

COUNCIL

Meeting No 1447
7 AUGUST 2006
Notice No 9/1447
Notice Date 3 August 2006

minutes

city of villages

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes.....	655
2. Disclosures of Interest.....	655
3. Minutes by the Lord Mayor -	
3.1 Sydney Airport - New Development Proposal.....	656
3.2 Appointment of Chief Executive Officer	658
4. Memoranda by the Chief Executive Officer	660
5. Question Time.....	661
6. Matters for Tabling	670
7. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 31 JULY 2006	671
7.1 Disclosures of Interest	672
7.2 Oxford Street Revitalisation Strategy - 56-76 Oxford Street (Stage 1).....	672
7.3 Naming of Surry Hills Park.....	673
7.4 Wigram Lane Closure and Sale	674
7.5 Sustainable Asset Management Policy.....	675
7.7 Investments Held as at 30 June 2006.....	675
7.7 Lease - Park House, 295 – 301 Pitt Street, Sydney	675
7.8 Lease - Levels 4 - 10, 540 George Street, Sydney	676
7.9 Write Off of Irrecoverable Debt - Former Tenancy Customs House	676
7.10 Tender - Redfern Park - Stage 1 - Oval Demolition	676
7.11 Tender - CBD Streetscapes Stage 3b.....	677
7.12 Tender - Christmas 2006 and 2007 Supply and Installation of Main Street / Village Decorations	677
7.13 Goulburn Street Parking Station	677
8. REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE - 31 JULY 2006	678
8.1 Disclosures of Interest	678
8.2 Draft Master Plan and Plan of Management - Redfern Park.....	679
8.3 Draft Plan of Management and Master Plan - Hyde Park	680
8.4 Draft Master Plan and Plan of Management - Turruwul Park, Rosebery.....	680
9. REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 31 JULY 2006	681
9.1 Disclosures of Interest	682

<u>Subject</u>	<u>Page No.</u>
9.2 Allocation of Grants and Sponsorships for 2006/2007.....	682
9.3 Accommodation Grants Program.....	690
9.4 Youth and Skate Facility Needs Study	690
9.5 Hyde Park - Use for Sydney Festival.....	691
9.6 Hyde Park - Use for Night Noodle Markets	692
10. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 31 JULY 2006 AND 1 AUGUST 2006	693
10.1 Disclosures of Interest	695
10.2 Development Application: 41 & 43-49 Mountain Street, Ultimo.....	696
10.3 Development Application: Mandarin Club 390-396 Pitt Street Haymarket	712
10.4 Development Application: 5-9A Roslyn Street, Potts Point (Including Premises Known as 'Barons')	718
10.5 Development Application: Newtown Hotel, 174-176 King Street, Newtown (Newtown Hotel)	719
10.6 Development Application: 345 Glebe Point Road, Glebe (Toxteth Hotel).....	725
10.7 Development Application: 38-46 Oxford Street, Darlinghurst (Known as Oxford Art Factory).....	733
10.8 Development Application: 27-29 Commonwealth Street Sydney	741
10.9 Development Application: Ladylux Night Club 2 Roslyn Street Potts Point.....	746
10.10 Development Application: 23 – 31 Darlinghurst Road, Potts Point	747
10.11 Development Application – 490 Crown Street, Surry Hills.....	749
10.12 Section 96 (Modification) Application: 281-283 Bourke Street, Darlinghurst (Cnr Kings Lane) – Tajine Restaurant.....	753
10.13 Development Application: Installation of Automated Public Toilet & Associated Advertising Signage – Devonshire Street, Surry Hills.....	754
10.14 Development Application: 424-430 George Street, Sydney	755
10.15 Section 96 (Modification) Application: 1 Quarry Lane, Ultimo	766
10.16 Development Application: 20-40 Meagher Street, Chippendale.....	767
10.17 Draft Cycle Strategy And Master Plan.....	768
10.18 Draft Heritage Development Control Plan - Proposed Exhibition.....	769
10.19 Ashmore Precinct - Development Control Plan	769
10.20 Draft Hoardings Policy	770

<u>Subject</u>	<u>Page No.</u>
10.21 Telecommunications and Radiocommunications Development Control Plan 2006	771
10.22 Land and Environment Court Appeals - Summary of Current Appeals and Recent Decisions.....	771
10.23 General Business.....	771
11. Questions on Notice	772
12. Supplementary Answers to Previous Questions.....	777
13. Motions	782

PRESENT

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

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

At the commencement of business at 5.07pm those present were:-

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

The Chief Executive Officer, Director Legal Services, Director Corporate Services, Director City Planning, Director City Operations, Director Strategic Planning and Project Development, Director City Projects, Director Services, Director Communications and Acting Director Community Living were also present.

Opening Prayer

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

Note - Councillor Lee left the meeting of the Council at 5.10pm at the beginning of discussion on Item 3.1, having declared a pecuniary interest in that matter, and returned at 5.20pm at the commencement of discussion on Item 3.2.

Note - Councillor Mallard left the meeting of the Council at 7.29pm at the beginning of discussion on Item 9.5, and returned at 7.33pm at the commencement of discussion on Item 10.3.

Apology

Noted that leave of absence from meetings of Council had previously been granted to Councillor Verity Firth, on an ongoing basis, due to the birth of her baby.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Councillor McInerney, seconded by Councillor Councillor Kemmis -

That the minutes of the meeting of Council of Monday 26 June 2006, as circulated to Councillors, be confirmed, subject to the following correction:

On page 566 it should have been recorded that Councillor Harris had abstained from voting on Item 3.1 Carlton and United Breweries Site, Chippendale.

Carried.

ITEM 2. DISCLOSURES OF INTEREST

Councillor Lee declared a pecuniary interest in Item 3.1 on the agenda, in that he is a non-executive director of Macquarie Airports Management Limited which is the responsible entity for two trusts which have interests in Sydney Airport Corporation Limited. Councillor Lee was not present at, or in sight of, the meeting of Council at any time during which this matter was discussed or voted on.

Councillor Lee declared a non-pecuniary interest in Item 10.16 on the agenda, in that he is a non-executive director of Macquarie Airports Management Limited which has small businesses which compete with other duty free stores. Councillor Lee took part in discussion and voting on this matter.

Councillor Pooley declared a non-pecuniary interest in Items 7.10 and 8.2 in that he is a member of the South Sydney Rugby League Football Club. Councillor Pooley participated in discussion and voting on these Items.

The Lord Mayor declared a non-pecuniary interest in Item 9.5 in that she is the Chair of the Sydney Festival. The Lord Mayor participated in discussion and voting on this Item.

Councillor Hoff declared a non-pecuniary interest in Item 9.5 in that she is the Lord Mayor's alternate on the Sydney Festival. Councillor Hoff participated in discussion and voting on this Item.

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

ITEM 3.1 SYDNEY AIRPORT - NEW DEVELOPMENT PROPOSAL**FILE NO:****MINUTE BY THE LORD MAYOR**To Council:

Last year, Sydney Airport Corporation proposed two alternative developments for the south-east precinct of Sydney Airport. Those proposals were for retail and commercial uses, and involved more than 60,000 square metres of floor space and in excess of 2,500 car parking spaces.

On 12 December 2005, Council considered a Lord Mayoral Minute on this proposed development. A copy of the Minute and Council's resolution are Attachment A.

Following that resolution, the City prepared a submission on the development proposals and sought advice on legal avenues to challenge the proposed non-aviation uses at the airport.

Other Councils and the State Government also opposed the development proposals, and the Council of Capital City Lord Mayors supported the concerns about these proposals.

Following those objections, Sydney Airport Corporation withdrew the proposals in February 2006.

Sydney Airport Corporation has now submitted a revised proposal to the Federal Government for a 50,400 square metre retail development with 2,412 car parking spaces. Limited information is publicly available about this new proposal, as shown in Attachment B (obtained from Sydney Airport's website).

Sydney Airport Corporation has reported that it will not invite public comment on the revised plan and the Federal Minister for Transport could consider and approve this development without any further public input.

The City has obtained legal advice about whether the proposed commercial uses, which have no connection with aviation activities, can legally and validly be carried out on airport land under the *Airports Act*. That legal advice has been provided by Tim Robertson SC.

Given the public interest in this issue, a copy of that advice is attached (Attachment C).

While the issues are complex, a simple summary of the legal advice is that:

1. There is a reasonable argument that the provision in the *Airports Act*, which exempts airport uses from State planning laws, applies only to aviation related uses, and not the proposed retail and commercial development;
2. As a consequence, it is arguably beyond the power of the Federal Minister for Transport to approve the proposed retail and commercial development;
3. The exemption in the *Airport Act* is limited by the constitutional power of the Federal Government. As a result, the *Airports Act* does not empower the Minister to approve the proposed retail and commercial development.

If the new development proposal is approved, it is open to a range of affected parties, including adjoining Councils, to challenge the decision by seeking a declaration from the High Court. While the proposed development will have a significant impact on the inner city, the City of Sydney is unlikely to be considered an affected party for the purpose of instigating legal action.

While the City may not have legal standing in any challenge, I believe that it is vital for us to work with the State Government and other affected parties to coordinate a challenge to any approval by the Federal Minister. This advice and any subsequent legal action is of great interest to all capital cities grappling with the impacts of this ad hoc approach to planning our cities.

RECOMMENDATION

It is resolved that Council:

- (A) express concern that Sydney Airport is proposed to be further developed for non-aviation uses;
- (B) receive and note the legal advice in relation to the limits on the Minister of Transport's powers to approve the retail proposal at Sydney Airport;
- (C) note the Lord Mayor has provided a copy of the legal advice to the NSW Premier and NSW Minister for Planning, other Capital City Lord Mayors, adjoining councils, and other interested parties; and
- (D) call on the State Government to lead with the Local Government and Shires Association to coordinate a High Court challenge on any approval that the Federal Minister gives to non-aviation related development at Sydney Airport.

COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

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

Carried unanimously.

ITEM 3.2 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

FILE NO:

MINUTE BY THE LORD MAYOR

To Council:

I'm pleased to recommend appointment of Ms Monica Barone as Chief Executive Officer (CEO) for the City of Sydney.

In May 2006 executive search and recruitment firm Hudson was engaged to undertake the recruitment process for the CEO role at the City of Sydney. Hudson conducted national print and internet advertising and identified and approached potential candidates. Councillors were regularly briefed and consulted as the recruitment process progressed, with more than 50 highly qualified candidates from local, state and federal government backgrounds across NSW, Australia and New Zealand being considered.

Short listed candidates were interviewed by a panel consisting of Jennifer Westacott, Partner at KPMG's NSW Government Practice division; Garry Payne, Director General of the Department of Local Government; and myself. The panel then reported back to Councillors, who participated in further interviewing, before a final recommendation was agreed.

Our recommended candidate is an outstanding choice from an esteemed field and brings in-depth knowledge of City issues to this key role. Ms Barone enjoys a long association as a City employee and has already distinguished herself as Acting CEO, Acting Deputy General Manager and Community Living Director.

As Acting CEO, Ms Barone has been instrumental in preparing plans worth \$50 million for Redfern, including successful negotiations to redevelop Redfern Park for Souths, juniors and seniors teams, and community use.

Ms Barone was a driving influence in the development of the City's Strategic Plan and will now play a key role in helping us deliver on the commitments in that plan for improved transport, quality urban environment, community services, facilities, enhanced City economy, open governance and environmental leadership.

Ms Barone began her association with the former South Sydney City Council where she held the role of Director of Community Development, prior to amalgamation with the City of Sydney.

While at South Sydney City Council, Ms Barone co-ordinated the construction of the Redfern Community Centre at the Block, one of our most successful and sensitive initiatives, which has provided opportunities for the local indigenous community.

Ms Barone is a vigorous supporter of the City and its village communities and is highly regarded by the community, Councillors and staff. She has handled her role as Acting CEO with distinction.

While working in Local Government, Ms Barone has shown distinction in her management of child care issues, homelessness, community grants, city events, youth, indigenous relations and public safety.

Before her employment at South Sydney Ms Barone held the position of manager of policy, planning and commissioning at Warringah Council and is a long term Sydney resident.

She has demonstrated a strong understanding of the full range of City of Sydney responsibilities and services. As Acting CEO, she has begun work on the largest capital works program the City has ever undertaken, worth more than \$170 million this financial year.

Balancing her commitments to her children with work at the City, Ms Barone has demonstrated high level negotiation and people management skills.

I welcome Ms Barone's ability to effectively progress a range of complex projects. A management review of the City's administration and governance is underway and the new CEO will be central to carrying forward its recommendations, when completed.

RECOMMENDATION

It is resolved that Council:

- (A) appoint Ms Monica Barone to the position of Chief Executive Officer, for a term of 5 years, with a standard form contract as required by the Department of Local Government, prepared and executed in accordance with Council's delegations; and
- (B) grant the Power of Attorney to execute documents for Patricia Monica Barone, in the form of Attachment A to the subject Memorandum, to be effective during the period that she is Chief Executive Officer, and the Power of Attorney be executed under the common seal of Council.

COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

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

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

That the motion be amended by the addition of the following Clause (C):

- (C) that delegations covered under Item 5 of the Lord Mayoral delegations relating to the approval for the payment of any performance bonuses (5d), varying of the employment contract (5e), suspension of the CEO at short notice (5f), acceptance of resignation (5g) and negotiation and settling of termination arrangements of the CEO (5h) not apply for the duration of the contract for employment of Ms Monica Barone.

The amendment was lost on the following show of hands -

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

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

Amendment lost.

The motion was carried unanimously.

Note - On behalf of all the Councillors, the Lord Mayor congratulated Ms Barone on her appointment as the Chief Executive Officer of the City of Sydney.

Point of Order

During discussion on this matter Councillor Hoff raised a point of order in that Councillor Lee, who was speaking on the amendment, was straying from the subject.

The Chair (the Lord Mayor) upheld the point of order and asked Councillor Lee to restrict his comments to the amendment.

Point of Order

During discussion on this matter Councillor Hoff raised a further point of order in that Councillor Lee, who was continuing to speak on the amendment, was still straying from the subject.

The Chair (the Lord Mayor) upheld the point of order and again asked Councillor Lee to restrict his comments to the amendment.

Call to Order

Following further discussion on this matter The Chair (the Lord Mayor) called Councillor Lee to order for continuing to speak on matters not the subject of the motion or amendment, despite two Points of Order that had been upheld by The Chair. The Chair (the Lord Mayor) called upon Councillor Lee to apologise for this act of disorder.

Councillor Lee refused to apologise for the act of disorder.

Extension of Time

During further discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was -

Moved by Councillor Pooley, seconded by Councillor Harris -

That Councillor Lee be granted an extension of time to speak on this matter.

The motion for an extension of time was lost on the following show of hands -

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

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

ITEM 4. MEMORANDA BY THE CHIEF EXECUTIVE OFFICER

There were no Memoranda by the Chief Executive Officer for this meeting of Council.

ITEM 5. QUESTION TIME**CARLTON AND UNITED BREWERIES SITE (S044442)**

1. By Councillor McInerney

Question

Lord Mayor, I wonder if you could update the Council on where the CUB site is in the broader context of town planning issues. I am aware, Lord Mayor, of the reality of it being taken by the Minister, but there are disturbing comments coming in from a variety of sources as to what's actually going on. I would like to know if you're aware of the current position with the CUB?

Answer by the Lord Mayor

Council will recall our near unanimous resolution on the CUB site on 26 June 2006. I sent a letter to the Planning Minister to bring Council's resolution to his attention. He responded stating he has asked his department to ensure the issues raised by Council are thoroughly examined before the proposal is determined. He gave no indication of any timing or any process by which these issues could be considered. Local residents have since written to me expressing their concern about the process, which the Minister is adopting, including the lack of an open and transparent process of consultation. I also understand that the National Trust holds the same concerns as the City about the destruction of cultural and built heritage on the site.

It is important to remember what Fosters initially wanted in the planning controls for the site when they first approached the City. First of all the park, which would be centrally located in the CUB site, which would benefit the redevelopment, not the wider community. Council sought to ensure the park was located in such a way as to benefit both the new and existing Chippendale communities. They wanted an FSR for the site of 4.4:1, well in excess of that being considered by the City, and particularly at its interface to the existing Chippendale community. They also wanted inclusion of a "Little Broadway" road, parallel to Broadway itself, which will plough through the group of heritage buildings, comprising the Kent Brewery.

Council sought to save and promote this special area as a significant contributor to the history of the area. In fact it's that heritage aspect which makes this site really special. We only have to go as far as Central and look at the Tooheys site and see the result when that heritage site was razed to the ground and they have got those towers standing upon it now. I am concerned that the planning controls will adopt Fosters original agenda, ignoring all the work that we did in developing sensitive and appropriate controls for the site in the long-term interests of the local and wider communities.

