



**10 MARCH 2004**

**Meeting No 4**

**MINUTES** of a Meeting of the Council of the City of Sydney (the Administrators) held in the Council Chamber at the South Sydney Civic Centre, commencing at 6.54pm on 10 March 2004 pursuant to Notice 4/4 dated 5 March 2004.

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**PRESENT**

Mr Tony Pooley (Administrator)  
(Chairperson)

Administrators - Mr Garry Payne and Ms Lucy Turnbull.

At the commencement of business at 6.54pm those present were:-

Administrators Pooley, Payne and Turnbull.

Also present were -

The Acting General Manager and Executive Director, City Development.

Director Community Living, Director Corporate Services, Director City Works, Northern Zone, Director City Works, Southern Zone, Director City Planning, Northern Zone, Director City Planning, Southern Zone, General Counsel and Executive Manager - Assessments, City Planning, Southern Zone.

**ITEM 1. CONFIRMATION OF MINUTES**

Moved by the Chairperson, Administrator Pooley, seconded by Administrator Turnbull:-

That the minutes of the previous meetings of the:-

Council Meeting (Administrators) of Wednesday 25 February 2004;  
Council Meeting (Administrators) of Monday 1 March 2004;

- that were circulated to the Administrators prior to the Council Meeting, be confirmed.

Carried unanimously.

**NOTE:**

The Chairperson informed those present at the meeting that there were speakers on Items 2, 3 and 4 and that they be dealt with in the order as they appear in the Business Paper.

**ITEM 2. OXFORD STREET, NOS. 55-73, DARLINGHURST - SECTION 96 APPLICATION - EXTENDED CONSTRUCTION HOURS - DEVELOPMENT APPLICATION (D/02/00499E)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That arising from consideration of a report by the Specialist Planner to Council on 10 March 2004 in relation to the Section 96 application made by Multiplex Constructions for the site at Nos. 55-73 Oxford Street, Darlington for extended working hours for construction, it be resolved that the development consent (D/02/00499C) be modified by the insertion of the following condition numbered 66(a) after Condition 66 contained in Schedule 1D, as follows, namely:-

**Schedule 1D****Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority**

- 66(a) Works relating to the finishing of internal spaces only may be carried out during extended hours between 5pm and 7.30am on Mondays to Saturdays inclusive, and between 3pm Saturdays to 7.30am Mondays inclusive for an initial trial period of one month, starting from the date of commencement of internal works as applied for, in accordance with the following:-
- (i) Internal works are applicable only to those parts of the building which have fully sealed and enclosed external facades.
  - (ii) Background noise levels shall not be exceeded at all during the extended hours to ensure that no noise or vibration whatsoever generated from the internal works shall be audible by the residents of any surrounding dwelling.
  - (iii) Prior to commencement of the extended construction hours, the applicant shall enter into a deed with Council wherein the applicant agrees to lodge a performance bond. The amount of the bond shall be \$50,000. 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 extended construction hours.
  - (iv) Prior to commencement of the internal works, the applicant shall notify Council of the intended date of commencement of the works.

- (v) An acoustic monitoring programme shall be implemented on a daily basis, assessing the noise impact from the internal works during the extended hours. Any detected breaches of approved noise levels shall be immediately notified to Council and the overall results of the monitoring programme shall be reported to Council within one week of the end of each trial period.
- (vi) All acoustic monitoring and reporting shall be conducted by an accredited acoustic consultant.
- (vii) Should it be demonstrated that internal works undertaken during the extended hours hereby approved do not comply with any part of this condition, the consent for extended hours will be revoked and the hours of work and noise will revert back to the hours specified in Condition 66.
- (viii) No power tools shall be used outside the standard approved construction hours stipulated in Condition 66 – Hours of Work and Noise.
- (ix) A noise management plan shall be developed and implemented in accordance the “Oxford Square Re-development - Assessment of Construction Noise Impact” report dated 10 December 2003, as modified by these conditions.
- (x) Noise associated with shift changes or management of the internal finishing works shall not be audible by surrounding residents.
- (xi) Deliveries and ancillary activities associated with the development shall not be made outside the hours nominated in Condition 66 above.
- (xii) The on-site after hours contact number for the Site Manager is to be advertised on the building hoarding, including detailing the availability at all times of a responsible person who has the authority to cease any noisy works.
- (xiii) The developer is to liaise with residential premises surrounding the site prior to the commencement of extended hours of work to advise of the on-site after hours contact number for the site manager (i.e. to ensure that noise complaints can be dealt with expeditiously). Details of such liaison with residents are to be provided to Council as part of the required periodic noise reporting and within one week of commencing the extended hours.
- (xiv) The applicant shall ensure that lighting on the site, whilst work is undertaken outside Council’s standard hours of construction, is such that, at no time will the intensity, hours of illumination or location of the lighting cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused by the intensity, hours of illumination and location of the lighting, then the applicant shall when directed by Council, amend the lighting to the satisfaction of the Director of City Development and Projects.
- (xv) Council reserves the right to take such action as may be necessary to abate any noise nuisance which is the result of complaints arising from extended hours of construction.

