustainable transport options for Sydney commuters.
- (2) The review is to include examination of provisions for dedicated and safer cycle ways or cycle tracks.
- (3) The review is to include examination of the provision for future light rail services.
- (4) The review is to commence with the Oxford Street gateway project.
- (5) The review include examination of the proposal to remove mature trees along Oxford Street
- (6) That such a committee is to be chaired by the Lord Mayor (or nominee) and comprise interested Councillors and be supported by relevant management, staff, specialists and community representatives as needed.
- (7) That Council's Public Affairs department draft a communications strategy in consultation with the Lord Mayor to inform the public and other stakeholders of Council's decision to review the gateway projects.
- (8) That the '*Gateway Project Design Review Committee*' report to Council within 3 months.

Amendment moved by Councillor McInerney, seconded by Councillor Kemmis -

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

1. Council note the dedicated work undertaken by Council officers in the ongoing design and implementation of the Gateways Projects, and endorses the current process of contract implementation and work scheduling in respect of the Oxford Street Project.
2. With reference to Council's expressed desires to allow for the future provision of light rail and the provision of appropriate bikeways, that Council officers be requested to review all the Gateway Projects not currently in the construction phase (Oxford Street, Broadway and William Street).

3. That the review be overseen by the Planning Development and Transport Committee.

Note - During discussion on this matter, Councillor Mallard indicated an agreement to vary his motion by accepting clause 1 of Councillor McInerney's amendment, and varying clause (8) of his motion to report to Council within one month instead of three months.

### **Adjournment**

At 8.22pm, during discussion on Item 17.1, the Council meeting adjourned. At 8.35pm, Council resumed and discussion on Item 17.1 continued. At the resumption of the Council meeting, those present were -

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

The amendment was then put to the vote and was carried on the following show of hands -

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

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

The substantive motion was carried unanimously.

### **WORLD REFUGEE DAY (S032451)**

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

That the City of Sydney assist in the endorsement, promotion and conduct of World Refugee Day on 20th June 2004 by:

- (A) Passing this motion endorsing World Refugee Day;
- (B) Donating money to help fund the organisation of the event; (suggested amount: \$500)
- (C) Promoting the event through Council's networks;
- (D) Offer logistical support for the Festival and the rally
- (E) Poster distribution in Council's community noticeboards;
- (F) Promoting the event through local media;
- (G) Promoting the event by making a banner to hang from a prominent building in the City of Sydney;
- (H) Informing local community groups and organisations of the event.

Amendment. At the request of the Chair (the Lord Mayor), and by consent, the motion was amended by the deletion of the words in clause (B) and the substitution of the following words -

“Noting that the fees have been waived for the hire of Hyde Park and a \$500 contribution has been provided;”

Motion, as amended by consent, carried unanimously.

### **PLASTIC BAGS (S032451)**

3. Moved by Councillor Harris, seconded by the Chair (the Lord Mayor) -

On the subject of the use of plastic bags this Council resolves to :

1. Target a 50% reduction in the use of plastic bags, throughout the City of Sydney local government area, within 2 years
2. explore ways to insert plastic bag minimisation targets into the council's planning instruments
3. provide 2 reusable cloth bags to each COS residence
4. develop a strategy, in collaboration with COS businesses, to achieve a 50% reduction in plastic bags supplied within 2 years
5. develop a strategy for COS residences to achieve a 50% reduction in plastic bags used in the home within 2 years
6. Develop an annual awards and recognition program for outstanding success, by business, community groups and individuals, with plastic bag reduction
7. Work with the surrounding councils of Woollahra, North Sydney, Leichhardt and Marrickville to set regional targets to reduce plastic bag usage.

Amendment. At the request of the Chair (the Lord Mayor), and by consent, the motion was amended by the deletion of the entire motion and the substitution of the following new motion –

It be resolved that:

- (a) Council note the environmental damage that results from the needless and excessive use of plastic bags in NSW;
- (b) Council note that the State Government has the ability to effectively phase out or discourage the use of plastic bags across the State by introducing appropriate restrictions on their use or requiring consumer fees to be imposed by retail outlets for the inappropriate use of plastic bags;

- (c) in view of the inadequate action taken by the State to date, Council request the General Manager to review options at the City's disposal and develop a comprehensive strategy for reducing the use of plastic bags throughout the City of Sydney local government area;
- (d) in developing a comprehensive strategy, Council will consider a reduction target and timeframes, ways to insert plastic minimisation targets into planning instruments, successful ways to involve business and residents in implementing the strategy including considering how business and the community can contribute to achieving targets set (50% within 2 years), an appropriate award and recognition system to recognise business, community groups and individuals contribution to implementing the strategy as well as evaluating ways to work with surrounding councils to reduce plastic bag use;
- (e) Council note that the comprehensive strategy to reduce plastic bag use is to be one component in a comprehensive environmental strategy to be developed by the City of Sydney to demonstrate environmental leadership;
- (f) Council ask the General Manager to report back to the Community Services, Small Business and Tourism Committee;
- (g) Council look at ways of providing reusable cloth bags to City of Sydney residents; and
- (h) Council propose that the Lord Mayor meet with leading retailers, such as Coles Myer, David Jones, Woolworths, Retail Traders' Association and other business representatives, asking them to voluntarily impose the measures mentioned in clause (b).

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

#### **Business of which due notice had not been given**

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

Moved by Councillor Pooley, seconded by Councillor Mallard –

That, as a matter of urgency -

- (1) Councillors stand for one minute's silence to acknowledge Council's respect for the memory of Miss Rebecca Milligan, a highly valued member of staff of the former South Sydney City Council and subsequently of the City of Sydney Council; and
- (2) a letter, under the Lord Mayor's signature, be conveyed to the next of kin of Miss Milligan expressing Council's sincere condolences.

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

The substantive motion, moved by Councillor Pooley and seconded by Councillor Mallard, was carried unanimously.

Note – the Chair (the Lord Mayor), on behalf of all Councillors, expressed sadness at the death of Miss Milligan and conveyed Council's sincere condolences to her family. Councillor Mallard also added his personal condolences.

Note - Councillors, Council staff, press and members of the public present stood in silence as a mark of respect for the late Miss Rebecca Milligan.

At 8.58pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 28 June 2004 at which  
meeting the signature herein was subscribed.