I will ask the CEO to contact the Department of Planning and ensure that the City is kept up to date with the latest developments on this site. Further, I note that Chris Johnson, the Director of Urban Renewal at the Department of Planning, has circulated a letter to the local community. I also note that the Minister has written to me and asked for a copy of the Voluntary Planning Agreement, which we sent him. Thirdly, I note that the Minister has also asked to be briefed on the work that our Heritage planners have done. So, it's all been reinvented and I think that there is very real reason to be concerned about the result.

APPOINTMENT OF CHIEF EXECUTIVE OFFICER (S044441)

2. By Councillor Lee

Question

Lord Mayor, when did you decide to walk away from your undertaking that all Councillors would be permitted to interview the last two candidates for the position of CEO and why? And why should Councillors and the residents believe any future undertakings if you have walked away from that one?

Answer by the Lord Mayor

Councillor Lee, as I said in my response to your comments on the Lord Mayor's minute, I think that in respect to your behaviour in this matter, in boycotting the process, you have been derelict in your duty as a Councillor. I am very surprised, as you are a member of a number of boards, that you would have behaved in this way. If you had attended and participated, you would know that the decisions made by all the Councillors, other than yourself, were unanimous in reaching the point that we have reached tonight.

COMPLAINTS PROCESS (S044444)

3. By Councillor Kemmis

Question

Lord Mayor, several residents have asked me about the way Council monitors and records complaints, particularly complaints involving commercial premises. They point out that many of these complaints involve breaches of conditions of consent and may also relate to premises that are the subject of trial periods. Some residents aren't certain about the formal processes for making complaints and possible breaches of DA conditions. Could the Lord Mayor or CEO inform Council of the formal processes for making complaints about possible breaches of DA conditions and reassure residents that such complaints are recorded and checked against conditions of consent and outline the mechanisms for doing this?

Answer by the Lord Mayor

Yes, I am aware that that is a concern which residents have, and I will ask the CEO to give us information about the systems that we have in place for processing those complaints and checking complaints against development consent conditions.

Chief Executive Officer

There certainly is a process for doing that and complaints are monitored and kept on the customer request system. I will get detailed information and put that into the CEO Update for Councillors.

FORMER CEO (S044447)

4. By Councillor Pooley

Question

For the third Council meeting in a row I am requesting a copy of the now infamous report into the leak of the legal advice to the press associated with the departure of the former Chief Executive Officer, Mr Peter Seamer. At a briefing in early July the report was 'complete' and Councillors would be provided with a copy in the next day or so. That was five weeks ago, and I, and I suspect other Councillors, have not received a copy. Can you advise me, if I can have a copy, when may I expect to receive it?

Answer by the Lord Mayor

I will ask the CEO to respond.

Chief Executive Officer

Lord Mayor, a draft of the report actually only came in a few days ago. We are actually still continuing the process. I will move on that as quickly as I can.

CITY TALKS (S044439)

5. By Councillor Hoff

Question

Last Tuesday evening I missed a presentation that I would have liked to have attended, but I understand that some Council staff did attend a very worthwhile presentation on cultural policy by John Holden. John Holden is the Head of Culture at Demos, the leading UK think-tank, and I am told that he stressed the importance of the public conversations about culture to developing good cultural policy. As we, the Council, are required to develop our own cultural policy and cultural plan, I wonder if we could contribute to stimulating this conversation by inviting Mr Holden, and other thinkers on culture such as David Throsby, to give a presentation, possibly at a City Talk?

Answer by the Lord Mayor

Cr Hoff, I think that is an excellent suggestion. Certainly the public debate and public discussion we are having as a result of our City Talks is very stimulating and very inspiring. The City Talks have mainly related to the urban environment and built form and transport, but it certainly could also be a vehicle to develop our cultural policy, which is something that is very important to us and a very important part of our strategic plan.

I understand that the Platform Papers series published by Currency Press demonstrate that there are people who are thinking and writing about cultural policy in the arts in Australia, and I understand that David Throsby's paper certainly has had an impact when it was launched by Cate Blanchett earlier this year. And the Stuart Cunningham paper *What Price a Creative Economy?* is certainly another area of great interest to us, so I think that we have another City Talks in the making here, and thank you very much, Cr Hoff, for that contribution.

PEDESTRIAN SAFETY (S044445)

6. By Councillor Mallard

Question

I am concerned about pedestrian safety in Brougham Lane in King's Cross, which is a narrow lane with no footpaths that is traversed by hundreds of pedestrians each day walking to and from the City, and a necessary road link for cars to go to William Street. Is it possible for the City to review the Lane with the objective to creating a pedestrian and vehicle shared zone with a speed limit of 10 km/h?

Answer by the Lord Mayor

Yes, I think that sounds like an excellent suggestion, and we will certainly follow up on that.

HISTORIC STREET SIGNS (S044443)

7. By Councillor Black

Question

Lord Mayor, I have been approached by a number of constituents who are concerned about the removal of historic street signs from City buildings. While I acknowledge the need to reduce signage clutter, can street signs attached to buildings remain *in situ* and no further signs removed?

Answer by the Lord Mayor

Certainly a very important part of the development of public domain policy is the removal of clutter, and I understand that historic signs are an important part of the cityscape. As part of the development of our very, very important public domain policy including signage I believe an inventory of signs and identification of the important signs should be made as part of that process.

TREE REMOVAL IN HYDE PARK (S044440)

8. By Councillor Harris

Question

When trees are scheduled to be removed from Hyde Park – and I endorse the comments you made in the media about the trees in Hyde Park – will you ensure that WIRES are contacted in advance of that removal so that the trees can be inspected and any native animals can be removed.

Answer by the Lord Mayor

Yes, I think that is an excellent suggestion.

WESTFIELD DEVELOPMENT (S044442)**9. Councillor McInerney****Question**

Lord Mayor, later in the meeting I have a Notice of Motion concerning the Central Sydney Planning Committee. In anticipation of that, and post the meeting of the CSPC last week which dealt with probably one of the major items that we will deal with for many years, I am wondering if you might inform the Council of the decision of the CSPC with regard to the Westfield development?

Answer by the Lord Mayor

I am sure Councillors are now aware that the CSPC made a very important decision last Thursday. Councillors will recall that, when we ran for election, a proposal for the Centrepoint development was for three towers, a development that was made up of three residential towers and a car park for 500 vehicles. The Stage 1 development application which CSPC dealt with last Thursday night was a dramatic improvement on that 2003 proposal. The development application that we approved reduces the number of towers from three to one, and reduces car parking from 500 to 188 spaces and removes delivery vehicles from the mall by providing 70 basement parking spaces.

That is a very important long-term goal of the City: to remove vehicles from Pitt Street Mall, and that will make a considerable contribution towards achieving that long-term goal. There is a real improvement of the façade of the ATO building. I think another very important win for the City is improved pedestrian links through the centre as well as activating all the shop fronts to the street. As well, we will be able to be assured of design excellence, as the development is going to be subject to a design excellence competition.

We will also be ensuring, the minimisation of construction impacts by requiring very strict construction management on the site and off the street, and the development also sets high benchmarks for sustainability. So I think – and I am sure Councillor Mallard and Councillor McInerney, the other two Councillors on the CSPC would agree with me – that the approval we gave last Thursday night will contribute to improving the City and our retail centre, whereas I think we were all very concerned about the very negative impacts that the earlier proposal would have had on the City.

BOURKE STREET URBAN DESIGN WORKSHOP (S044441)**10. By Councillor Lee****Question**

Lord Mayor, my question is addressed to Councillor Harris. Councillor Harris, did you attend the recent Bourke Street Urban Design Workshop organised by the RTA, and have you read the report of that meeting which appeared in Clover's News? Was the report that appeared there an accurate summary of the discussions at the Workshop, and if not, what was omitted?

Answer by Councillor Harris

Yes I did go to the Bourke Street Urban Design Workshop, and it was an excellent workshop. 40-50 people were there. I was the only Councillor there; some of the Lord Mayor's staff were there as well, and some Council Officers. I have got to say, I was sent a copy of Clover's News, which was a report on that meeting, and I think whoever wrote this must have been at a different meeting. Some of the things that were said at that meeting certainly were in the report, but some of the key things that were said at this meeting weren't in the report. For the information of Councillors, I thought I might go through a couple of the things that weren't in the report.

One of the things that amazed me was that some of the things described in Clover's News were improvements such as trees and seats – well, I certainly don't oppose that, but I mean that was certainly not a big discussion at that point of the night – and also measures to reduce kerb crawling associated with street sex work. Once again, one table out of six mentioned that. That was never mentioned at any of the other tables, and I went around to most of the tables and I took extensive notes on all the summaries, and I am happy to make those available to the Lord Mayor.

Just a couple of things that were noted by almost all tables was the desire to have Bourke Street opened in a north-south direction; to reinstate the RTA regional bike group. Several tables talked about that. Also, most people talked about restoring the bike paths on William Street. Removing the concrete barrier at the end of St Peter's Street in Bourke Street is another one that many people – four of the tables – said was causing traffic problems, problems on diverting traffic generated by SCEGGS back into East Sydney. Pedestrian crossings across William Street was another important thing that was mentioned by most tables, east and west of Bourke Street. And also, traffic treatment at the corners of Bourke and Stanley, Liverpool and Francis, and Liverpool and Bourke Streets, which are all intersections that have poor vision and require treatment to make them safe. And finally, another thing that was mentioned by a number of tables was the traffic study into the traffic generated by SCEGGS.

So I just wanted to inform Council of those other topics that were covered, in case they got the impression that the summary provided in the Clover's News was a complete summary.

GARBAGE COLLECTION BY PRIVATE CONTRACTORS (S044444)

11. By Councillor Kemmis

Question

Many of our residential areas border shopping and entertainment precincts. Because many businesses arrange their own garbage collection with private contractors, residents in many of these precincts suffer from the noise and the disturbance from multiple garbage collections. It has been mentioned to me that there are six separate garbage collections down one small lane during the course of one evening. Could Council work with local businesses and private contractors in an endeavour to rationalise these collections to minimise their impacts on residents please?

Answer by the Lord Mayor

This is an issue that has been raised at a number of our workshops and forums that we have undertaken as part of the local action plan process. I think that we are all aware of the impact of commercial garbage collections on residents, and that is particularly relevant in those areas of very high density and especially in those areas where there are a number of commercial collections.

It was raised particularly by the South Paddington community, and it has been raised particularly by the 2011 community among others. We have a new local approvals policy, which I will ask our CEO to talk about, which we hope will address many of the impacts by restricting the times for garbage collections – this is really the issue. But I don't think there is yet a solution to the problem that has been raised at those local action planning meetings. We need to do further work. I will ask the CEO if she could talk about what is being planned.

Chief Executive Officer

Lord Mayor, the policy was exhibited and we have received submissions. I have recently read the draft report that will be coming to Council shortly looking at how we can deal with those matters. What I will do is double-check how we are managing some of the residential impacts in that policy and in those recommendations. We are certainly progressing that matter and I hope to bring a report to Council shortly.

SERVICED APARTMENTS (S044447)

12. By Councillor Pooley

Question

This is a complex question and I am not expecting an answer tonight. It goes to allegations, and I stress that these are allegations, that incorrect advice relating to the status of a building - serviced apartments versus residential approval – was provided to potential purchasers of units within the building. That problem has now impacted upon a number of unit owners who now find that they are unable to sell their unit as a residential property. Further the building operator is using Council correspondence to reinforce their position. Could I ask that the following correspondence be examined and I be provided with a response. Can I just indicate that the reason that I didn't put this on notice is because I didn't want to publicise unsubstantiated allegations against staff.

Note: At this stage of the meeting Councillor Pooley tabled a copy of a letter addressed to him.

Answer by the Lord Mayor

Thank you, Councillor Pooley, I will take that on notice and come back to Councillors with appropriate information.

ARTS PROGRAMMES FOR PEOPLE WITH DISABILITIES (S044439)

13. By Councillor Hoff

Question

I wonder if you could provide Council with information on the City's programmes to make arts accessible for disadvantaged people and people with disabilities, please.

Answer by the Lord Mayor

Cr Hoff, I share your commitment to ensuring that the arts are accessible to everyone. One of the very first resolutions of this Council relating to cultural matters was to request the Festival of Sydney to ensure that its paid events were accessible to low-income people. The Festival went much further, in fact, in terms of the Northcote production and actually involved low-income people. Not only involving low-income people in that theatrical production but also involving them in a film festival and an upcoming Festival of Sydney film production, which was incredibly exciting and incredibly important to that community.

Since then, this Festival has become very widely accessible to both audiences and creative people, and many of the grants that we will be considering tonight will also promote accessibility to the arts. We have several programmes. We have Pine Street Creative Art Centre, which I have talked about at previous meetings which I think is so inspiring; and just a week ago I hosted the inaugural Community Access Day for the Biennale of Sydney which was, again, very moving. I know other Councillors did also attend that, whether at the exhibition, the Wharf at Walsh Bay or the Art Gallery or the MCA. That day was organised to ensure that people with disabilities were able to experience the Biennale.

In 2006 the artistic director and curator, Charles Merryweather, also led guided tours. I also opened the inaugural community screening for the Sydney Film Festival which was organised by the City's Community and Cultural Affairs Unit. That enabled about 300 disadvantaged people to see a special film, *Confetti*, and experience of the magic of the Film Festival. And I think we all look forward to our cultural policy and cultural plan, finding new ways of making the arts accessible to people with disabilities.

ANTISOCIAL BEHAVIOUR (S044445)

14. By Councillor Mallard

Question

Lord Mayor, many people (including our own Council staff) are concerned about behaviour of large groups of what I believe are called 'Goths' who converge on the front steps in the portico of Town Hall. They are becoming a bit of a nuisance since we were elected. They are in fact large groups of young people intimidating visitors to the building and obstructing the stairway for other users. They are littering, they are damaging the heritage fabric, they have broken one of the steps out there with a skateboard. Can Council look at strategies to either encourage responsible use of our entrance or discourage their congregation and antisocial behaviour at the front of this important and historical public building. One innovative solution that I have seen overseas is the playing of loud Mozart music.

Answer by the Lord Mayor

That's a most creative proposal which I am sure we can investigate. And in fact, I think it's Perth where they play Vivaldi on the railway station while people are waiting. But they don't have to soothe their nerves because the trains come frequently.

BOURKE STREET URBAN DESIGN WORKSHOP (S044443)

15. By Councillor Black

Question

Lord Mayor, I am wondering if you want to make any further comments about the Bourke Street meeting - the report of your weekly news.

Answer by the Lord Mayor

I always welcome an opportunity to set the record straight. There was a meeting held recently. It followed a meeting that I had with the RTA following Minister Roosendaal's announcement that changes would proceed as part of the changes to the Cross City Tunnel, and one of those changes was going to allow a left-in/left-out of Bourke Street South. I had a meeting with the RTA, who asked that Council cooperate in developing design guidelines for that reopening. The RTA did say that they wanted to – whilst the decision was non-negotiable because the Minister had made his announcement – they did want to see if they could improve the urban domain as part of that opening.

There was a meeting held, and I understand that participants at the meeting worked in groups to consider opportunities/constraints for an improved landscape. Numbers of issues were discussed of course, as they always are when you are dealing with that particular precinct, and they related not only to urban domain but also to measures to reduce kerb crawling associated with street sex work. The issue of bicycle access if the roads were to be widened was something that was discussed also. Comment from most groups was a desire for traffic calming, improved local amenity, effective pedestrian/cyclist access and safety measures. While many participants called for direct north-south vehicle access across William Street at Bourke Street, the RTA stressed that the traffic arrangements announced by the Premier were not up for discussion. RTA officers promised further consultation once detailed proposals had been developed.

URBAN DESIGN PROCESS (S044440)

16. By Councillor Harris

Question

The urban design process underway at the moment in East Sydney, Surry Hills and Glebe has required the services of architects and planners who are looking at the revision of heights and FSRs across these areas of very valuable real estate. These private firms and their clients may be property holders or may represent property holders in these areas. What probity measures are in place to deal with conflicts of interest, given that these firms will be lodging development applications in the future? You might want to take this question on notice, Lord Mayor.

Answer by the Lord Mayor

Yes I will, Councillor Harris.

ITEM 6. MATTERS FOR TABLING

6.1 Disclosure of Interest Returns

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

That the Disclosures of Interest returns be received and noted.

Carried.

6.2 Petitions

Councillor Black tabled three petitions totalling 1406 signatures, as follows, concerning the development proposal for 5-9A Roslyn Street, Potts Point -

- Petition from 96 signatories ("Barons")
- Petition from 523 signatories ("The Piccolo Bar")
- Petition from 787 signatories ("Pralinka Café")

Moved by Councillor Kemmis, seconded by Councillor Hoff -

That the Petitions be received and noted.