If such action is necessary, the applicant will be required to submit a further Noise Impact Statement and approval obtained from Council before the recommencement of extended hours of construction.

- (xvi) The approval for extended hours is given for an initial trial period of one month.
- (xvii) At the end of the initial one month trial period, the elected Council may approve further trial periods of up to two months, subject to Council being satisfied that the above conditions have been met and no nuisance has been caused to the residents of surrounding properties.

At the request of Administrator Turnbull, and by consent, the motion was amended by:-

- (1) the addition of the words “approved by the Acting General Manager” after the word “consultant” where appearing in the second line of Roman numeral clause no. (vi) in the recommendation.
- (2) the addition of a Roman numeral clause no. (xviii) to the recommendation namely:-
  - (xviii) That no external hoists, cranes or other machinery shall be used to deliver any equipment or materials on the site outside the extended approved hours of construction.

Motion, as amended by consent, carried.

### **ITEM 3. BROADWAY - STREETScape UPGRADE (GATEWAY PROJECT) - DEVELOPMENT APPLICATION (D/03/00492)**

Moved by Administrator Turnbull, seconded by Administrator Payne:-

That arising from consideration of a report by the Systems & Planning Co-Ordinator to Council on 10 March 2004, in relation to Development Application D/03/000492 made by The City of Sydney for the Broadway (Gateways Project) it be resolved that consent be granted subject to the following conditions, namely:-

## **Schedule 1A**

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

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

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

- (1) Development must be in accordance with Development Application No D/03/00490 dated 18 June 2003, prepared by Hassell dated June 2003 and Drawing Numbered DA-01/Rev B-DA-027/Rev B.
- (2) For any future works related but not forming part of this development application, a development application is only required according to relevant statutory provisions applying at the time. Similarly, any proposed modification to aspects of the current proposal will only need a Section 96 modification if that aspect of the proposal required development consent in the first instance.

#### **CONSULTATION WITH STATE TRANSIT AUTHORITY & ROADS & TRAFFIC AUTHORITY**

- (3) That prior to the commencement of work, the City meet with representatives of the State Transit Authority and Roads and Traffic Authority to resolve outstanding issues in relation to existing bus routes and the proposed relocation of the bus stop near Mountain Street and also the relocation of the pedestrian crossing east of Jones Street, Ultimo.

#### **STREET TREES**

- (4) That the species of the proposed street trees be further investigated in order to consider practical issues relating to growth, survival, landscape design and possible allergenic impacts. Details of the selected street trees are to be provided for the approval of the Director of City Planning.

#### **PEDESTRIAN & TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (5) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of demolition/excavation or construction on the site and must include details of:-
  - (a) Proposed ingress and egress of vehicles to and from the construction site with the kerb ramps that will be constructed as part of this redevelopment being done in accordance with the City of Sydney Building Codes;
  - (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) Storage of constructed vehicles whilst not in use and visual treatment of any such area.

The Pedestrian and Traffic Management Plan shall be forwarded to the Sydney Traffic Committee for further comment. The Plan is to be implemented during the construction period.

## **HERITAGE**

- (6) That an experienced heritage practitioner is to be engaged to oversee all aspects of the work related to heritage items and contributory buildings affected by the proposal, from the detailed awning design to refurbishment and construction.
- (7) That prior to commencement of works or release of construction certificate, whichever is the earliest, an archival photographic record is to be carried out of the facades, awnings and any significant streetscape elements that will be impacted by the proposal. A copy of this record is to be lodged with Council Archives.
- (8) That the design of new awnings is to respect the form, proportions, character and any particular façade details likely to be impacted upon by the introduction of new awnings.
- (9) That replacement awnings are to respect the relationship between the original awnings and streetscape topography. Where heights of awnings change and step up and down the along the streetscape the pattern is to be replicated.
- (10) That all new external finishes and works of making good of significant awnings shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
- (11) That any cutting back of awnings is to be kept to a minimum so that changes to the structure, any suspension rods and significant fabric is limited.
- (12) That where new awnings are proposed, shops within the same building are to have matching awnings.
- (13) That fixing of new awnings is to be undertaken as carefully as possible so as to minimize the impact on significant fabric.
- (14) That awnings featuring a pressed metal soffit which are to be cut back are to be done so that the predominant pattern of the awning is retained.
- (15) That existing suspension rods and under awning brackets are to be retained and reused where possible.
- (16) That the width and detailing of awning fascias of heritage buildings proposed to be altered is to be based where possible on documentary and physical evidence.