Carried.

**ITEM 7. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE
- 31 JULY 2006**

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Robyn Kemmis
(Deputy Chair)

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

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

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

Apology

Noted that leave of absence from meetings of the Finance, Properties and Tenders Committee had previously been granted to Councillor Verity Firth, on an ongoing basis, due to the birth of her baby.

Note - Councillor Hoff left the meeting of the Finance, Properties and Tenders Committee at 4.55pm, during discussion on Item 2, and returned to the meeting at 5.00pm during discussion on Item 3.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.47pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 31 July 2006 be received, and the recommendations set out below for Items 7.4 to 7.13 inclusive be adopted, with Item 7.1 being noted, and Items 7.2 and 7.3 being dealt with as shown immediately following those items.

Carried.

ITEM 7.1**DISCLOSURES OF INTEREST**

Councillor Pooley declared a non-pecuniary interest in Item 7.10 in that he is a member of the South Sydney Rugby League Football Club. Councillor Pooley participated in discussion and voting on this Item.

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

The Committee recommended the following:-

ITEM 7.2**OXFORD STREET REVITALISATION STRATEGY - 56-76 OXFORD STREET (STAGE 1) (S04-5528)**

It is resolved that:

- (A) Council (as owner) endorse in principle the refurbishment proposal for 56-76 Oxford Street, as detailed in the subject report, to give effect to the Oxford Street revitalisation strategy;
- (B) Council delegate authority to the Chief Executive Officer to prepare, and give owner's consent to the lodgement of a Development Application which is consistent with:
- (i) the proposal as described in the subject report;
 - (ii) the report and recommendations of the Heritage Consultants Rod Howard and Associates;
 - (iii) the Design Guidelines, as shown at Attachment B to the subject report, and as amended at the meeting of the Finance, Properties and Tenders Committee as below, on the basis that the grant of owner's consent does not fetter Council's discretion as a consent authority -
 - under Specific Guidelines, Ground Floor Retail Shops, sub-heading Guidelines and Controls, insert the words "and Ron Howard, Heritage Consultant" at the end of the second dot point;
 - under Levels 1 & 2 - Lifestyle Food Market, sub-heading Guidelines and Controls, insert the words "desired shopping and business experience and the outlet range which is desired to be achieved" as a new dot point.
- (C) Council (as owner) endorse the Design Guidelines of Attachment B, as amended, which need to be complied with for all retail fit-outs in the building at 56-76 Oxford Street;

- (D) an Expression of Interest process be commenced with a view to determining the market's response in taking a long-term lease and refurbishment of 56-76 Oxford Street, in order to establish a food, grocery and services retail centre comprising an anchor retailer and speciality shops as described in the subject report;
- (E) a further report to Council on the outcome of the EOI will be provided at the conclusion of the process; and
- (F) consultation continue with key stakeholder groups including tenants, residents of Foley Street and Darlinghurst Business Partnership and other community organisations to keep them informed of progress.

Note - At the meeting of Council it was moved by Councillor Kemmis, seconded by the Chair (the Lord Mayor) -

That the recommendation of the Finance, Properties and Tenders Committee be adopted with the addition of a new Clause (G) as follows:

- (G) In conjunction with other levels of government, local residents and businesses and the gay and lesbian community, Council investigate additional strategies to retain and enhance:
 - (1) existing long established Oxford Street retail businesses, and
 - (2) the Oxford Street area as a significant gay and lesbian precinct.

Amendment. At the request of Councillor Lee, and by consent, the motion was amended by the addition of a new Clause (H) as follows:

- (H) examine the feasibility of requiring installation of solar cells or solar water heaters on the roof of the building as part of the project.

Motion, as amended by consent, carried unanimously.

Speakers

Mr Phil Wharton, Ms Diana Holt, Mr Andrew Duckmanton, Mr Michael Hudson and Mr Bradford Gorman addressed the meeting of the Finance, Properties and Tenders Committee on Item 7.2.

ITEM 7.3

NAMING OF SURRY HILLS PARK (S007807)

It is resolved that Council endorse the naming of the new public park located between Goulburn, Brisbane and Hunt Streets as 'Harmony Park'.

Note. The recommendation of the Finance, Properties and Tenders Committee was not carried.

At the meeting of Council, it was -

Moved by Councillor Hoff, seconded by Councillor Kemmis -

It is resolved that:

- (A) Council give in principle approval to naming of the park located between Goulburn, Brisbane and Hunt Streets as 'Surry Hills Park'; and
- (B) Council endorse the public exhibition of the proposed name for a period of not less than 14 days.

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

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion (being the Finance, Properties and Tenders Committee's original recommendation) -

It is resolved that Council endorse the naming of the new public park located between Goulburn, Brisbane and Hunt Streets as 'Harmony Park'.

Following discussion, and at the request of Councillor Harris, Councillor Mallard agreed to vary his amendment by the addition of the following new clause -

"The City will place in the park a suitable interpretative element that recounts the history, relating to the Chinese community, embodied in the new name "Harmony Park". This is to be done in consultation with interested councillors and the City historian."

The amendment moved by Councillor Mallard was carried on the following show of hands:

Ayes (6) Councillors Black, Harris, Mallard, McInerney, Lee and Pooley.

Noes (3) The Chair (the Lord Mayor) and Councillors Hoff and Kemmis.

The substantive motion was carried unanimously.

Note. The resolution adopted by Council is as follows:

It is resolved that:

- (A) Council endorse the naming of the new public park located between Goulburn, Brisbane and Hunt Streets as "Harmony Park"; and
- (B) the City will place in the park a suitable interpretative element that recounts the history, relating to the Chinese community, embodied in the new name "Harmony Park". This is to be done in consultation with interested councillors and the City historian."

ITEM 7.4

WIGRAM LANE CLOSURE AND SALE (8046246)

It is resolved that the City transfer the individual sections of Wigram Lane to the adjoining owners at sale prices and conditions as shown in Attachments D and E to the subject report, and as amended at the meeting of the Finance, Properties and Tenders Committee as follows -

In Attachment E, a new number is to be included -

8. Right to reserve an easement for the maintenance and protection of existing and future services.

Carried unanimously.

ITEM 7.5

SUSTAINABLE ASSET MANAGEMENT POLICY (S048242)

It is resolved that Council adopt the draft Sustainable Asset Management Policy, as shown at Attachment A to the subject report, and as amended at the meeting of the Finance, Properties and Tenders Committee as below, as an interim policy, to provide the policy framework for the development, for public exhibition, of a comprehensive Sustainable Asset Management Strategy.

In the draft Sustainable Asset Management Policy 2006, under the heading "Preface": add "Memorials" to "Public Art".

Carried unanimously.

ITEM 7.6

INVESTMENTS HELD AS AT 30 JUNE 2006 (SO3 4147)

It is resolved that the Investment Report as at 30 June 2006 be received and noted.

Carried unanimously.

ITEM 7.7

LEASE - PARK HOUSE, 295 – 301 PITT STREET, SYDNEY (S048195)

It is resolved that Council:

- (A) approve the granting of a lease to the tenant named in, and on the terms and conditions as outlined in confidential Attachment B to the subject report;
- (B) authorise the Chief Executive Officer to finalise any commercial issues which may arise;
- (C) request the Chief Executive Officer to seek a voluntary agreement from the tenant to adopt environmentally sustainable practices in the use of energy and water;
- (D) request that the terms and conditions of all future leases (including renewals of leases) for the City's properties include requirements that the tenants adopt environmentally sustainable practices in the use of energy and water; and
- (E) that all recorded or amplified sound messages be prohibited in this lease and all leases that Council draws up with its tenants.

Carried unanimously.

ITEM 7.8

LEASE - LEVELS 4 - 10, 540 GEORGE STREET, SYDNEY (S045618)

It is resolved that Council:

- (A) approve the granting of a lease to the lessee named in, and on the terms and conditions as outlined in confidential Attachment B to the subject report;
- (B) grant owner's consent to the lodgement of a Development Application by Sydney International Business College for their fitout;
- (C) authorise the Chief Executive Officer to finalise any commercial issues which may arise; and
- (D) request the Chief Executive Officer to seek a voluntary agreement from the tenant to adopt environmentally sustainable practices in the use of energy and water.

Carried unanimously.

ITEM 7.9

WRITE OFF OF IRRECOVERABLE DEBT - FORMER TENANCY CUSTOMS HOUSE (S013382)

It is resolved that:

- (A) Council approve the write-off of the debt of \$200,000 owed by the Australian Museum Trust in respect of fit-out costs at Customs House for the reasons outlined in the subject report; and
- (B) Australian Museum Trust minutes and correspondence, Attachment (A), remain confidential in accordance with Section 10A(2)(D)(i) of the Local Government Act 1993.

Carried unanimously.

ITEM 7.10

TENDER - REDFERN PARK - STAGE 1 - OVAL DEMOLITION (S03700)

It is resolved that:

- (A) Council accept the lump sum tender offer of Company B, as described in Confidential Attachment A to the subject report, for the demolition works of all buildings, ground slabs, lighting structures, and existing spectator earth mounds at Redfern Oval Redfern Park, Redfern; and
- (B) Tender Evaluation Summary, Attachment A, remain confidential in accordance with Section 10A(2)(D) of the Local Government Act 1993.

Carried unanimously.

ITEM 7.11**TENDER - CBD STREETSCAPES STAGE 3B (S048048)**

It is resolved that:

- (A) Council accept the tender of Tenderer "C" for the Design Consultancy Services for the CBD Streetscapes Stage 3B; and
- (B) Tender Evaluation Summary, Attachment B to the subject report, remain confidential in accordance with Section 10A (2) (D) of the Local Government Act 1993.

Carried unanimously.

ITEM 7.12**TENDER - CHRISTMAS 2006 AND 2007 SUPPLY AND INSTALLATION OF MAIN STREET / VILLAGE DECORATIONS (S048048)**

It is resolved that:

- (A) Council accept the tender offer of Company "A" as described in Confidential Attachment A to subject report, for the supply and installation of Main Street / Village Decorations for Christmas 2006 and 2007;
- (B) Council accept the tender offer of Company "B" as described in Confidential Attachment A to subject report, for the supply and installation of Bud lighting for Christmas 2006 and 2007;
- (C) authority be delegated to the Chief Executive Officer to enter into contracts for the design, manufacture and installation of Main Street / Village Christmas Decorations and finalise design details for the Main Street / Village Christmas Decorations; and
- (D) Tender Evaluation Summary and Tender Yearly Cost Breakdown, Attachments A and B respectively to the subject report, remain confidential in accordance with Section 10A(2)(D) of the Local Government Act 1993.

Carried unanimously.

Speakers

Mr Andrew Woodhouse addressed the meeting of the Finance, Properties and Tenders Committee on Item 7.12.

ITEM 7.13**GOULBURN STREET PARKING STATION**

It is resolved that Council note the range of options set out in the subject report for the future of the Goulburn Street Parking Station and endorse the proposal to undertake an immediate examination of the options, in consultation with the Rail Corporation, for further report by December 2006.

Carried unanimously.

ITEM 8. REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE - 31 JULY 2006

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Phillip Black
(Deputy Chair)

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

At the commencement of business at 5.51pm those present were -

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

Councillor Kemmis arrived at the meeting at 5.53pm during discussion on Item 2.

Apology

Noted that leave of absence from meetings of the Environment and Heritage Committee had previously been granted to Councillor Verity Firth, on an ongoing basis, due to the birth of her baby.

The meeting of the Environment and Heritage Committee concluded at 7.29pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor -

That the Report of the Environment and Heritage Committee of its meeting of 31 July 2006 be received, and the recommendations set out below for Items 8.2 to 8.4 inclusive be adopted, with Item 8.1 being noted.

Carried.

ITEM 8.1

DISCLOSURES OF INTEREST

Councillor Pooley declared a non-pecuniary interest in Item 8.2 in that he is a member of the South Sydney Rugby League Football Club. Councillor Pooley participated in discussion and voting on this Item.

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

The committee recommended the following:-

ITEM 8.2**DRAFT MASTER PLAN AND PLAN OF MANAGEMENT - REDFERN PARK (SO37000)**

It is resolved that Council approve:

- (A) the public exhibition of the draft Redfern Park Master Plan, as shown at Attachment A to the subject report, subject to the addition of further visual representation of the proposal, either by more detailed elevations or preparation of a model, to better demonstrate the building height, playing field levels, and perimeter fencing details; and
- (B) the public exhibition of the draft Plan of Management, as shown at Attachment C to the subject report.

Carried unanimously.

Note. During the meeting of the Environment and Heritage Committee it had been:

Moved by Councillor McInerney, seconded by Councillor Black –

It is resolved that Council approve:

- (A) the public exhibition of the draft Redfern Park Master Plan, as shown at Attachment A to the subject report, subject to the addition of further visual representation of the proposal, either by more detailed elevations or preparation of a model, to better demonstrate the building height, playing field levels, and perimeter fencing details;
- (B) the public exhibition of the draft Plan of Management, as shown at Attachment C to the subject report; and
- (C) during the exhibition period, staff investigate the possibility of shortening the roof line at both ends of the grandstand and providing alternative shade structures.

During discussion on this matter, the following procedural motion was moved by Councillor Pooley, seconded by Councillor Lee -

That the motion be voted on in two parts - (A) and (B) firstly, followed by (C).

The procedural motion was declared carried.

Clauses (A) and (B) were then put to the vote and declared carried unanimously.

A vote on Clause (C) resulted in the following show of hands -

Ayes (3) Councillors Black, Mallard and McInerney.

Noes (6) The Lord Mayor and Councillors Harris, Hoff, Kemmis, Lee and Pooley.

Clause (C) of the motion was declared lost.

Speakers

Mr Keith McGraw, Mr James Hatfield, Mr Nathan Moran, Ms Michelle Booth, Ms Millie Ingram, Mr Ian Thompson, Mr Tristan Milani, Ms Ifeanna Tooth, Ms Roslyn Rolli, Mr Mark Spinks, Mr Paul Dorrn, Mr Peter Holmes a Court and Mr Glen Scott addressed the meeting of the Environment and Heritage Committee on Item 8.2

ITEM 8.3

DRAFT PLAN OF MANAGEMENT AND MASTER PLAN - HYDE PARK (S042840)

It is resolved that Council approve the public exhibition of the Draft Hyde Park Plan of Management and Master Plan, as shown at Attachment A to the subject report.

Carried unanimously.

Speakers

Mr Andrew Woodhouse addressed the meeting of the Environment and Heritage Committee on Item 8.3.

ITEM 8.4

DRAFT MASTER PLAN AND PLAN OF MANAGEMENT - TURRUWUL PARK, ROSEBERY (SO45651)

It is resolved that:

- (A) Council endorse the draft Master Plan for Turruwul Park, as shown at Attachment A to the subject report, as a guiding document for future park upgrades;
- (B) Council endorse the exhibition of the draft Plan of Management for Turruwul Park, as shown at Attachment B to the subject report; and
- (C) the Chief Executive Officer develop a solution to the traffic and parking issues adjacent to Tarakan Reserve for implementation in conjunction with the first phase of the Turruwul Park redevelopment.

Carried unanimously.

ITEM 9. REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 31 JULY 2006

PRESENT

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Marcelle Hoff
(Deputy Chair)

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

At the commencement of business at 7.30pm, those present were -

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

Apology

Noted that leave of absence from meetings of the Cultural and Community Services Committee had previously been granted to Councillor Verity Firth, on an ongoing basis, due to the birth of her baby.

Order of Business

The Cultural and Community Services Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 9.5 was dealt with as the last item.

Carried.

The meeting of the Cultural and Community Services Committee concluded at 8.05pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor Kemmis -

That the Report of the Cultural and Community Services Committee at its meeting of 31 July 2006 with Items 9.3, 9.4 and 9.6 being adopted, with Item 9.1 being noted and Items 9.2 and 9.5 being dealt with as shown immediately following those items.

Carried.

ITEM 9.1**DISCLOSURES OF INTEREST**

At a later stage of the meeting of the Cultural and Community Services Committee, the Lord Mayor declared a non-pecuniary interest in Item 5 in that she is the Chair of the Sydney Festival.

Councillor Hoff also declared a non-pecuniary interest in Item 5 in that she is the Lord Mayor's alternate on the Sydney Festival.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Cultural and Community Services Committee.

The Committee recommended the following:-

ITEM 9.2**ALLOCATION OF GRANTS AND SPONSORSHIPS FOR 2006/2007 (S040536)**

It is resolved that:

(A) Council approve the Local Community Grants (up to \$5,000) as follows:

Organisation	Project and conditions for funding (if required)	Recommendation
Acceptance Sydney for Gay and Lesbian Catholics Inc.	World Aids Day Church Service	\$1,000
AIDS Council of NSW (ACON)	2006 AIDS Candlelight Memorial	\$2,000
AIDS Council of NSW (ACON)	Safety & Security Seminars <u>Conditions:</u> The CoS's Crime Prevention Officer and NSW Police Crime Prevention Officers be involved in the planning & delivery of the seminars and the information resources. The CoS Multicultural Officer to be consulted about the translated information resources. The workshops to promote awareness of the CoS's Adult Entertainment & Sex Industry Premises DCP 2006.	\$4,729
AIDS Council of NSW (ACON)	Communicating and Educating through Writing (CEW)	\$4,000
Asthma Foundation of NSW (AFNSW)	Supporting Disadvantaged Children with Asthma to Attend a Children's Asthma Camp in January 2007 <u>Conditions:</u> Children's Services Coordinator to advise on groups to participate from CoS	\$4,970
Aunties & Uncles Co-operative Family Project Ltd	Aunties & Uncles Co-operative Family Project Ltd	\$3,475
Australian Architecture Association	Annual AAA/Customs House Architecture Exhibition	\$5,000
Australian Artists Society Incorporated	Chinese Arts and Cultural Program	\$5,000
Australian Breastfeeding Association, Bondi Junction Group	Resources for City of Sydney Breastfeeding & Early Parenting Workshops for new and expectant parents <u>Conditions:</u> Project must cater to target identified groups (eg CALD, Indigenous). To contact City's Multicultural Community Officer to identify groups	\$2,462
Australian Critical Race and Whiteness Studies Association Inc. (ACRAWSA)	The Borderpolitics of Whiteness Conference <u>Conditions:</u> Funding for Conference registrations for local people only. Outcomes to be shared with the City	\$3,000
Bridge For Asylum Seekers Foundation (BASF)	Asylum Seeker Awareness Seminars <u>Condition:</u> This is the final year this organisation is to receive funding through this specific grants program.	\$5,000

Organisation	Project and conditions for funding (if required)	Recommendation
Caught Short	Caught Short – monthly screening of short films	\$3,500
Centacare Catholic Community Services	Sydney Transcultural Support – supporting the Waterloo Multicultural Cooking Group (volunteer run group providing free cooking lessons) and the Glebe Vietnamese Parents Group (a support network)	\$5,000
Chinese Australian Services Society Co-op Ltd (CASS)	CASS Volunteer Training Course	\$5,000
Chinese Australian Services Society Co-op Ltd (CASS)	Reaching Out - Training and Employment Opportunities for Chinese Migrant Women	\$5,000
Chinese Heritage Association of Australia Inc.	Chinese Australian Heritage Talks	\$1,200
Chinese Women's Association of Australia Inc.	History of the Chinese Women's Association of Australia	\$2,000
City of Sydney Residents Network (RESNET) Incorporated	CBD Village Information & Involvement Project	\$4,573
Connect Redfern	Playgroups in the Park	\$5,000
Crystal Set South Sydney Senior Singers Choir	Crystal Set Choir Conditions: They charge nursing homes a small fee for their performances	\$800
DirtyFeet Dance Collective	DirtyFeet 2006/07 – dance classes for youth and older people Conditions: Council to nominate groups to benefit. Free use of Peter Forsyth Auditorium to be limited to non-peak periods. Must comply with Venue hire conditions as set by Community Venues Coordinator.	\$4,000
Disability Services Australia	Multilingual Employment Access Information for people with a disability	\$4,423
Down Syndrome New South Wales	Flamenco @ - flamenco dance classes for young people with Down Syndrome Conditions: 70% of class are to be CoS residents	\$2,640
Eastern Respite & Recreation	City Social Night for young people with disabilities Conditions: Liaison with City's Youth Services to identify appropriate referrals	\$5,000
Eddie Dixon Centre	Drop Me A Line Condition: Grant not for purchase of computers, for development of instruction manual/training only	\$1,500
Erskineville Kids Organisation	Activities for families and children Conditions: Free use of Joseph Sargent Centre to be limited to the time required for the set up and running of the activities for which the grant has been approved. Community Venue Coordinator to be given reasonable notice of planned activities prior to commencement of proposed program and notified of changes to bookings as soon as possible.	\$4,000
Erskineville Public School P & C Association	Tales from the Old School - Capturing Erskineville Public School History	\$5,000
Faculty of Humanities and Social Sciences, University of Technology Sydney	Sydney Futures Twilight Symposia – six public symposia focusing on planning for Sydney's future.	\$1,500
Filipino Women's Working Party	Storytelling Around the Dining Table (A Writing and Performance Workshop for Aboriginal and Filipino Women)	\$5,000
FLASCA Inc. (Forest Lodge After School Care Association Incorporated)	Homework and Learning Centre	\$5,000
Foley House Incorporated	Equipment Upgrade to Improve the Facilities for HIV Clients	\$3,000
Forest Lodge and Glebe Coordination Group (Flag)	Mitchell Street Festival Condition: To work closely with the City's Cultural development team for first event.	\$5,000
Forest Lodge Public School Parents & Citizens Association	Forest Lodge Community Day	\$3,000
Friends of the National Art School (FONAS)	The Artist and the Citizen Lecture Series Project – a series of free public lectures on contemporary art issues	\$2,500
Friends of the National Art School (FONAS) and St Vincent's Campus Art Committee	Sesquicentennial Mural Project	\$2,500
Girl Guides Association New South	Restoration of 1st Darlinghurst Girl Guides Unit	\$3,000

Organisation	Project and conditions for funding (if required)	Recommendation
Wales (East Metropolitan Region)		
Glebe Area Tenants Group	Glebe Estate Children's Christmas Party <u>Conditions:</u> Liaise with Glebe School, Centipede & PCYC re advertising and planning for the event. Consider healthy eating messages by having nutritious food options.	\$2,500
Glebe Art Show	Glebe Art Show - First Prize <u>Conditions:</u> Move exhibition to THH after Glebe	\$2,500
Glebe Police & Community Youth Club	Community Team Spirit - Touch Football	\$4,950
Green Square Community Church, St James, Beaconsfield	Big Day Out in the Park	\$5,000
Harris Community Scholarship Fund Association Inc.	Harris Community Scholarship Fund	\$2,000
Harry Joseph Wark for Glebe District Hockey Club	Digitalisation of Club Records for Web Display	\$4,000
Hopetstreet Urban Compassion	Woolloomooloo Community Development Through Empowerment of the Arts <u>Conditions:</u> That they work in closely with Walla Mulla to ensure that this program doesn't duplicate an existing service	\$4,000
Inform NSW	Access Aware – directory of accessible services and spaces for people with disabilities and older people	\$5,000
Inner City Care	Cubby House – replacing old play equipment and providing a safe physical and sensory environment.	\$5,000
Inner City Domestic Violence Action Group	Annual Community Awareness Activities	\$4,500
Inner Sydney Tenants Advice & Advocacy Service	Translation of Tenancy Leaflets <u>Conditions:</u> Must consult CoS Multicultural Officer re which languages the information is to be translated	\$3,000
Jessie Street National Women's Library	More than Boat People - Recording the lives of Sydney Women of non-British Background <u>Conditions:</u> To be inclusive of local women contactable through Redfern Centacare and they must interview, using an interpreter, at least one person who is not an English speaker.	\$5,000
Jewish Care	We Can Make a Difference and Live in Harmony	\$3,000
Junction House Inc.	Redfern Group – social and recreational activities for young adults with intellectual disabilities.	\$3,500
Kings Cross Arts Guild	Sydney Book Fair	\$5,000
Matthew Talbot Hostel	Laneway Graffiti Mural in Talbot Place, Woolloomooloo <u>Conditions:</u> Must commit to address issues of amenity in the lane. City to approve final design. Organisation to provide maintenance schedule and maintain for 3 yrs. Mural to be registered on City's Public art register.	\$3,350
Millers Point Youth and Employment Partnership	Year 6 to Year 7 Buddies Program	\$5,000
Millers Point, Dawes Point, The Rocks Resident Action Group	Purchase of A3 Photocopier	\$2,600
Mudgin-Gal Aboriginal Corporation	Culture and Wellbeing for Aboriginal Women Project	\$4,300
New Theatre (Sydney) Incorporated	"Chicken, Beef or Lamb? A Cultural Kebab". A Community Festival Celebrating 125 years of Middle Eastern Immigration to Australia <u>Conditions:</u> Parts of performance repeated at City's Harmony week activities. Access to the Bus is conditional on the group having their own driver.	\$3,150
Newtown Public School Aboriginal Parents Group	Support for Young Indigenous Performers	\$3,000
Oasis Youth Support Network (Salvation Army)	Community Christmas Day Luncheon	\$4,000
PACT Youth Theatre Inc.	Erskineville Youth Arts Weekend Intensive	\$2,800
Pedestrian Council of Australia	Seven Bridges Walk <u>Conditions:</u> All necessary event compliances are followed	\$5,000
People Living with HIV/AIDS NSW	Bridge Art Group <u>Conditions:</u> One-off grant and conditioned on the basis that the group apply to other organisations for funding next year as this project has received on-	\$5,000

Organisation	Project and conditions for funding (if required)	Recommendation
	going support for several years.	
Poets Union Inc.	Poetry Readings	\$2,000
Pride History Group Incorporated	The Early Years of the Sydney Gay and Lesbian Mardi Gras – social history research and illustrated booklet	\$5,000
Randwick/South Sydney Family Day Care Inc	Playground Set-up	\$5,000
ReconciliACTION Network (RAN)	Reconciliation in Action <u>Conditions:</u> A number of free places for local CoS people	\$3,000
Redfern & Waterloo Neighbourhood Advisory Boards	Tenant Participation Activities <u>Condition:</u> Must provide a minimum of eight activities	\$2,000
Refugee Language Program	Refugee Language Program <u>Conditions:</u> Need to satisfy City that target group will be from LGA	\$3,710
Rotary Club of Sydney Inc.	Your City – highlighting and introducing the City to rural disadvantaged youth. <u>Conditions:</u> They approach the Friends of Sydney Town Hall, City Model display, and Urban Field Studies Observatory Hill .Should liaise with Youth Services re exchange with City Youth.	\$1,000
Shakespeare Globe Centre Australia	2007 Annual Sydney Sonnet Stroll <u>Conditions:</u> Conditional on the group seeking free use of the Domain. To attempt to include Woolloomooloo community.	\$3,800
Sisters of Charity Outreach A Division of St Vincent's Clinic	Volunteer Training Program	\$3,670
South East Neighbourhood Centre	Multi-Cultural Sewing Classes	\$3,000
South East Neighbourhood Centre	Community English Classes	\$3,000
South Sydney Aboriginal Corporation Resource Centre	Streetbeat Transport Service Support <u>Conditions:</u> Funding for volunteer resources, travel costs and advertising to volunteers.	\$5,000
South Sydney Anglican Parish	Café Vestry - Redfern <u>Conditions:</u> All necessary event compliances are followed	\$5,000
South Sydney Community Aid Coop Multicultural Neighbourhood Centre	The Re-Start Art Project – provides art and creative expression classes for women who have experienced domestic violence	\$5,000
South Sydney Community Aid Coop Multicultural Neighbourhood Centre	The Art, Expression and Empowerment Group <u>Conditions:</u> One-off grant not to apply for same program next year	\$3,500
South Sydney Rabbitohs	Healthy Lifestyle Mentor Program <u>Conditions:</u> They work closely with Children's services to identify appropriate groups to participate in the project. Funding not to be spent on appearance fees.	\$3,000
South Sydney Youth Services	South Sydney Youth Services Drama Project <u>Conditions:</u> They perform at Youth Week Celebrations	\$4,000
South Sydney Youth Services	Annual Fernside Skate Comp	\$5,000
SquatSpace	Redfern-Waterloo Tour of Beauty - DVD and Map Production <u>Conditions:</u> Present a tour for National Architects Week in conjunction with Architecture society activities and Art and About. Access to DVD.	\$2,500
St John's Anglican Church, Darlinghurst	Rough Edges Monday Club – art club and social activities for the street community of Kings Cross	\$2,500
Surry Hills Neighbourhood Centre	Multicultural Project – English Conversation skills for people from non-English speaking communities.	\$2,500
Surry Hills Neighbourhood Centre	Blokes Business – project addressing issues of isolation and suicide in older men, will establish a social and support network.	\$500
Sydney Aboriginal Language Centre	Workshop on Language Learning and Teaching	\$4,000
Sydney Gay & Lesbian Choir	Establishment of a Standard Repertoire Music Library	\$1,000
Sydney Korean Women's Cultural Centre (KWCC)	Korean Cultural Experience <u>Conditions:</u> One workshop to be conducted in a City Centre.	\$4,855

Organisation	Project and conditions for funding (if required)	Recommendation
Sydney Maritime Museum Ltd/Sydney Heritage Fleet	James Craig Educational Program <u>Conditions:</u> Funding to subsidise maximum 50 free overnight visits (valued at \$40/head) for groups nominated by CoS Youth/Children's team leaders.	\$5,000
Sydney Roleplaying Games Association	Sydcon – Sydney inaugural role playing conference for young people.	\$1,500
Technical Aid to the Disabled	My First Bike <u>Conditions:</u> Evidence that bikes were allocated to CoS children with a disability from low income families.	\$5,000
The Alan Duff Charitable Foundation for books in Homes, Australia	Books in Homes Australia - provides nine books a year for students at Alexandria Park School to take home and keep.	\$5,000
The Ethnic Communities' Council of NSW Incorporated	Project: Q(iversity) <u>Conditions:</u> Work closely with City staff and present outcomes at Inner and eastern migrant Interagency.	\$5,000
The Festivalists Ltd	Possible Worlds, Sydney's Canadian Film Festival	\$2,000
The Mustard Seed Uniting Church Ultimo/Pyrmont	Carols by Candlelight 2006 & Anzac Day 2007 <u>Conditions:</u> All necessary event compliances are followed	\$5,000
The Shop Women & Girls Centre	Young Mothers Senior First Aid Course	\$4,000
The Shop Women & Girls Centre	Multi-Cultural Healthy Cooking & Playgroup <u>Conditions:</u> Must meet the requirements of community bus scheme including supply of accredited driver	\$1,500
The Uniting Church in Australia Property Trust (NSW) for the Wesley Mission, Sydney	Edward Eagar Lodge - QUIT Smoking Program	\$2,000
The Wayside Chapel	Annual Christmas Day Luncheon & Street Party and Hamper Service for 3500 people <u>Conditions:</u> All necessary event compliances are followed	\$5,000
The Women's Library Association Inc.	At the Coal Face (Women Helping Women) – skills development workshops and presentations, including volunteer training, for women from disadvantaged communities	\$4,000
Therese Sweeney (Memory Bank Cultural Media)	Conversations at the Diner – an oral and social history of the New York Diner, Kings Cross <u>Conditions:</u> Copy of the gathered material is given to City for archiving. Exhibition displayed during Seniors week.	\$4,840
Toddlers Junction Occasional Childcare Centre	Education Resources for 4-5yrs Children	\$2,958
University of NSW Community Development Project	Redfern/Waterloo Community Gardens Project <u>Conditions:</u> To continue to promote these gardens and highlight the City's contribution to the Gardens.	\$5,000
Vibewire Youth Services	Reelife Film Festival	\$5,000
Walla Mulla Family and Community Support Service	Loo Art - Drawing and Painting Class <u>Conditions:</u> That Woolloomooloo Services work more collaboratively to deliver their services.	\$4,000
Women's & Girls' Emergency Centre	Transgender Support Project Advisory Committee	\$2,660
	TOTAL	\$379,915

(B) Council approve the Community Services Grants Program (over \$5,000) as follows:

Organisation	Project and conditions for funding (if required)	Recommendation
Anti-Defamation Commission Inc and Chinese Australia Forum Inc	Moving Forward Together – exhibition <u>Condition:</u> Funding to be used for development of exhibition and launch	\$5,000
Australian Red Cross NSW	Telecross Program - Sydney East – supporting the development of the program which provides daily telephone contact and support to older people and people with disabilities living alone.	\$15,000