- (17) That contributory buildings with significant box awnings proposed to be altered where soffits have been relined or reclad at No 295 Parramatta Rd, the Agincourt Hotel (No. 871 George St) and County Clare Inn (Nos. 20-24 Broadway), the replacement soffits are to be in keeping with the architectural style and period of the building and based where possible on physical and documentary evidence.
- (18) That any change to the location or positioning of traffic lights on new poles are to be so that impacts on the fabric or structure of significant awnings are minimised.
- (19) That the cabling underground of the overhead power lines that are located above the footpath such as between Derwent Street and No 291 Parramatta Road, and on the Wattle Street frontages of both the former hotel at Nos. 117-121 Broadway and the Australian Hotel at Nos. 100-102 Broadway, is to be investigated.
- (20) That the cantilevered balcony at Nos 291-293 Parramatta Road is to be retained for the full width of the terrace pair and not for only part of it as shown on drawing DA-02B.
- (21) That the large fig tree proposed in front of University Hall at Nos. 281 -285 Parramatta Road is to be re-located.
- (22) That the memorial to Aboriginal boxer Dave Sands (1952), the boundary stone of Sydney Council laid by Governor Bourke in 1836 and the heritage listed Sandstone Victorian Fountain are to be retained in the plaza upgrade in front of University Hall and be appropriately conserved under the supervision of a heritage practitioner.
- (23) That any proposed awning works to the former Broadway Theatre (Phoenician Club) at Nos. 173-179 Broadway are to be in accordance with the policies contained within the Conservation Management Plan for the building prepared by Noel Bell Ridley Smith and Partners, dated April 2002 and previous DA Approval (SS U02/1196).
- (24) That there are to be no changes to the width and detailing of the awnings on the Victorian and Federation buildings at Nos.141-171 Broadway, which are all listed heritage items, and have recently been restored including the awnings (except for No. 161) as part of the Quadrant on Broadway Development.
- (25) That no awning be constructed to the building at No.161 Broadway.
- (26) That as part of addressing the stormwater drainage issues of the street, measures to improve the appearance of the detracting large stormwater channels located under the shop windows of Nos 141 -159 Broadway are to be investigated. Details are to be submitted from a drainage engineer in consultation with a heritage practitioner to the satisfaction of the Director of City Planning prior to the commencement of works.
- (27) That the new awning proposed for the three storey listed Victorian building at Nos. 137-145 Broadway is to be based where possible on documentary and physical evidence and is to be sympathetic to the architectural style and period of the building.
- (28) That the awning proposed for the Victorian Building at Nos. 133-135 Broadway is to be sympathetic to the style and character of the building.

- (29) That any new awning on the Victorian building at Nos. 129 -131 Broadway is to be confined to the Broadway frontage of the building excluding the splay corner and be appropriate to the style of the building.
- (30) That the two awnings to the three storey building at Nos. 9-13 Broadway are to be at the same height and with any refurbishment/reconstruction significant fabric is to be retained such as the studded fascia. The central bay of the building is to remain without an awning.
- (31) That any alterations to the awnings of the Co-op Bookshop Building at Nos 1-7 Broadway and the corner Federation building at No. 81 Broadway, are to be carefully designed to avoid the smart poles which currently protrude through the awnings and be in keeping with the individual character of the buildings.
- (32) That the significant awning on Pioneer House at No. 134 Broadway with its distinctive pressed metal soffit is to be restored and not cut back.
- (33) That the recently completed interpretative footpath signage relating to the "Publican and the Priest" in the Shepherd Street plaza is to be retained and carefully incorporated as part of the footpath upgrade.
- (34) That detailed drawings indicating changes to awnings to be altered, new awnings, underawning lighting, colour scheme for the fascias and soffits, the signage strategy and detailed layout of the design of University Hall plaza be submitted to the satisfaction of the Director of City Planning prior to the commencement of works or release of construction certificate, whichever is the earliest. The drawings are to be prepared with the input of a heritage practitioner.
- (35) That the existing trachyte kerbing is to be reused for footpath kerbing in the streetscape where practicable.
- (36) That all existing glass pavement lights are to be retained and where refurbished.
- (37) That the two cast iron letter boxes, located at the corners of Glebe Point Road, Glebe, and Wattle Street, Ultimo, are to be retained either in situ or relocated to a similar and nearby location in the footpath.
- (38) That an interpretation strategy including details and location of proposed interpretative works/measures to illustrate the history, development and significance of the street is to be prepared with assistance of a suitably qualified heritage practitioner/historian. This interpretation strategy is to be submitted to the satisfaction of the Director of City Planning prior to the commencement of works or issue of a construction certificate whichever is the earliest.

#### **ARCHAEOLOGICAL INVESTIGATION**

- (39) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act, 1977.

- (40) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

### **FOOTPATH ILLUMINATION**

- (41) Illumination of the footpath by light fittings installed internally or to the awning must provide the following maintained illuminance levels in both the horizontal and vertical plane, when measured 1.5 metres above the footpath:-
- (a) minimum average maintained illuminance level of 10 lux in the horizontal and 3 lux in the vertical plane;
  - (b) maximum illuminance level of 200 lux; and
  - (c) an illuminance ratio ( $E_{avg}/E_{min}$ ) not exceeding 4:1 to ensure the safe movement of pedestrians.