Organisation	Project and conditions for funding (if required)	Recommendation
Brown Nurses Inner City Ministry Ltd	Website upgrade and information leaflets	\$6,000
Centipede *	Critical operational funding: Increase of \$28,000 for 06/07, increase of \$28,000 for 07/08; \$45,000 for 08/09. <u>Condition:</u> Work with Council Officers to develop strategies to become self sustaining.	\$45,000 *triennial
Kings Cross Outreach Coordination Committee	Kings Cross Youth at Risk Project	\$10,080
OzHarvest Food Rescue	Volunteer Support Program	\$16,000
Reclink Inc	Sydney's Homeless get involved: Kaleidoscope Festival and Art exhibition <u>Condition:</u> Organisation to explore the possibility of inclusion in Art & About and/or an exhibition in THH	\$11,000
South Sydney Transport Inc	The CoS Village to Village Shuttle <u>Condition:</u> Subject to approval for the project from the Department of Transport (required if charging fares).	\$33,000
St James Primary School Glebe	Glebe School's Morning Bus Run – specifically for students from disadvantaged families with the aim of encouraging regular school attendance.	\$8,000
Super V Project	Super V Project – volunteering skills development for people from disadvantaged and CALD communities.	\$13,000
Surry Hills Neighbourhood Centre Co-op Ltd	Loss of Hall Hire and moving expenses.	\$12,500
Sydney Maritime Museum	Education and training program for at risk youth	\$10,000
The Centre for Volunteering NSW	Volunteering Makes A Difference <u>Condition:</u> Participating Schools need to be negotiated with CoS Youth Coordinator	\$15,000
The Factory Community Centre	Community Gardens Art Project <u>Condition:</u> That the project involves Pine Street Creative Arts Centre	\$15,000
The Wayside Chapel	Performance Therapy <u>Condition:</u> Work with Milkcrate Theatre to ensure no duplication of services	\$10,000
Twenty10 GLBT Youth Support	GLBT Alcohol and other Drugs Forum & Youth Resource Project	\$20,000
Ways Youth Services	Safe Summer Survival –program for young people <u>Condition:</u> Must work closely with local Aboriginal Medical Service (AMES)	\$10,000
Women's and Girls Emergency Centre Inc	Transgender Women's Support Group	\$8,840
Youth Off the Streets	Key College Support Worker – providing social work and counselling to homeless youth attending Key College (an independent accredited college for young homeless people and those disengaged from standard educational institutions).	\$33,000
	TOTAL	\$296,420

(C) Council approve the Cultural Grants and Sponsorship Program (over \$5,000) as follows:

Organisation	Project	Recommendation	One-off grant/sponsorship or triennial funding?
Aboriginal Dance Theatre Redfern	Children and Youth Dance Program	10,000	One-off
AIDS Trust of Australia	Sydney Food and Wine Fair	15,000	Triennial
Art Gallery of New South Wales	Community Ambassadors Outreach and Training Program delivered in four community languages	10,000	One-off

Organisation	Project	Recommendation	One-off grant/sponsorship or triennial funding?
Arts Law Centre of Australia	Sydney Arts Law Week	8,000	One-off
Australia Day Council of NSW	Australia Day 2007	110,000	Triennial
Australian Architecture Association	AAA Tours of Architecture	10,000	One-off
Australian Brandenburg Orchestra	Introduction of a Matinee Performance Series to increase access for older people, students and the unemployed.	30,000	Triennial
Australian Centre for Photography	Public Events Program	15,000	Triennial
Australian Dance Council - Ausdance NSW	The Australian Dance Awards	10,000	One-off
Chinese Youth League of Australia	Development of new performances and upgrade of equipment	10,000	One-off
Club Wild - St Laurence Community Services Inc	Plugged In, Turned On	15,000	One-off
Darlinghurst Theatre Company	Milk Crate Theatre	7,500	One-off
Eastside Arts	Performance Series 06-07	7,500	One-off
Edge Productions Inc	Short and Sweet	10,000	One-off
Gadigal Information Service Aboriginal Corporation	Yabun Concert 2007-2009	25,000	Triennial - increase to \$30,000 in 07/08 and 08/09
Global Nomad	Earth from Above, an aerial portrait of our planet, by Yann Arthus-Bertrand	0 (revenue forgone only)	Revenue forgone for the use of the Customs House forecourt, Alfred St land and AMP forecourt.
Half Dozen Inc	Half Dozen Festival – exhibition of contemporary emerging artists in six venues over January.	7,500	One-off
History Council of NSW Inc	Annual History Week – presentation of history themed talks and exhibitions	10,000	Triennial
Metro Screen Ltd	Sydney Songlines – development of short films made by residents of the City's LGA about their experiences of the City of Villages.	25,000	One-off
Millers Point Youth Employment Partnership	Rocksfest 06-07	7,500	One-off
Museum of Applied Arts and Sciences	Sydney Design 2007, 2008, 2009	20,000	Triennial
Museum of Contemporary Art	Talla-wo-la-dah: MCA Aboriginal and Torres Strait Islander Programs 2006-2007	20,000	One-off
New Mardi Gras	2007 Gay and Lesbian Mardi Gras	110,000	Triennial - increase to \$120,000 in 07/08 and 08/09
Office of Protocol & Special Events, NSW Premier's Department	Discovery After Dark	30,000	Triennial
Performance Space	unEarthed	35,000	One-off
Queer Screen	My Queer Career 2007	10,000	One-off
Seymour Theatre Centre	BITE-best independent theatre season	20,000	Triennial

Organisation	Project	Recommendation	One-off grant/sponsorship or triennial funding?
St Barnabas Anglican Church	Carols in Vic Park	8,500	One-off
Sydney Dance Company	Community Programs	35,000	Triennial
Sydney Improvised Music Association	JAZZ: NOW	10,000	One-off
Synergy Percussion	Pulse:Heart:Beat Festival 2007	10,000	One-off
The Australian Theatre for Young People	City of Sydney Scholarship and Workshop Program	15,000	Triennial
	TOTAL	\$666,500	

(D) Council approve the Business Support Program recommendations (up to \$50,000) as follows:

Organisation	Project	Recommendation
Darlinghurst Business Partnership	Funding to be used towards governance training and development of strategic plan	\$25,000
The Play Society Inc	Sydney Esquisse Urban Golf Tournament (to be developed in consultation with Darlinghurst Business Partnership)	\$40,000
Paddington Chamber of Commerce Inc	Funding towards strategic planning and the development of a public relations strategy	\$30,000
Glebe Chamber of Commerce	2006/2007 Implementation of Marketing and Business Plan 2005 -2008: Funding towards to development of the Chamber, marketing and public relations strategies	\$40,000
Kings Cross Partnership Incorporated	City Edge Destination Marketing program	\$45,000
Kings Cross Partnership Incorporated	Kings Cross Food & Wine Festival	\$25,000
Newtown Entertainment Precinct Association	Newtown Precinct Organisation Development: Funding towards the establishment of a broader representative body and development of website and strategic plan.	\$30,000
Newtown Entertainment Precinct Association	Ticketing Kiosk	\$10,000
Marrickville Council	Retail Strategy including an annual fashion event for King St South	\$50,000
YHA NSW	Adventure Alley Promotional Campaign	\$5,000
	TOTAL	\$300,000

(E) Council approve the Community Festivals Program recommendation as follows:

Total budget for the Community Festivals Program 2006/2007	\$205,000
Total already committed	\$125,000
Total amount available for this grant round	\$80,000
Total number of applications considered in this report	1
* Transferred from Cultural Grants and Sponsorships Program applications	
Total value requested from applications	\$10,000
Total number of applications recommended	1
Total amount of funding recommended	\$10,000

- (F) authority be delegated to the Chief Executive Officer to enter into agreements with all organisations approved for a grant or sponsorship under agreements consistent with the Grants and Sponsorship Policy.

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

That the recommendation of the Cultural and Community Services Committee be adopted.

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

That the motion be amended by the addition of the following new clause (G) -

- (G) the Cross Projections Project be reconsidered and reported back to the Cultural and Community Services Committee meeting on 21 August 2006.

The amendment was declared carried.

The substantive motion was declared carried unanimously.

ITEM 9.3

ACCOMMODATION GRANTS PROGRAM (S040425)

It is resolved that Council adopt the City of Sydney Accommodation Grants Program, as shown at Attachment A to the subject report, and as amended at the meeting of the Cultural and Community Services Committee as follows:

Item 2 - Eligibility Criteria

Paragraph number 3: Insert a new dot point - "Heritage and History"

Carried.

ITEM 9.4

YOUTH AND SKATE FACILITY NEEDS STUDY (S040428)

It is resolved that Council:

- (A) note the report entitled "City of Sydney Youth and Skate Facility Needs Study", as shown at Attachment A to the subject report; and
- (B) note that budget provisions have been made for the priority projects in the study, Waterloo Oval Youth Facility and Prince Alfred Park and Sydney Park Skate Facilities.

Carried.

ITEM 9.5**HYDE PARK - USE FOR SYDNEY FESTIVAL (S047968)**

It is resolved that:

- (A) Council approve the use of Hyde Park North (The British Lawn) from 2–31 January 2007 by Sydney Festival for the proposed Festival Corner event, subject to the following conditions:
- (1) Sydney Festival to provide a bond of \$10,000 to cover any possible damage to the park, and
 - (2) Sydney Festival be responsible for all cleaning and waste management related to its event;
- (B) Council approve the waiving of fees for the use of Hyde Park for the Sydney Festival's proposed Festival Corner event, representing a total revenue foregone of \$79,245 (ex-GST), in addition to the existing City sponsorship for the Sydney Festival (\$1,025,000 cash plus \$20,000 value in kind), subject to Sydney Festival paying for any re-turfing required in the event site, up to a maximum of \$15,000; and
- (C) authority be delegated to the Chief Executive Officer to negotiate sponsorship benefits to the City related to the increase in sponsorship value for the 2007 Festival.

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

That the recommendation of the Cultural and Community Services Committee be adopted.

Amendment. At the request of Councillor Black, and by consent, the motion was amended by the addition of a new Clause (A) (3):

Sydney Festival be responsible for any necessary re-turfing and repairs to any damage as a result of this event.

Amendment. At the request of Councillor Lee, and by consent, the motion was further amended by the addition of a new Clause (A) (4) -

the possible use of "The Famous Spiegeltent" for entertainment for young people during the daytime be investigated.

Motion, as amended by consent, was carried unanimously.

Speakers

Ms Josephine Ridge and Mr John Bayley addressed the meeting of the Cultural and Community Services Committee on Item 9.5.

ITEM 9.6

HYDE PARK - USE FOR NIGHT NOODLE MARKETS (S036015)

It is resolved that Council gives approval to John Fairfax Holdings Ltd (Fairfax) to hold the Night Noodle Markets in Hyde Park in October 2006 on Monday to Friday for up to three weeks, subject to the following conditions:

- (A) Fairfax is charged the commercial rate for the use of Hyde Park, in accordance with the Council-adopted Fees and Charges for the days of the Night Noodle Markets including bump-in and bump-out;
- (B) Fairfax be responsible for all cleaning and waste management related to its event, including a strategy to ensure there are no spills onto the paving; and
- (C) Fairfax to provide a bond of \$20,000 to cover any possible damage to the park.

Carried.

ITEM 10. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 31 JULY 2006 AND 1 AUGUST 2006**PRESENT**

The Lord Mayor Councillor Clover Moore MP
(Chair)

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

At the commencement of business at 5.48pm those present were:

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

Adjournment

At 5.49pm the meeting of the Planning Development and Transport Committee was adjourned to enable the meetings of the Environment and Heritage Committee and the Cultural and Community Services Committee to be held.

At 8.16pm, at the resumption of the Planning Development and Transport Committee, those present were -

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

Councillors Lee and Pooley returned to the meeting at 8.19pm prior to discussion on Item 10.1.

Councillor Harris returned to the meeting at 8.21pm prior to discussion on Item 10.4.

Apology

Noted that leave of absence from meetings of the Planning Development and Transport Committee had previously been granted to Councillor Verity Firth, on an ongoing basis, due to the birth of her baby.

Proposal to Adjourn

At the resumption of the meeting of the Planning Development and Transport Committee, the Lord Mayor announced that, to avoid the meeting extending late into the night, once the Planning Development and Transport Committee had concluded consideration of Items 1 to 10, a proposal would be put that the meeting be adjourned to the following day.

Sub-Committees

On Monday 31 July 2006, meetings of the following Sub-Committees of the Planning Development and Transport Committee commenced at the times shown to facilitate the discussion of Items of business on the agenda in the order shown below.

The Major Development Assessment Sub-Committee, with Councillor Kemmis as Deputy Chair, commenced at 8.22pm on Monday 31 July 2006.

The Development Assessment Sub-Committee, with Councillor Black as Deputy Chair, commenced at 8.48pm on Monday 31 July 2006.

Order of Business

On Monday 31 July 2006, the Planning Development and Transport Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order -

1. Disclosures of Interest
4. Development Application: 5-9A Roslyn Street, Potts Point (including Premises known as 'Barons')
6. Development Application: 345 Glebe Point Road, Glebe (Toxeth Hotel)
7. Development Application: 38-46 Oxford Street Darlinghurst (known as Oxford Art Factory)
10. Development Application: 23-31 Darlinghurst Road, Potts Point
8. Development Application: 27-29 Commonwealth Street, Sydney
5. Development Application: Newtown Hotel, 174-176 King Street, Newtown (Newtown Hotel)
2. Development Application: 41 & 43-49 Mountain Street, Ultimo
9. Development Application: Ladylux Night Club, 2 Roslyn Street, Potts Point
3. Development Application: Mandarin Club, 390-396 Pitt Street, Haymarket

Adjournment

At 11.32pm, at the conclusion of discussion on Items 1 to 10, it was -

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

That the meeting of the Planning Development and Transport Committee be adjourned until 6.00pm on Tuesday 1 August 2006.

Carried.

At the resumption of the Planning Development and Transport Committee at 6.10pm, on Tuesday 1 August 2006, those present were -

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

Councillor Harris arrived at the meeting at 6.58pm during discussion on Item 10.12.

Councillor Pooley arrived at the meeting at 8.37pm at the conclusion of discussion on Item 10.14.

Sub-Committees

On Tuesday 1 August 2006, meetings of the following Sub-Committees of the Planning Development and Transport Committee commenced at the times shown to facilitate the discussion of Items of business on the agenda in the order shown below.

The Development Assessment Sub-Committee, with Councillor Black as Deputy Chair, commenced at 6.13pm.

The Planning Policy Sub-Committee, with Councillor McInerney as Deputy Chair, commenced at 8.28pm on Tuesday 1 August 2006.

Order of Business

On Tuesday 1 August 2006. the Planning Development and Transport Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order -

15. Section 96 (Modification) Application: 1 Quarry Lane, Ultimo
12. Section 96 (Modification) Application: 281-283 Bourke Street, Darlinghurst (Cnr Kings Lane) - Tajine Restaurant
11. Development Application: 490 Crown Street, Surry Hills
14. Development Application: 424-430 George Street, Sydney
17. Draft Cycle Strategy and Master Plan
18. Draft Heritage Development Control Plan - Proposed Exhibition
16. Development Application: 20-40 Meagher Street, Chippendale
22. Land and Environment Court Appeals - Summary of Current Appeals and Recent Decisions
19. Ashmore Precinct - Development Control Plan
13. Development Application: Installation of Automated Public Toilet & Associated Advertising Signage - Devonshire Street, Surry Hills
20. Draft Hoardings Policy
21. Telecommunications and Radiocommunications Development Control Plan 2006
23. General Business

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 10.40pm on Tuesday 1 August 2006.

ITEM 10.1

DISCLOSURES OF INTEREST

At a later stage of the meeting, Councillor Lee declared a non-pecuniary interest in Item 10.16 on the agenda, in that he is a non-executive director of Macquarie Airports Management Limited which has small businesses which compete with other duty free stores. Councillor Lee took part in discussion and voting on this matter.

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

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor McInerney -

That the report of the Major Development Assessment Sub-Committee of its meeting of 31 July 2006 be received and the recommendations set out below for Items 10.2 to 10.4 be adopted, with Item 10.1 being noted.

Carried.

The Major Development Assessment Sub-Committee recommended the following -

ITEM 10.2

DEVELOPMENT APPLICATION: 41 & 43-49 MOUNTAIN STREET, ULTIMO (D/2005/1562)

It is resolved that:-

- (A) Authority be delegated to the Chief Executive Officer to determine the application subject to receiving any Terms of Approval from the Department of Natural Resources and having regard to the following draft conditions.
- (B) Given the status of the substation building being a heritage item included in the site area, the heritage building shall be conserved in accordance with the Conservation Management Plan prepared by Noel Bell, Ridley Smith and Partners dated September 2005 which is endorsed as part of the development.
- (C) Should a deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, the Chief Executive Officer shall have regard to the following conditions:

(1) SURRENDER OF CONSENT

Development Consent U01-833 must be surrendered in accordance with the Environmental Planning and Assessment Act 1979 and Clause 97 of the Environmental Planning and Assessment Regulations 2000.

(2) PLANNING AGREEMENT

- (a) The owner is to enter into a Planning Agreement in accordance with the Environmental Planning and Assessment Act, to be prepared by the Council at the cost of the applicant, which includes the scope and value of public domain works to be provided; and the quantum of monetary contributions associated with the development. The Planning Agreement must be executed by the owner before the release of the Development Consent in respect of the development. The Planning Agreement must be consistent with all conditions of development consent.
- (b) The Planning Agreement is to cover, but not be limited to, the following aspects:-
 - (i) The following works are to be included in the agreement:
 - a. Street planting within the surrounding area not including adjacent to the subject site.
 - b. Footpath / gutter upgrades within the surrounding area not including adjacent to the subject site.
 - c. Underground cabling of electricity around the site.
 - (ii) The following works are not to be included in the agreement but shall be required as part of the development:-

- a. Street planting adjacent to the subject site.
 - b. Footpath / gutter / street upgrade's adjacent to the subject site.
- (iii) Documentation of the scope and standard of public domain improvements that the parties agree shall be carried out and who shall be responsible for carrying out those works;
- (c) Procedural matters relating to the documentation required to satisfy required procedures, lodgement / release of required bonds and necessary public liability insurance.
 - (d) Procedural matters relating to construction, completion, Council inspections and defects liability.
 - (e) All monetary contributions are to be paid prior to release of the Development Consent for the development. All works are to be completed prior to the issue of the Occupation Certificate. A covenant is to be created requiring all works to be completed prior to the issue of the Occupation Certificate.
 - (f) The total indicative value of the works outlined above which are required to support the additional floor space (calculated at the time of this report) is approximately \$747,539.10.
 - (g) The total value of the public domain improvements package, comprising of works in kind and monetary contributions elements, will be indexed in accordance with the policy and the Act.
 - (h) Details of the works are to be submitted to Council's satisfaction prior to the execution of the agreement.
- (D) Subject to (A), no consent shall operate until the applicant has provided details responding to the previous matters within 12 months, which shall be approved in writing by the Manager – Planning Assessments:
- (E) Subject to (A), and upon compliance with the requirements of Clause (C), a full development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act, 1979 may be issued, subject to the following conditions and any other additional conditions reasonably arising from the consideration of the matters specified in Clause A.

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2005/1562 dated 30 September 2005 and Statement of Environmental Effects prepared by Urbis JHD, dated September 2005 and Conservation Management Plan prepared by Noel Bell Rideley Smith & Partners Pty Ltd dated September 2005 and the following drawings all prepared by Rice Daubney:

Drawing Number	Drawing Title	Date
DA04	Ground Level	19 April 2006
DA05	First Level	19 April 2006
DA06	Second Level	19 April 2006
DA07	Third Level	19 April 2006
DA08	Fourth Level	21 April 2006
DA09	Fifth Level	19 April 2006
DA10	Sixth Level	24 April 2006
DA11	Seventh Level	24 April 2006
DA13	Plant Room	19 April 2006
DA14	Roof Level	19 April 2006
DA15	Basement 1 Level	19 September 2005
DA16	Basement 2 Level	19 September 2005
DA17	Basement 3 Level	19 September 2005
DA18	Basement 4 Level	19 September 2005
DA21	North Elevation	27 April 2006
DA22	East Elevation	27 April 2006
DA23	Section A-A	27 April 2006
DA24	Section B-B	19 April 2006
DA25	Section C-C	19 April 2006
DA35	Perspective 1	16 September 2005
DA36	Perspective 2	2 May 2006

Drawing Number	Drawing Title	Date
DA37	Perspective 3	2 May 2006
DA39/01	Substation Externals	19 September 2005
DA39/02	Substation Internals	19 September 2005

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) SEPARATE DA REQUIRED

No approval is granted for the fitout or use of the existing substation building known as 41 Mountain Street. Any future fitout or use is subject to a separate development application to be lodged with Council.

(3) WORKS TO AND AROUND SUBSTATION

- (a) The adaptive re-use of the substation under S60 the Heritage Act 1977 shall be granted by the NSW Heritage Council prior to the release of a Construction Certification for the substantive replacement building on the site. The approved adaptive re-use of the substation and conservation works shall be completed prior to the issue of an Occupation Certificate for the proposed commercial development.
- (b) Based on the results of the archaeological testing approval (2006/S140/006) issued by the NSW Heritage Council on 23 May 2006, the applicant may be required to undertake modifications to the design of the proposed development in consultation with the NSW Heritage Office and Council. Any design amendments required must be submitted to Council for approval. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.
- (c) The applicant shall submit a structural report to identify adequate mitigating measures that must be taken to ensure that the proposed excavation occurring within the direct vicinity of the substation building will not cause any negative impact to the foundations of the Substation

(4) SUBSTATION BUILDING – COVENANT ON TITLE

- (a) The owner(s) must undertake and complete the conservation works approved by this development consent prior to or concurrently with the development of the site and having regard to Condition 3(a) of this development consent.
- (b) Evidence of issue of the final Occupation Certificate for the substation building must be submitted to the satisfaction of Council prior to the issue of an Occupation Certificate for the new building.

- (c) The owner(s) must enter into a deed with Council and register any required covenants on the title of the land on the completion of heritage works to the substation building to:
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the substation building site to the total area of the conserved building, which has a FSA of 131sqm.
- (d) All legal documentation must be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner(s).

(5) SUBSTATION BUILDING - CONSERVATION MANAGEMENT PLAN

The owner shall undertake all works in accordance with the policies and recommendations of the Conservation Management Plan prepared by Noel Bell Ridley Smith and Partners dated September 2005.

(6) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The proposed awning along the Mountain Street frontage of the new building shall be deleted.
- (b) The proposed awning along the northern elevation of the Mountain Street portion of the building adjoining the substation shall be deleted.
- (c) The proposed colour of the underside of the roof over the roof terrace of the Mountain Street portion of the building shall be revised.
- (d) The proposed balconies along the southern elevation facing the courtyard of the neighbouring building at 51-55 Mountain Street shall be deleted.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(7) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board Ref DA-S-001 prepared by Rice Daubney dated 30 August 2005 with the exception of the paint colour to the Mountain Street awning underside and the

(8) ELECTRICITY SUBSTATION

The new substation, located in Basement Level 1 of the new building at 43 49 Mountain Street shall be constructed in accordance with the requirements of the Energy Australia and the applicant shall ensure access to the substation by authorised persons of Energy Australia at all times to allow for maintenance etc of the electrical substation.

(9) ENCROACHMENTS

In accordance with Council's standard requirements, any balconies, bay windows, architectural embellishments and sun blinds are not to encroach upon the alignment of the public way in excess of 450mm.

(10) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 4.34:1 calculated in accordance with the South Sydney LEP 1998. For the purposes of the calculation of FSR, the total Gross Floor Area of the development is 6,288.66sq m and the site area is 1,449sq m.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under the South Sydney LEP 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(11) BUILDING HEIGHT

- (a) The height of the building must not exceed:
 - (i) RL 38.400 (AHD) to the top of the building (including the plant room);
 - (ii) RL 33.800 (AHD) to the underside of the topmost habitable floor of the Smail Street portion of the building and RL 30.500 (AHD) to the underside of the topmost habitable floor of the Mountain Street portion of the building.
- (b) No approval is granted for external or rooftop plant/air-conditioning equipment unless it is specifically shown on the approved DA drawings.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

(12) RAINWATER TANKS

The applicant is to install appropriate technologies within the development to enable the collection and re-use of the rainwater. Details are to be submitted to and approved by the Director City Planning prior to the issue of the Construction Certificate for the new building.

(13) STREET TREE PLANTING

Addition street trees are to be provided to the Smail Street frontage. Spacing and species selection of proposed trees is to be in accordance with the Street Tree Master Plan, and approved through the submission of the Public Domain Plan. All new street trees are to be a minimum 400 litre size.

(14) PROTECTION OF STREET TREES DURING CONSTRUCTION

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

(15) LANDSCAPING OF THE SITE

(a) A detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
- (ii) Extent of landscape areas on slab/planter boxes.
- (iii) Details of planting on slab / planter boxes, including a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes;
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems.

All landscaping in the approved plan is to be completed prior to and Occupation Certificate being issued.

(b) Prior to a Construction Certificate being issued, a maintenance plan is to be submitted for approval of the Principal Certifying Authority and complied with during occupation of the property.

(16) ALIGNMENT LEVELS

Prior to the issue of a Construction Certificate footpath alignment levels for the building, including the public domain, entry courtyard and through-site-link, must be submitted to Council for approval. The Alignment Levels submission must be prepared in accordance with the City of Sydney's Public Domain Manual.

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

(17) SECTION 94 CONTRIBUTIONS - SOUTH SYDNEY 1998 – OUTSIDE GREEN SQUARE

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space: LGA Works Programme	\$9,954.94
Open Space: New Parks	\$35,626.25
Accessibility and Transport	\$284.43
Management	\$1,125.00
Multi-Function Admin Centre	\$0.00
Total	\$46,990.62

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

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

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2006.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

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

(18) CAR PARKING SPACES AND DIMENSIONS

A maximum of 64 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(19) CAR PARK LAYOUT AND DESIGN

- (a) The layout on platform RL2550 shall be amended or the two "Loading Dock" spaces suitably relocated and dimensioned to allow for parking of trucks without obstruction the general circulation in the car park.
- (b) "Stop" and "No Right Turn" signs shall be installed at the exit point to require exiting vehicles to stop at the building line and exit to the left only.
- (c) All costs of traffic management measures associated with the development shall be borne by the developer.

(20) ALLOCATION OF PARKING

The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:

- (a) 54 commercial parking spaces including 3 disabled spaces and 2 loading docks;
- (b) 8 visitor parking spaces;
- (c) 2 courier parking spaces.

(21) MOTORCYCLES

An area equivalent to a minimum of 1 car space must be provided for motorcycles.

(22) BICYCLE FACILITIES

A bicycle facilities room must be provided close to staff / employee bicycle parking and include suitable numbers of showers with change areas and personal lockers.

(23) SERVICE VEHICLES**(24) ALLOCATION FOR VISITOR PARKING****(25) ACCESSIBLE CAR PARKING SPACES****(26) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

- (27) LOCATION OF ACCESSIBLE CAR PARKING SPACES
- (28) BICYCLE PARKING
- (29) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION
- (30) LOADING WITHIN SITE
- (31) RESTRICTION ON USE OF CAR SPACES – COMMERCIAL WITH NO STRATA SUBDIVISION
- (32) SIGNS - SEPARATE DA REQUIRED
- (33) REMOVAL OF GRAFFITI
- (34) CARE OF BUILDING SURROUNDS
- (35) NO PUBLIC ENTERTAINMENT
- (36) NOISE - MECHANICAL PLANT
- (37) EXTERNAL LIGHTING
- (38) APPROVED DESIGN ROOF-TOP PLANT
- (39) REFLECTIVITY
- (40) VEHICLE FOOTWAY CROSSINGS

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

Note: 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.

(41) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

Note: A security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges.

(42) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 4.5 stars under the Department of Energy, Utilities and Sustainability's (DEUS) Australian Building Greenhouse Rating (ABGR) scheme. This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with DEUS, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and
- (b) Providing a copy of the independent energy assessment report to DEUS and submitted with the Construction Certificate application, that follows the current guidelines in DEUS's Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review and the Energy Efficiency Design Review. This report should be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause 1(a) above:

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

(43) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.

- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
- (i) a bank guarantee to be provided in the sum of \$362,250 as security for the costs of such works provided that:
- a. the maximum liability under the Deed must not exceed \$362,250; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
- a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
- that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e - h to take place on the site; and
 - (ii) in the event of default, must have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

(44) FOOTPATH DAMAGE BANK GUARANTEE

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee, for the sum to be determined by Council, as security, as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way.

(45) REMEDIATION

- (a) The site is to be remediated in accordance with the Remediation Action Plan (RAP) prepared by Environmental Investigation Services and dated January 2006 (last printed 3 February 2006 – ref E14286F-RAP). Any variations to the RAP must be approved in writing by the Accredited Site Auditor and Council prior to the commencement of any work.
- (b) Prior to the commencement of construction work, other than demolitions or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to Council clearly stating that the site is suitable for the proposed use.

(46) SITE AUDITOR CONDITIONS

The conditions outlined in the Site Audit Statement (No. DP/076) prepared by Mike Nas of Douglas Partners Pty Ltd and dated 14 February 2006 shall be implemented.

(47) HAZARDOUS MATERIALS ASSESSMENTS

Prior to any demolition works and any site remediation and validation, a Hazardous Materials Assessment shall be undertaken.

(48) BCA - NEW BUILDINGS

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the building must comply with the Building Code of Australia (BCA).

- (b) If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.

- (49) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (50) ANNUAL FIRE SAFETY STATEMENT FORM**
- (51) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (52) CONTAMINATION**
- (53) CERTIFICATION OF GEOTECHNICAL INSPECTION**
- (54) GEOTECHNICAL REPORT AND CERTIFICATION**
- (55) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9**
- (56) MECHANICAL VENTILATION**
- (57) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (58) CAR PARK VENTILATION**
- (59) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**
- (60) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (61) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM**
- (62) ROAD OPENING PERMIT**
- (63) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**
- (64) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**
- (65) UTILITY SERVICES**
- (66) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**
- (67) TELECOMMUNICATIONS PROVISIONS**
- (68) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (69) INSTALLATION OF DUAL-FLUSH TOILETS**

- (70) INSTALLATION OF WATER EFFICIENT TAPS**
- (71) INTERNAL LIGHTING SYSTEM**
- (72) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (73) BARRICADE PERMIT**
- (74) STRATA SUBDIVISION – SEPARATE DA REQUIRED**
- (75) LOT CONSOLIDATION**
- (76) RECEPTACLES FOR CIGARETTE BUTTS**
- (77) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**
- (78) PAVING MATERIALS**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (79) RE-USE OF SANDSTONE**

The re-use of any sandstone removed as a result of excavation is encouraged.
- (80) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (81) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (82) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (83) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**
- (84) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**
- (85) NOTIFICATION OF EXCAVATION WORKS**
- (86) HAZARDOUS AND INDUSTRIAL WASTE**
- (87) SYDNEY WATER CERTIFICATE**
- (88) EROSION AND SEDIMENT CONTROL**
- (89) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**
- (90) COVERING OF LOADS**
- (91) VEHICLE CLEANSING**
- (92) LOADING AND UNLOADING DURING CONSTRUCTION**
- (93) NO OBSTRUCTION OF PUBLIC WAY**

(94) ACCESS DRIVEWAYS TO BE CONSTRUCTED**(95) USE OF MOBILE CRANES****(96) ENCROACHMENTS – NEIGHBOURING PROPERTIES****(97) SURVEY CERTIFICATE AT COMPLETION****(98) STREET NUMBERING – MAJOR DEVELOPMENT****(99) STREET NAME PLATE****SCHEDULE 2**

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

SCHEDULE 3**Terms of Approval**

The Terms of Approval for Integrated Development as advised by the NSW Heritage Council are as follows:

- (1) All works shall be carried out in accordance with the following documentation:
 - a) Drawings: DA Cover Sheet, DA02 to DA37 (inclusive), DA39/01, DA39/02 & DA40 prepared by Rice Daubney dated 21 May 2006.;
 - b) Statement of Heritage Impacts prepared by Noel Bell Ridley Smith & partners Pty Ltd dated September 2005;
 - c) Conservation Management Plan (Draft) prepared by Noel Bell Ridley Smith & partners Pty Ltd dated September 2005; and
 - d) Statement of Environmental Effects prepared by Urbis JHD dated September 2005.

And **EXCEPT AS AMENDED** by the conditions of this approval.

- (2) Following the approval of Council and prior to the commencement of work a S60 application shall be submitted to and approved by the NSW Heritage Council under the Heritage Act 1977.
- (3) Although the adaptive re-use of the substation is acceptable in concept, it is considered that further detailed information is required to properly assess the impacts of the proposed works on the significance of the subject Substation. Details of the internal fitout shall be submitted to and approved by the NSW Heritage Council as part of the S60 application. It is considered that the proposed works including the proposed openings on the northern, western and southern facades, the removal of the existing roller shutter door on the eastern façade and other works may need to be amended in view of the assessed impact of the internal fitout. Further conditions may be imposed at the S60 approval stage as a result of the assessment of the fitout work.
- (4) The following information/documentation shall be submitted to and approved by the NSW Heritage Council as part of the S60 application:

- a) A detailed analysis of significance of the existing substation equipment and appropriate mitigation measures that must be taken to conserve significant movable items and industrial archaeology. This shall include the determination of the potential equipment that may be retained in situ for interpretation purposes;
- b) Full archival recording of the Substation (both photographic and measured drawings) prepared in accordance with the Heritage Office's guidelines;
- c) Detailed design and documentation of the internal fitout work;
- d) Drawings showing the proposed external alterations to the substation building;
- e) Details of the any future services such as air-conditioning, kitchen exhausts, pipes, risers ducts and other service elements;
- f) Detailed schedule of conservation works to the substation works;
- g) An interpretation strategy and plan; and
- h) Details of the proposed canopy between the Substation building and the proposed new development.