### **AWNINGS**

- (42) All awnings are to comply with the City of Sydney Awnings Policy 2000. Any proposed awnings or reconstruction/upgrade of existing awnings over the public footway are to comply with Council's standard requirements and not extend within 800mm of the adjacent kerb. Where specific conditions relate to awnings, these conditions shall prevail.

### **SMART POLES<sup>TM</sup>**

- (43) Smart poles<sup>TM</sup> shall be provided in the public way in accordance with Council's Standard and specification.

## **Schedule 1B**

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

- (44) 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.

## **SIGNAGE STRATEGY**

- (45) A signage strategy shall be prepared that identifies the number, type, size and locations of signs required to ensure appropriate way finding and naming of buildings and tenancies within the project area in accordance with City of Sydney Signage and Advertising Structures Development Control Plan 2003. To this end a comprehensive signage strategy is required to be submitted detailing the location of all new signage (not covered in the subject application) and its design character prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, for the development.

## **Schedule 1C**

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

#### **UTILITY SERVICES**

- (46) 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) A survey is to be carried out 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.

#### **PUBLIC DOMAIN PLAN**

- (47) 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 construction commencing.
  - (b) The Public Domain Plan shall be as follows:-
    - (i) Drawn at 1:100 scale.
    - (ii) Show the entire layout of flagstone paving where this paving is required.

- (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture (including parking signs, street nameplates, bins, benches), utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
  - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
  - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
  - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
  - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
  - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture (including utility poles) and street trees.
  - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
  - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing.
  - (vi) The retention and repair of any existing pavement lights.
  - (vii) The retention and repair of any existing serviceable stone gutters.

- (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) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Where the finished level of paving of the property boundary is to vary from existing levels, details of the variance shall be detailed on the public domain plans. Such details shall include the location and level of any steps, landings etc adjacent to the paving and any adjustments proposed thereto.

Note:

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

- (48) 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.

#### **PUBLIC ART**

- (49) High quality art work shall be provided within the development in publicly accessible locations. Details of the art work must be submitted for the approval of the Council prior to the commencement of work.

#### **ROAD & DRAINAGE WORKS**

- (50) Detailed road and drainage works engineering design and construction plans for the construction of the proposed civil works associated with the Broadway upgrade are to be submitted to Council and approval gained prior to the commencement of any associated work. Such plans are to include:
  - (a) The location of all existing and proposed services in the vicinity of the proposed works and any alterations or deviations required.
  - (b) Geometric design, construction materials, formation seal and specifications of the proposed kerb and gutter realignment, parking bay formation, footway formation and carriageway formation.
  - (c) Details of the existing road formation, materials and any structures to be removed or relocated and any earth works to be undertaken.
  - (d) Hydraulic and geometric design of any proposed storm water drainage works within the site including deviations, alterations, augmentation of the existing public drainage system and private connections into Council’s public storm water drainage system.

- (e) Details and specifications of any vehicle footpath crossings required to be reconstructed or removed as a consequence of the upgrade proposal.
- (f) Details of all street poles, lighting, furniture, bollards, street signage, line marking, street name plates and landscaping proposed, including existing trees to be removed and those to be retained.
- (g) Details of sediment runoff control measures to be adopted during the construction period.
- (h) All proposed civil works are to be designed and constructed in accordance with Council's standards and requirements and AUSPEC#1 specifications.
- (i) The submission to Council is to include:-
  - (i) The detailed engineering plans in duplicate and a certification form prepared and signed by an appropriately qualified practicing civil engineer.
  - (ii) The certification repeated for each revision issued to Council.
  - (iii) The nomination of an appropriately qualified practicing engineer who is to supervise construction and certify that upon completion, all works and procedures comply with the certified plans and specifications.

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

- (51) A Waste Management Plan for the demolition and/or excavation works must be submitted to the satisfaction of Council before commencement of work on the site.
- (a) 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 Council. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
  - (b) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
    - (i) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October, 1994.
    - (ii) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
      - a. Type and quantities of material expected from demolition and excavation;
      - b. Name and address of transport company;

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

Note:

Council must be notified of any proposed change in any of the above details throughout the course of work.

### **BARRICADE PERMIT**

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

## **Schedule 1D**

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

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

- (53) To comply with the Protection of the Environment (Operations) Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
  - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;

Any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

(54) 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 Council.
- (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.

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

(55) 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 shall be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

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

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

### **DEMOLITION WORKS**

- (57) 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 Work Cover Authority (NSW);

- (d) The Construction Safety Act 1912 and Demolitions Regulations;
- (e) The Occupational Health and Safety Act 1983; and
- (f) All other relevant Acts and Regulations.