Carried unanimously.

Speaker

Mr Paul Reidy addressed the meeting of the Planning Development and Transport Committee (Major Development Sub-Committee) on Item 10.2.

ITEM 10.3

DEVELOPMENT APPLICATION: MANDARIN CLUB 390-396 PITT STREET HAYMARKET (D/2006/415)

It is resolved that consent be granted to the Stage 1 development described as demolition of the existing building and construction of a new 17 storey serviced apartment building, subject to the following conditions:-

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2006/415 dated 20 March 2006 and Statement of Environmental Effects prepared by Kass-Hermes dated February 2006 and the following drawings prepared by Architectus:

Drawing Number	Date
A01-00 Issue B	21/2/06
A01-01 Issue B	21/2/06
E01-02 Issue B	21/2/06
E01-03 Issue B	21/2/06
E01-04 Issue B	21/2/06
E01-05 Issue B	21/2/06
E01-06 Issue B	21/2/06
E01-07 Issue B	21/2/06
E01-08 Issue B	21/2/06
E01-09 Issue B	21/2/06
and Strata Plan no. 37715, Sheets 2-11, prepared by John Higgins	7-6-06

and as amended by the conditions of this consent (noting Condition 2 does not approved the “detail” within the envelope):

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) STAGE 1 CONSENT

Stage 1 development consent is granted for:

- (a) “in principle” demolition of the existing building;
- (b) the building envelope;
- (c) use as serviced apartments and restaurant uses;
- (d) vehicle access and car parking;
- (e) “in principle” strata subdivision into 88 lots.

Consent is not granted for any works associated with demolition of the existing building or any internal layouts within the proposed building envelope.

(3) STAGE 2 DEVELOPMENT APPLICATION

The following will form part of the Stage 2 development application:

- (a) Strata subdivision in accordance with the proposed Stage 2 design and internal layout.
- (b) Demolition of the existing building (Note: demolition is prohibited prior to a Stage 2 approval and subsequent issue of a Construction Certificate for the substantive building).
- (c) Detailed design of the development.

(4) DESIGN EXCELLENCE

The detailed design of the development must exhibit design excellence in accordance with the provisions of Part 5, Cl. 26 of the Central Sydney Local Environmental Plan 2005. In this regard the building must:

be of a high standard of architectural design; With regard to the design of the building facades, careful consideration must be given to the design of the building at the lower levels to achieve a closer relationship with the base of the Family Court building and the lower scale buildings opposite on Pitt Street and Goulburn Street. This can be achieved by facade setbacks, or by variable facade treatments in terms of materials and finishes, or by architectural means.

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The Floor Space Ratio of the proposal must not exceed 13.96:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the development is 8,434.sqm.

(6) BUILDING HEIGHT

The height of the building must not exceed RL 70.72 (AHD) to the top of the building.

(7) APPROVED DESIGN ROOF-TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope. Should the plant exceed the approved building envelope, then further approval is required from Council.

(8) RESTRICTION ON DUAL KEY APARTMENTS

The following applies to the development:

- (a) The strata lots containing dual key apartments must not be further subdivided.
- (b) The strata subdivision of the building must include a restrictive covenant, burdening all dual key apartment lots, in the above terms restricting any further subdivision of those lots at no cost to Council.

(9) RESTRICTION ON SERVICED APARTMENTS

The following restriction applies to buildings approved for serviced apartment use:

- (a) The accommodation portion of the building (levels 1 to 16) must be used as serviced apartment accommodation only and not for permanent residential purposes or any other use.
- (b) A restrictive covenant will be required to be registered on the title of the development site in the above terms restricting any change of use of those levels from serviced apartments as defined in Sydney Local Environmental Plan 2005. The covenant will be required to be registered on title prior to an Occupation Certificate being issued, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

(10) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The building must be designed with regard to the principles of ecologically sustainable development based on a “whole of building” approach in accordance with the criteria contained in Part 5, Cl. 27 of the CSLEP 2005.

(11) BASIX CERTIFICATE

The Stage 2 application must be accompanied by a BASIX certificate prepared in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000 Reg 164A.

(12) PARKING

- (a) The following vehicle parking is approved:
 - (i) A minimum of 2 service vehicle spaces; and
 - (ii) 5 serviced apartment spaces.
- (b) The on-site car parking spaces, are not to be used by those other than an occupant or tenant of the subject building, and the service spaces may only be used for service and loading purposes. As part of any Stage 2 consent, a documentary restrictive covenant will be required to be registered on the Title of the site to this effect.
- (c) Adequate space must be provided to allow manoeuvring and turning of different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. The car lift and the turntable shall be designed for the safe use of 6.4m long small rigid vehicles.
- (d) The size of vehicles servicing the property must be a maximum length of 6.4m.

- (e) The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the 'City of Sydney Access Development Control Plan 2004. .

(13) BICYCLE AND MOTORCYCLE PARKING

Bicycle and motorcycle parking must be provided in the development in accordance with Cls. 5.5 and 6.5 of the CSDCP1996.

(14) RESTAURANT ACCESS

Access to the ground floor restaurant entrance must be provided at the same level and be directly accessible from the street and must be provided separately from the serviced apartment lobby entrance.

(15) ENCROACHMENT BEYOND ROAD ALIGNMENT

No part of the building is to encroach beyond the alignment of the road by more than 450mm and any projections must comply with all criteria contained in Cl. 10.3 and Cl. 10.4 of the Central Sydney Development Control Plan 1996.

(16) FOOTWAY AWNINGS

As part of the Stage 2 application, further design analysis is required to determine whether it is appropriate to provide full awnings along the Pitt Street and Goulburn Street frontages.

(17) AMENITY FOR SERVICED APARTMENTS

All apartments must achieve adequate levels of amenity with respect to internal layout, light and ventilation, safety and design and must comply with the amenity provisions contained in Part 6.1 of CSDCP 1996. Further consideration must be given to:

- (a) providing cross ventilation to more apartments in the development, with particular reference to the bedroom on the southern boundary on Levels 1 to 13 that relies on glass blocks and borrowed light and air for light and ventilation; and
- (b) the common area corridors that do not achieve the minimum corridor width of 2m.

(18) FURTHER REPORTS AT STAGE 2

The following detailed reports must be provided with the Stage 2 application.

- (a) A Wind Effects Report in accordance with Cl. 4.2 of the CSDCP 1996;
- (b) A Noise Impact Assessment Report in accordance with Cl. 4.4 of the CSDCP 1996;
- (c) A Reflectivity Report in accordance with C. 4.5 of the CSDCP 1996.

(19) SECTION 61 CONTRIBUTIONS PAYABLE

The development will be the subject of a cash contribution comprising 1% of the total cost of the development. The contribution is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002.

(20) HERITAGE REQUIREMENTS

Any consent for a Stage 2 application will be subject to heritage requirements including the following:

- (a) Photographic archival documentation;
- (b) An interpretative strategy for recording the historical importance of the site; and
- (c) Salvaging and recycling of demolition materials; and

(21) CONTAMINATION

Any approval for a Stage 2 consent will include the following requirements in respect to contamination issues:

- (a) A suitably qualified environmental consultant must inspect the site after removal of the basement slab and prepare a validation report, either confirming the absence of contamination or detailing how any contamination encountered was or will be managed;
- (b) The validation report must be audited by an EPA accredited site auditor and a site audit report and site audit statement certifying suitability of the site for the proposed use must be prepared and submitted to Council prior to construction.

(22) SIGNAGE STRATEGY

A signage strategy for the building must accompany the Stage 2 application. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(23) DESIGN FOR ACCESS AND MOBILITY

The development must comply with Australian Standards for Design for Access and Mobility AS 1428.1 – 2001 General Requirements for Access - New Building Work, AS 1428.2 – 1992 Enhanced and Additional Requirements – Buildings and Facilities, AS 1428.3 – 1992 Requirements for Children and Adolescents with Physical Disabilities and AS/NZS 1428.4 – 2002 Tactile Indicators, and the City of Sydney Access Development Control Plan 2004.

Carried unanimously.

ITEM 10.4

DEVELOPMENT APPLICATION: 5-9A ROSLYN STREET, POTTS POINT (INCLUDING PREMISES KNOWN AS 'BARONS') (2005/2046)

It is resolved that Council:

- (A) note the proposed listing of the building as being contributory to the heritage streetscape within the Elizabeth Bay Conservation Area Study, endorsed for exhibition on 12 December 2005 which has been available for public comment since that time;
- (B) note the historical and social context of 'Barons' and its contribution to the history of Potts Point;
- (C) request that the recommendations and findings of the Conservation Area Study for Elizabeth Bay be brought to the next round of Council; and
- (D) refuse the development application for the following reasons:
 - (1) 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 and represents over-development of the site.
 - (2) The proposed development fails to incorporate a fine grain scale to enhance the social and physical character of the Elizabeth Bay Conservation Area.
 - (3) No information has been provided which demonstrates that the buildings are structurally unsound and incapable of alternative redevelopment retaining the buildings or that the retention of the building would pose unreasonable economic burden upon the owner.
 - (4) The existing buildings contribute to the character and identity of the Elizabeth Bay Conservation Area, and represent buildings of local historical significance.
 - (5) The existing building contributes to the social heritage and history of the local area.
 - (6) The replacement building is not considered to enhance, contribute, or be compatible with the existing streetscape or the Elizabeth Bay Conservation Area.
 - (7) The proposed development is contrary to the objectives of the Environmental Planning and Assessment Act 1979 and would not be in the public interest.

Carried unanimously.

Speakers

Mr Ron White, Mr Andrew Woodhouse and Ms Jo Holder addressed the meeting of the Planning Development and Transport Committee (Major Development Sub-Committee) on Item 10.4.

Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor Kemmis -

That the report of the Development Assessment Sub-Committee of its meeting of 31 July 2006 be received, with the recommendations set out below for Items 10.5 to 10.9 inclusive and Items 10.12 to 10.16 inclusive being adopted, and Items 10.10 and 10.11 being dealt with as shown immediately following those items.

Carried.

The Development Assessment Sub-Committee recommended the following:

ITEM 10.5

DEVELOPMENT APPLICATION: NEWTOWN HOTEL, 174-176 KING STREET, NEWTOWN (NEWTOWN HOTEL) (D/2006/335)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 7 August 2006.

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

It is resolved that consent be granted subject to the following conditions:-

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2006/335 dated 7 March 2006 and drawings numbered DA 1201 (Issue D) dated 21 June 2006, DA 1301 (Issue B) dated 24 March 2006 and DA 1501 (Issue C) dated 2 May 2006 prepared by Snell Architects and as amended by the conditions of this consent.(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN MODIFICATION

The approved plans must be modified to remove the proposed outdoor pergola area and the proposed new glazed door leading from the gaming room extension to the pergola. The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(3) HOURS OF OPERATION – SENSITIVE USES

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 11.00am and midnight Mondays to Saturdays inclusive and 11.00am and 10.00pm on Sundays.
- (b) Notwithstanding (a) above, the premises may operate between 10.00am and 11.00am for a trial period of one year from the date of issue of the approved variation of the Liquor License, or the Occupation Certificate, whichever occurs last.
- (c) A further application may be lodged to continue the trading hours outlined in (a) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

(4) SURVEILLANCE CAMERAS

Security cameras must be installed and maintained in good operational order and placed in strategic places such as the external entrance and exit doors. A plan showing the location, design and number of which are to be submitted for the approval of Council prior to the issue of a Construction Certificate. The tapes/discs must have the time and date automatically recorded and be kept in a secure place to ensure their integrity for a minimum period of 28 days before being reused or destroyed. The video tapes/discs are to be made available to the Police upon request.

(5) PLACE OF PUBLIC ENTERTAINMENT

- (a) A Place of Public Entertainment is only permitted on the ground floor level and is subject to a separate approval under Section 68 of the Local Government Act 1993. The premises must comply with the requirements of the *Building Code of Australia*, in particular those relating to Places of Public Entertainment.
- (b) No approval is granted for a Place of Public Entertainment of the first floor.
- (c) The hours of Public Entertainment must be restricted to between 7:00PM and Midnight Thursdays to Saturdays inclusive only.
- (d) The provision of entertainment within the premises must cease after a period of 24 months from the date of the Place of Public Entertainment final approval under section 68 of the *Local Government Act 1993*. A further application may be lodged before the expiration of the 24 month trial period for Council's consideration.

- (e) Where a licensed premises holds, or obtains, a Place of Public Entertainment approval, each specific area to which the approval refers must display, in a prominent position, a sign which states the number of people the area is approved for.

(6) OPERATIONAL CONTROLS

The doors on the Watkin Street elevation and the door leading into the rear yard from the gaming room extension are to be kept shut at all times and are not to be used as entry/exit points for patrons of the hotel except in the event of an emergency evacuation. The rear gates onto Buckland Lane are not to be used as an entry/exit point for patrons of the hotel except in the event of an emergency evacuation.

(7) PLAN OF MANAGEMENT

The Licensee shall submit an updated Plan of Management, incorporating the relevant conditions of this consent and including details of the types of activities to take place within the premises, the hours of operation, the management of the outdoor areas, the responsible service of alcohol provisions, noise impacts and suppression methods and patron management for those entering and leaving the premises. It must also include a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to the issue of an Occupation Certificate.

(8) SECURITY

Licensed security personnel must be employed to patrol the licensed premises and the immediate surrounds from 10:00pm until 30 mins after the closing time or until the last patron has left the premises, whichever is the later, on Thursdays, Fridays and Saturdays. Security personnel are to be deployed at a ratio of one security person to 100 patrons or part thereof.

(9) USE OF RESTAURANT

Within one month of the date of this approval, the use of the former restaurant area as a gaming/amusement room shall cease and shall be vacated or used as a restaurant and for no other purpose thereafter. Doors and other screening devices between the restaurant and the public bar which may have been removed prior to the use of the former restaurant as a gaming/amusement room shall be restored.

(10) REMOVAL OF TRELIS GRILLE

Within one month of the date of this approval, the trellis security grille to the gaming room entrance of the King Street façade shall be removed.

(11) REMOVAL OF PERGOLA STRUCTURE

Within one month of the date of this approval, the partially constructed outdoor pergola structure shall be removed from the site altogether and any fixings to the external wall of the hotel building shall be made good to the satisfaction of Council.

(12) ROOFTOP PLANT/AIR CONDITIONING EQUIPMENT

No approval is granted for external or rooftop plant/air-conditioning equipment unless it is specifically shown on the approved DA drawings.

(13) SIGNS - SEPARATE DA REQUIRED**(14) SIGNS/GOODS IN THE PUBLIC WAY****(15) REMOVAL OF GRAFFITI****(16) NO SPRUICKING/AMPLIFIED NOISE****(17) NO SPEAKERS OR MUSIC OUTSIDE****(18) COPIES OF APPROVALS AND MANAGEMENT PLANS****(19) REMOVAL OF GLASS****(20) WASTE AND RECYCLING COLLECTION****(21) CARE OF BUILDING SURROUNDS****(22) NOISE FROM GLASS REMOVAL****(23) NEIGHBOURHOOD AMENITY****(24) GAMING MACHINES****(25) NOISE - USE****(26) NOISE - MECHANICAL PLANT**

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

- (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

(27) NOISE LIMITERS**(28) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES**

- (a) While entertainment is being provided on the first three occasions, a suitably qualified acoustic engineer must be appointed to:

- (i) measure and verify that noise emanating from the premises, at the nearest residential boundary, complies with the noise criteria in the Noise-Use condition (with such measurement being made from 11.00pm until the cessation of public entertainment or the close of business, whichever occurs first); and
 - (ii) make recommendations to ensure the entertainment complies with the noise criteria in the Noise-Use condition (if necessary).
- (b) The results of the noise measurements are to be submitted to Council within 7 days of testing.
 - (c) No further public entertainment is allowed to take place until such time as any recommendations of the acoustic engineer or other matters considered appropriate by Council have been satisfactorily implemented.

(29) DELIVERY OF GOODS

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: 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.

(30) EMERGENCY EXITS

- (a) Exit doors must be altered so they open in the direction of travel and must be recessed so they do not open over the footway. They must at all time be easily opened without the use of keys.
- (b) The width of the required exit or path of travel to exits and the unobstructed width of each doorway shall not be less than 1m and not more than 3m in accordance with the requirements of NSW D1.6 (f) (v) of the Building Code of Australia. In this regard, the gate at the rear of the premises that provides access onto Buckland Lane is to be provided with the following:-
 - (i) The width of the gate should be a similar width to the double leaf exit doors at the rear of the building. The path is to be clearly line marked the exit path.
 - (ii) Swing outwards in the direction of travel, fitted with a self closing device and recessed so that it does not encroach the public footpath.
 - (iii) The gate to be fitted with a panic bar if those doors are required to be secured in accordance with NSW D2.21(f) of the Building Code of Australia.