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

## **PUBLIC WAY**

- (58) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances without appropriate alternative pedestrian management measures in place during construction. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

## **Schedule 2**

### **Prescribed Conditions**

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

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

Carried.

**ITEM 4. OXFORD STREET, NO. 395 AND GORDON STREET, NOS. 24 –26, PADDINGTON – USE OF UNITING CHURCH AND GEORGE SMITH MEMORIAL HALL AS A PLACE OF PUBLIC ENTERTAINMENT (POPE) (U03-00702)**

Moved by the Chairperson, seconded by Administrator Payne:-

That arising from consideration of a report by the Executive Manager-Assessments-City Planning, Southern Zone, to Council on 10 March, 2004, it be resolved that -

(A) Council grant its consent under Section 80(1) of the Environmental Planning and Assessment Act, 1979, to Development Application submitted by Uniting Church of Australia Property Trust (NSW), for a Place of Public Entertainment License at land known as No. 395 Oxford Street and Nos. 24-26 Gordon Street, Paddington subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the Plan Of Management prepared by Alexander Tzannes and Associates Pty Ltd. and received by Council on 5 September 2003, and the information contained therein and plans DA0147.01A drawn by Alexander Tzannes and Associates and dated November 2001 subject to compliance with the conditions below;
- (2) That the use shall cease after a period of 12 months from the date of commencement. A further development application for the continuation of the use may be lodged for Council's consideration prior to the expiration of this consent;
- (3) That this consent shall not operate for the period from the commencement of construction of mixed use building at Nos. 24-26 Gordon Street (existing car park) as approved on 7 August 1996 under Development Application U96-00149 until the issue of an Occupation Certificate for U96-00149.

The activities and uses relating to the Place of Public Entertainment License must cease until such time as the building is complete and the associated car parking spaces are available for use;

- (4) That the hours of operation in the Church shall be restricted to between
 

Monday to Thursday	6am – 10pm
Friday	6am – 12am (midnight)
Saturday	5pm – 12am (midnight)
Sunday	1pm – 10pm
- (5) That the hours of operation in the George Smith Memorial Hall shall be restricted to between:
 

Monday to Thursday	7am – 10pm
Friday	7am – 12am (midnight)
Saturday	5pm – 12am (midnight)
Sunday	9am – 10pm
- (6) That the activities to be held in the Church shall be restricted as outlined in the following table:

<b>Activity</b>	<b>Frequency of Occurrence</b>	<b>Maximum Attendance</b>
<ul style="list-style-type: none"> <li>• Religious music (eg Time Out)</li> <li>• Concerts of all types (eg A Cappella, chamber music, jazz)</li> <li>• Rehearsals of concerts</li> <li>• Art Exhibitions</li> <li>• Rehearsals for plays</li> <li>• Plays (eg. Eastern Suburbs Musical Society)</li> </ul>	<ul style="list-style-type: none"> <li>2 times per month</li> <li>1 time per week</li> <li>4 times per month</li> <li>3 times per year</li> <li>4 times per year</li> <li>1 time per year = 5-10 shows per week for 2-4 weeks</li> </ul>	<ul style="list-style-type: none"> <li>50-200</li> <li>50-200</li> <li>10-20</li> <li>50-200</li> <li>5-20</li> <li>50-200</li> </ul>
<ul style="list-style-type: none"> <li>• Dance and Movement Classes</li> <li>• Workshops (eg Sydney Process workers)</li> <li>• Choir rehearsals</li> <li>• Commercial Hirings</li> <li>• Market Arts/Crafts/fashion events in Church</li> </ul>	<ul style="list-style-type: none"> <li>1 time per week</li> <li>4 times per year</li> <li>1 time per week</li> <li>1 time per year</li> <li>2-3 times per year</li> </ul>	<ul style="list-style-type: none"> <li>10-50</li> <li>20-100</li> <li>10-50</li> <li>25-200</li> <li>5-200</li> </ul>

(7) That the activities to be held in the George Smith Memorial Hall shall be restricted as outlined in the following table:

<b>Activity</b>	<b>Frequency of Occurrence</b>	<b>Maximum Attendance</b>
<ul style="list-style-type: none"> <li>• Concerts</li> <li>• Choir rehearsals</li> <li>• Sunday evening coffee shop</li> <li>• Fundraising events for the church, with or without an alcohol licence</li> <li>• Music Café (Café Carnivale with an alcohol licence)</li> <li>• Private functions</li> <li>• Corporate functions</li> <li>• Filming of commercials etc.</li> <li>• Fundraising events for non-profit organisations</li> </ul>	<ul style="list-style-type: none"> <li>1 night per week</li> <li>1 time per month</li> <li>1 time per week</li> <li>2 times per year</li> <li>2 times per week</li> <li>2 times per month</li> <li>6 times per year</li> <li>6 times per year</li> <li>6 times per year</li> </ul>	<ul style="list-style-type: none"> <li>25-200</li> <li>10-50</li> <li>10-50</li> <li>50-200</li> <li>50-200</li> <li>25-200</li> <li>25-200</li> <li>5-25</li> <li>25-200</li> </ul>

(8) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;

(9) That the parking needs associated with the application are to be accommodated within the existing off-street car park. Any over-spill parking into the surrounding local street network is to be minimised through the implementation of the Recommendations made in the Parking and Traffic Management Plan (and amendments submitted on 20 February 2004) prepared by Alexander Tzannes and Associates;

- (10) That except for weddings and funerals, the parking demand generated by activities held at the Centre shall not exceed the capacity of the car park available to serve the Centre, that is 62 vehicles on a self-park basis or 84 vehicles on a valet parking basis. The total attendance at activities held in the Centre (excluding weddings and funerals) will not exceed 150 persons if the car park is to be used on a self-park basis or 200 persons if the car park is to be used on a valet parking basis;
- (11) That the car park can be used on a self-park basis on all occasions, except when it is used to accommodate the parking demand generated by stall holders at the Saturday market or to accommodate the parking demand generated by activities attended by more than 150 persons when it will operate on a valet parking basis;
- (12) That 62 car spaces clearly line marked on the existing car park in accordance with the "Self-Park Car Park" layout defined in the Plan of Management prepared by Alexander Tzannes Associates Pty Ltd received by Council on 5 December 2003;
- (13) That the Village Church Centre will employ staff necessary to supervise operation of the car park for any activity expected to be attended by 100 persons or more, whether the car park is operated on a self-park or valet basis as follows:  
Self Park 1 x car park supervisor  
Valet 1 x car park supervisor + 3 x parking attendants
- (14) That car park staff will be in attendance at least 1hr prior to the nominated commencement of an activity, and 1hr after the nominated completion time of the activity;
- (15) That the Village Church Centre erect appropriate signage in the hall and near the car park exit reminding patrons that the Centre is located close to residential areas and to be quiet when leaving the premises;
- (16) That a sign be erected at the entrance to the car park stating that parking is for users of the church facilities only;
- (17) That public transport information on how to get to the site is provided on the back of tickets issued for activities and is provided within the Village Church Centre;
- (18) That 5 bicycle parking rails to AS2890.3 Class 3 standard be provided in a convenient, accessible location to encourage travel by bicycle;
- (19) That the amended Parking and Traffic Management Plan as submitted by the applicant on the 20 February 2004, be implemented;
- (20) That the recommendations made within the Acoustical Assessment prepared by Challis Consulting Pty Ltd. be implemented and those that require on-going operational controls be carried out at all times;
- (21) That no other activity shall be held in the Church Centre when the Saturday Markets are being held or when a wedding or funeral is being held;

- (22) That all activities associated with the events in the Church Centre including departure of patrons, entertainers and vehicles and the loading and unloading of vehicles are to cease by 10pm on Monday to Thursday and Sunday and 12pm midnight on Friday and Saturday;
- (23) That the lease agreement for the Church Hall shall include a clause that will stipulate that, in the event that a Church warden or official representative of the Church instructs the lessees to terminate a function because of excessive sound emissions, then the lessees will accept such request for termination without disputation;
- (24) That no amplified music shall be permitted to commence before 10.00am Monday to Sunday.
- (25) That a site caretaker shall be present on site for the duration of all activities. The site caretaker shall ensure that the activities are carried out in accordance with the conditions of consent;
- (26) That it shall be the responsibility of the operator of the premises to ensure that patrons, upon leaving the premises and the surrounding area, do so in a timely and non-disruptive manner;
- (27) That the  $L_{A10}$  noise level emitted from the premises shall not exceed 5dB above the background  $L_{A90}$  sound level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the boundary of the nearest affected residential premises. The background sound level shall be measured in the absence of noise emitted from the proposed Place of Public Entertainment;
- (28) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted to Council prior to commencement of work;
- (29) This approval is granted without prejudice to any further action being taken under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended), in respect of the provision of adequate fire safety and egress in the building;
- (30) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;

- (31) That an application for a Construction Certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged construction certificate until a construction certificate application has been approved for each stage;
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (33) That a copy of the approval for the place of public entertainment shall be conspicuously displayed in the Place Of Public Entertainment, in accordance with the requirements of Schedule 1 of Local Government (Approvals) Regulation 1999;
- (34) That the premises, and its site, shall be maintained in a clean and hygienic condition, clear of all undergrowth, rubbish, flammable or noxious material, and other material likely to constitute a fire or health hazard;
- (35) That entertainment shall not be conducted on the premises until all the required works are completed and an approval to conduct public entertainment to these areas has been issued;
- (36) That an alternative solution to the following conditions would be acceptable to Council if it addresses all of the performance requirements of the BCA namely :-
  - (a) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
  - (b) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
  - (c) That dimensions of exits and paths of travel to exits shall be in accordance with the requirements of clauses D1.6 of the BCA;
  - (d) That access for people with disabilities shall be provided in accordance with part D3 of the BCA;
  - (e) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (f) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;

- (g) That during the course of construction portable fire extinguishers shall be provided at all times on each storey adjacent to each required exit or temporary stair in accordance with the requirements of E1.9(a) of the BCA;
- (h) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (i) That a system of emergency lighting shall be installed to provide sufficient light in an emergency, in accordance with the requirements of Clause E4.2 of the BCA and AS2293.Part 1;
- (j) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (k) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
- (l) That Smoke Hazard Management shall be provided throughout the Church and the Hall in accordance with the requirements of part E2 of the BCA;
- (m) That the ground floor entertainment of the Hall shall be separated from the floor above by construction having a fire-resistance level of not less than 60/60/60;
- (n) That sanitary facilities shall be provided in accordance with the requirements of part F2.3 of the BCA;
- (o) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (p) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (q) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (r) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of AS1668.1;
- (s) That unobstructed access shall be provided and maintained to all exits at all times;
- (t) That the entertainment area shall be separated from the rest of the building by construction having a fire-resistance level of not less than 60/60/60;
- (u) That the storeroom, rubbish room and the like shall be separated from other parts of the building by construction having a fire-resistance level of not less than 60/60/60;

- (v) That the electric mains installation shall comply with the requirements of Clause H101.19 of the BCA;
- (w) That lighting used in the place of public entertainment shall comply with the requirements of Clause H101.20 of the BCA;
- (x) That materials used in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4 of the BCA;
- (y) That individual area capacities shall not exceed the following:
  - (i) The Church 200 people (including 8 entertainers and 8 staff)
  - (ii) The Hall 166 people (including 8 entertainers and 8 staff)

Note that condition 7 of the consent restricts the total maximum number of users for the whole of the site to 200 at any one time for any activity;

- (z) That all existing Essential Services shall be maintained in accordance with the requirements of part 9 Division 5 of the Environmental Planning and Assessment Regulation 2000.

- (B) a report be referred to the elected Council within six months of the commencement of the Place of Public Entertainment Licence regarding compliance with the relevant conditions of consent.

The motion was carried on the following show of hands -

Ayes (2) Administrator Payne and Administrator Pooley  
 Noes (1) Administrator Turnbull

Motion carried.

#### **ITEM 5. COMMUNITY SERVICES – SOCIAL PLANS – REDFERN/WATERLOO SAFETY PLAN - ENDORSEMENT (2028257)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That arising from consideration of a report by the Director Community Living to Council on 10 March 2004, on Community Living – Endorsement of the Redfern-Waterloo Community Safety Plan, it be resolved that:-

- (A) Council endorse the Redfern-Waterloo Community Safety Plan (the Plan) as circulated with the subject report;
- (B) authority be delegated to the Acting General Manager to make minor amendments to the Plan, including to reflect the amalgamation of South Sydney City Council and the City of Sydney;

- (C) the adopted Plan be submitted to the Crime Prevention Division of the New South Wales Attorney General's Department for endorsement as a Safer Community Compact;
- (D) authority be delegated to the Acting General Manager to seek funding from the Attorney General's Department and other appropriate bodies for the implementation of the Plan and
- (E) Council note that funding will be required in the 2004/2005 budget to implement the Plan.

Amendment. At the request of Administrator Turnbull, and by consent, the motion was amended by the addition of the following words at the end of clause (A) -

"subject to the following amendment –

‘that clause (5.9), where appearing on page 70 of the Redfern-Waterloo Community Safety Plan accompanying the subject report, be deleted and replaced with the new clause (5.9), namely:-

- 5.9 develop a strategy for the implementation for the recommendations of the Recreation Plan to meet the recreational and leisure needs of local young people.’"

Motion, as amended by consent, carried unanimously.

**ITEM 6. FINANCE – GRANTS - PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP) FOR REDFERN, SURRY HILLS, STRAWBERRY HILLS, PADDINGTON AND MOORE PARK – RESOLUTION TO ADOPT (2026055)**

Moved by the Chairperson, seconded by Administrator Payne:-

That arising from consideration of a report by the Director City Planning, Southern Zone to Council on 10 March 2004, on Pedestrian Access and Mobility Plan for Redfern, Surry Hills, Strawberry Hills, Paddington & Moore Park, it be resolved that:-

- (A) the “City of Sydney Pedestrian Access & Mobility Plan for Redfern, Surry Hills, Strawberry Hills, Paddington & Moore Park 2004” , be adopted; and
- (B) authority be delegated to the Acting General Manager to investigate funding sources for the works identified in the Plan, with a view to accelerating implementation of the works, and that a proposal for funding be included in a further report to Council.

Carried unanimously.

**ITEM 7. ADMINISTRATION – WORKS PROGRAM 2004-2005 – RTA REGIONAL FUNDS FOR CHALMERS STREET, REDFERN (2015562)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That arising from consideration of a report by the Director City Works, Southern Zone, to Council on 10 March 2004, on Administration – Works Program 2004-2005, it be resolved that:-

- (A) Council accept the Grant of \$96,000 from the 2004/2005 Regional Road Repair Program under the condition set out in Roads and Traffic Authority letter dated 5 November 2003, accompanying the beforementioned report;
- (B) Council agree to provide \$96,000 of available funds within the 2004/2005 Capital Works budget for the proposed works; and
- (C) the total amount of \$192,000 in the 2004/2005 Engineering Works Program be applied to the rehabilitation of sections of Chalmers Street, Redfern.

Carried unanimously.

**ITEM 8. PLANNING – GREEN SQUARE AREA - SOUTH SYDNEY HOSPITAL HERITAGE ASSESSMENT (2024621)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That arising from consideration of a report by the Executive Director City Development to Council on 10 March 2004, on Joynton Avenue – Epsom Road Masterplan, it be resolved that Council:-

- (A) receive and note the independent reports prepared by City Plan Heritage;
- (B) prepare the Masterplan for the Joynton Avenue-Epsom Road precinct having regard to the recommendations in the report.

At the request of Administrator Turnbull, and by consent, the motion was amended by the addition of the following words to clause (B), namely:-

“noting that the substantive issues in the report have not yet been resolved by Council.”

Motion, as amended by consent, carried unanimously.

**ITEM 9. CELEBRATIONS - HERITAGE WEEK - HERITAGE WALK IN SURRY HILLS AND REDFERN (2011762)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That the report by the Acting Strategic Planning Manager, City Planning, Southern Zone dated 2 March 2004, regarding the Heritage Walk in Surry Hills and Redfern as part of Heritage Week, be received and noted.

Carried unanimously.

**ITEM 10. DEVELOPMENT - DRAFT SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN – EXHIBITION OF ADDITIONAL HERITAGE ITEMS (2015740)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That arising from consideration of a report by the Director City Planning, Southern Zone, to Council on 10 March 2004, Council exhibit the Draft Local Environmental Plan (contained at Attachment A to the report) in accordance with the provisions of the Environmental Planning and Assessment Act 1979, and associated Regulations, noting the Council has delegated powers to issue a Section 65 Certificate under the Act, to allow the exhibition to proceed.

At the request of the Chairperson, and by consent, the motion was amended by the addition of the words “for a 60 day period” after the word “exhibit” where appearing in the second line.

Motion, as amended by consent, carried unanimously.

**Closed Meeting.**

At 8.50pm, it was resolved:-

That due notice of the intention to close the meeting was given and the meeting closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act, 1993, to discuss Item 11 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;

and it be 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 communications.

The Administrators continued the Council meeting in the Committee Room adjacent to the Council Chamber. In attendance at that time were the Acting General Manager, Executive Director City Development and General Counsel only.

Item 11 was dealt with by Council while the meeting was closed to the public.

**ITEM 11. CLEANSING - GRAFFITI - REMOVAL - SOUTHERN ZONE - TENDERS – NON INVITATION (CONFIDENTIAL)**

Moved by the Chairperson, seconded by Administrator Turnbull:-

That arising from consideration of a report by the Contract Coordinator, Graffiti, to Council on 10 March 2004, on Graffiti Removal Service: Contract for South Area, it be resolved that:-

- (A) Council not invite tenders for graffiti removal services in the former South Sydney Area, as
- (i) a tender (on a schedule of rates basis) has already been undertaken for the City;
  - (ii) the proposed cost of graffiti removal represents a reduction in cost from the amount which would be payable using the tendered rates;
  - (iii) the desirability of commencing graffiti removal as soon as possible, to discourage recurrence of graffiti,
- and accordingly a satisfactory result would not be achieved by inviting tenders;
- (B) the contract with TLC Graffiti Removal Services (TLC) be varied to include an Intensive Removal (blitz) and Ongoing Graffiti Removal Services in the former South Sydney Area (South) for the 8½ month period from 15 March 2004, to 1 December 2004;
- (C) authority be delegated to the Acting General Manager to vary the contract with TLC to give effect to the above, for an amount not exceeding the costs specified in paragraph 9 of the subject report mentioned above;
- (D) the variation to the TLC contract referred to in paragraph (C) shall provide that, to the extent that graffiti removal is undertaken by the Juvenile Justice Young Offenders Program, such graffiti removal shall be excluded from the services provided under the contract;
- (E) the cost of graffiti removal services in the former South Sydney area be funded by:
- (i) \$800,000 from savings in the South Sydney City Works budget; and
  - (ii) the balance from the Acting General Manager's Contingency which shall be charged as an expense to the accounts of the former South Sydney area for all accounting and financial reporting purposes;
- (F) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

At 9.01pm the meeting concluded.

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