- (iv) The area to the rear is to be fitted with emergency lighting to ensure the egress path is lit in accordance with E4.
- (c) The door from the gaming room that leads to King Street shall open in the direction of egress in accordance with the requirements of NSW D2.19(e) of the Building Code of Australia.

(31) FIRE SEPARATION

The backstage area shall be separated from other parts of the building by construction having an FRL of NOT less than 60/60/60 as required by Clause NSW H101.2 of the Building Code of Australia.

(32) STRUCTURE TO REAR OF PREMISES

The timber framed, fibre cement clad structure to the rear of the premises shall be upgraded to be fire rated for type B construction.

(33) GENERAL HERITAGE

(34) MATERIALS AND FINISHES TO MATCH EXISTING

(35) COLOUR SCHEME

(36) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(37) WASTE AND RECYCLING COLLECTION CONTRACT

(38) TIME OF WASTE COLLECTION

(39) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

(40) BARRICADE PERMIT

(41) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

(42) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9

(43) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – MINOR (ADDITIONS)

(44) VERIFICATION OF SUPPORT FOR NEW LOADS

(45) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS (CC REQUIRED)

(46) ANNUAL FIRE SAFETY STATEMENT FORM

(47) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

(48) NOTICES OUTLINING THE OFFENCES RELATING TO FIRE EXITS

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(49) OCCUPATION CERTIFICATE TO BE SUBMITTED

- (50) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (51) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (52) EROSION AND SEDIMENT CONTROL**
- (53) NO OBSTRUCTION OF PUBLIC WAY**
- (54) USE OF MOBILE CRANES**

SCHEDULE 2

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

Carried unanimously.

Speakers

Ms Adele Hemphill, Mr Paul Freyne, Mr Philip Ritchie and Mr Kevin Snell addressed the meeting of the Planning Development and Transport Committee (Development Assessment-Sub Committee) on Item 10.5.

ITEM 10.6

DEVELOPMENT APPLICATION: 345 GLEBE POINT ROAD, GLEBE (TOXTETH HOTEL) (D/2006/68)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 7 August 2006 to enable a site inspection to be undertaken of the subject site.

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

It is resolved that:

- (A) Consent be granted subject to the following conditions:-

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2006/68 dated 19 January 2006 and Statement of Environmental Effects prepared by Hosking Munro Pty Ltd, dated 6 December 2006 and modified 27 April 2006 and Plan of Management and Security Management Plan dated January 2006 and modified 1 May 2006 and as amended by the conditions of this consent:
- (b) No approval is granted for any works other than those required for the acoustic treatments associated with the Place of Public Entertainment.

(2) PLACE OF PUBLIC ENTERTAINMENT

- (a) No public entertainment shall occur until all fire safety matters and the fire order (Order No. 3369 dated 19 April 2004) have been complied with.
- (b) A Place of Public Entertainment is only permitted on the ground floor, not including the ground floor outdoor terrace area and bottle shop and is subject to a separate approval under Section 68 of the Local Government Act 1993. The premises must comply with the requirements of the Building Code of Australia, in particular those relating to Places of Public Entertainment.
- (c) The provision of entertainment within the premises must cease after a period of 12 months from the date of the Place of Public Entertainment final approval under section 68 of the Local Government Act 1993. A further application may be lodged before the expiration of the 12 month trial period for Council's consideration.
- (d) A further application may be lodged to continue the Place of Public Entertainment outlined in (b) and (c) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.
- (e) Where a licensed premises holds, or obtains, a Place of Public Entertainment approval, each specific area to which the approval refers must display, in a prominent position, a sign which states the number of people the area is approved for as identified below.
- (f) The ground floor capacity shall not exceed 300 persons.

This figure is inclusive of workers and entertainers and is subject to final approval as part of the Section 68 approval under the Local Government Act.

(3) HOURS OF OPERATION

- (a) The hours of operation of the hotel must be restricted to between 9:00am and 1:00am Mondays to Saturdays inclusive and between 12:00 midday and 12:00 midnight on Sundays.

- (b) Notwithstanding (a) above, any amplified live entertainment (subject to a separate approval under Section 68 of the Local Government Act) shall be restricted to between the hours of 11:00am and 11:00pm Mondays to Wednesdays; between the hours of 11:00 am and 12:00 midnight Thursdays to Saturdays and between the hours of 12:00 midday and 10:00pm Sundays for a trial period of 1 year from the date of the Section 68 Local Government Act approval.
- (c) A further application may be lodged to continue the live entertainment hours outlined in (b) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

(4) AMPLIFIED LIVE ENTERTAINMENT

- (a) The type of live entertainment is restricted to:
 - (i) Acoustic 2-3 piece ensembles;
 - (ii) Pre-recorded music such as a live DJ or juke box;
 - (iii) Conference meetings;
 - (iv) Comedy nights, Politics in the Pub and Trivia; and
 - (v) Films.
- (b) No speakers shall be installed in the outdoor areas, including the outdoor terrace area.
- (c) All amplification equipment in the premises shall be controlled by way of a noise limiter.
- (d) The noise limiter, once installed by an Acoustic Engineer, shall be tamper proof and only operable by the licensee or his or her nominee.
- (e) The noise limiter must be calibrated annually or on an as-needs basis, with the compliance report being kept on the premises and made available to Council officers upon request.

(5) OPERATIONAL CONTROLS

- (a) Patrons of the hotel shall not be permitted to remain on the premises after closing time. Adequate warning shall be given to ensure the closing time aligns with all people leaving the premises;
- (b) Patrons shall not be permitted to enter or re-enter the premises after midnight and must leave the premises after midnight only by the door leading directly to Glebe Point Road;

- (c) The hotel shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise vibration, smell fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- (d) Noise monitoring devices are to be used for all amplified sound which incorporate automatic cut out switching;
- (e) Access to the fire exits on the ground floor will be controlled and monitored by security personnel. The first floor will have separate controls at the top of the stairs.
- (f) Staff will have access to a linked central electronic counter to ensure numbers of patrons do not exceed the permitted number;
- (g) Staff will have hand-held noise monitors for use to externally monitor the noise level to ensure that they do not exceed the approved levels.
- (h) The licensee will take all reasonable measures to ensure that the behaviour of staff and patrons when leaving the premises after midnight does not detrimentally affect the amenity of the neighbourhood by the use of professionally trained personnel at the exit point and externally;
- (i) The licensee and staff shall take all reasonable steps to control the behaviour of the patrons of the hotel as they enter or leave the premises. To this effect, the licensee shall assign professionally trained staff to ensure that patrons, in leaving the vicinity of the hotel do so promptly and as quietly as is reasonably possible;
- (j) The licensee and professional security personnel shall take all reasonable steps to ensure that there is no loitering in the vicinity of the hotel by persons who may be seeking admittance to it;
- (k) At night professionally trained security personnel will be engaged while live entertainment is provided.
- (l) A minimum of two (2) professionally trained and licensed security personnel from the hours of 10:00pm until half an hour after closing on Thursday, Friday and Saturday nights and 8:00pm Sunday shall patrol the perimeter of the premises;
- (m) All professionally trained security personnel shall be in uniform; and
- (n) All staff and professionally trained security personnel will ensure that that no drinks/glasses/bottles are taken from the hotel premises other than those purchased from the bottle shop.
- (o) The consumption of alcohol in the ground floor outdoor terrace area shall be disallowed after 9:00pm Mondays to Sundays.

(6) ACOUSTICS REQUIREMENTS

- (a) The external doors to the ground floor, including the ground floor outdoor terrace area, shall be configured as sound locks and the existing windows double glazed. Typical construction to include 10.76mm laminated glass over 150-170mm air gap and 6mm glass in the existing window frames fitted with acoustic seals
- (b) Windows to the ground and first floor require double-glazing to control breakout noise. Typical construction to include 10.76mm laminated glass over 150-170mm air gap and 6mm glass in the existing window frames fitted with acoustic seals
- (c) All external doors leading to and from internal areas of the licensed premise, including the ground floor outdoor terrace area, shall have acoustic seals installed.
- (d) All external doors, including the doors to the ground floor outdoor terrace area, shall have automatic door closers installed to ensure doors are kept closed at all times except for patron ingress and egress.
- (e) The Ferry Road cellar door shall be finished with an acoustic treatment and upgraded to control noise breakout from the new entertainment area.
- (f) Staff shall inform all patrons at the closure of the premises and / or on departure from the premises to the effect that patrons should leave the premises and the vicinity quickly and quietly to avoid disturbance of neighbours.
- (g) A clearly visible sign shall be permanently erected immediately adjacent to the exit doors indicating that patrons are to leave quietly and not cause a disturbance for neighbours.
- (h) All windows on the first floor shall remain closed at all times.
- (i) The tiled floor of the internal bistro shall be changed to material that will reduce reverberations. A recommendation by a suitably qualified acoustic engineer shall be required. Details to be submitted prior to the issue of an Occupation Certificate and to the satisfaction of the Director City Planning.

(7) MANAGEMENT CONDITIONS

- (a) The Management/Licensee shall install CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors (including Ferry Lane). The surveillance tapes shall be kept for a period of 14 days for viewing by the police upon request.

- (b) The Management/Licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
- (c) The Management/Licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
- (d) The owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing to Council's satisfaction.
- (e) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.

Note: The Licensee is encouraged to join and adopt the principles of the local Liquor Licensing Accord (contact Safe City on 9265 9172 for information or www.cityofsydney.nsw.gov.au).

(8) PLAN OF MANAGEMENT

The Licensee shall submit an updated Plan of Management and Security Management Plan, incorporating the relevant conditions of this consent and including details of the types of activities to take place within the premises, the hours of operation, the management of the outdoor areas, the responsible service of alcohol provisions, noise impacts and suppression methods and patron management for those entering and leaving the premises, appropriate security patrols, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to the issue of a Construction Certificate.

(9) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES

- (a) While entertainment is being provided on the first three occasions, a suitably qualified acoustic engineer must be appointed to:
 - (i) measure and verify that noise emanating from the premises, at the nearest residential boundary, complies with the noise criteria in the Noise-Use condition (with such measurement being made from 11.00pm until the cessation of public entertainment or the close of business, whichever occurs first). Measurement is to be undertaken on Friday and Saturday nights only; and
 - (ii) make recommendations to ensure the entertainment complies with the noise criteria in the Noise-Use condition (if necessary).

- (b) The results of the noise measurements are to be submitted to Council within 7 days of testing.
- (c) No further public entertainment is allowed to take place until such time as any recommendations of the acoustic engineer or other matters considered appropriate by Council have been satisfactorily implemented.

(10) DELIVERY OF GOODS

The hours for the delivery of goods to and servicing of the hotel shall be restricted to between the hours of 11:00am and 7:00pm Monday to Friday.

(11) NOISE

(12) NOISE - MECHANICAL PLANT

(13) NOISE LIMITERS

- (a) All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management/licensee or their nominee.
- (b) The noise limiter is to be calibrated in accordance with the manufacturer's specification or on an as-needs basis with certification that the equipment is correctly calibrated being kept on the premises and made available to Council officers upon request.

(14) COPIES OF APPROVALS AND MANAGEMENT PLANS

(15) WASTE AND RECYCLING COLLECTION

(18) NEIGHBOURHOOD AMENITY

(19) SIGNS - SEPARATE DA REQUIRED

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: 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.

(21) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(22) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9

(23) VERIFICATION OF SUPPORT FOR NEW LOADS

(24) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS (CC REQUIRED)

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building must comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) and the following:
 - (i) Construction of exits - Part D2;
 - (ii) Access for people with disabilities - Part D3;
 - (iii) Fire fighting equipment - Part E1;
 - (iv) Smoke hazard management - Part E2;
 - (v) Light and ventilation - Part F4;
 - (vi) Places of public entertainment - NSW Part H101;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the conditions listed above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.

(25) ANNUAL FIRE SAFETY STATEMENT FORM**(26) FIRE SAFETY CERTIFICATE TO BE SUBMITTED****(27) EROSION AND SEDIMENT CONTROL – LESS THAN 250SQM****(28) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL****(28A) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL****(29) UPON COMPLETION OF THE DEVELOPMENT****(30) WASTE AND RECYCLING COLLECTION CONTRACT****(31) TIME OF WASTE COLLECTION****(32) ANNUAL FIRE SAFETY STATEMENT FORM****(33) VERIFICATION OF SUPPORT FOR NEW LOADS****(34) MECHANICAL VENTILATION****SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(35) OCCUPATION CERTIFICATE TO BE SUBMITTED****(36) HOURS OF WORK AND NOISE – OUTSIDE CBD**

(37) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**(38) EROSION AND SEDIMENT CONTROL****(39) NO OBSTRUCTION OF PUBLIC WAY****(40) USE OF MOBILE CRANES**

- (B) Council investigate the feasibility of extending the non-resident parking restrictions in the areas surrounding the Toxeth Hotel until 10.00pm.

The motion was carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, Lee, McInerney and Pooley.

Noes (1) Councillor Mallard.

Motion carried.

Speakers

Ms Christina Nelson, Ms Wendy Neilson, Mr Ian Gibson, Ms Kathy Kang, Mr Warren Moase, Mr Mel Ferro, Mr Daniel Crosariol and Mr Michael Munroe addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.6.

ITEM 10.7**DEVELOPMENT APPLICATION: 38-46 OXFORD STREET, DARLINGHURST (KNOWN AS OXFORD ART FACTORY) (D/2006/645)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 7 August 2006.

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

It is resolved that consent be granted subject to the following conditions:-

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2006/645 dated 28 April 2006 and Statement of Environmental Effects prepared by Design Collaborative, dated April 2006 and the following drawings:

Drawing Number	Architect	Date
Tilley1 (Drawing 2 / Revision A)	HAO Design	15 May 2005
SK-01 (Issue A)	CRA Design Associates	September 2005

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.
- (c) Between the hours of 11.00am to 6.00pm the premises shall be used as an art gallery and art house cinema only (with the exception of major special events including the Festival of Sydney, the Sydney Biennale, the Gay & Lesbian Mardi Gras, Mercedes Australian Fashion Week and other major events from time to time, with such other events being approved in writing by the Council). After 9.00pm until close at least 3 different forms of entertainment (excluding stationary art exhibitions) shall take place including live music, theatre, cabaret, burlesque, vaudeville, dance, comedy, spoken word, poetry recitals, art house cinema, art exhibitions, fashions shows, special events, functions and DJs. The premises must not operate solely as a nightclub and shall be a venue which has a market orientation towards art, live performances, and supporting cultural events and endeavours.

(2) SIGNS - SEPARATE DA REQUIRED**(3) SIGNS/GOODS IN THE PUBLIC WAY****(4) HOURS OF OPERATION – SENSITIVE USES**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 11:00am and 12:00 midnight, seven (7) days per week.
- (b) Notwithstanding (a) above, the use may operate between 12:00 midnight and 6:00am the following day seven days a week for a trial period of 12 months from the date of issue of an Occupation Certificate for the premises. However, there shall be no entry of new patrons after 3.00am on any day.

- (c) A further application may be lodged to continue the trading hours outlined in (b) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

(5) RESTRICTED USE OF DOORS TO NORMAN STREET

The use of the doors at the rear of the premises to Norman Street shall only be used by patrons in case of an emergency. The doors are to remain closed at all times when amplified music is playing within the premises and shall not be use for ingress at any time. Any loading and unloading via these doors shall be restricted to the hours of 8.00am to 8.00pm seven days a week.

(6) REMOVAL OF GRAFFITI

(7) NO SPRUICKING/AMPLIFIED NOISE

(8) NO SPEAKERS OR MUSIC OUTSIDE

(9) PLAN OF MANAGEMENT

The operator must submit a finalised version of the Plan of Management for the premises including a detailed security management plan, incorporating the provisions of the draft Plan of Management, all conditions of this consent, and the relevant recommendations of Council and the NSW Police Service, to the satisfaction of Council prior to the commencement of operation of the premises. The Security Management Plan shall specify security patrols, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The use must then always be operated and managed in accordance with the Plan of Management approved by Council, and be subject to the adoption of any future recommendation of the NSW Police Service and any reasonable direction of Council.

(10) RECOMMENDATIONS OF THE NSW POLICE SERVICE

The following recommendations of the NSW Police Service are to be fully implemented and incorporated, where applicable, into the Plan of Management:

- (a) In the absence of the licensee, a Licensing Court approved manager shall be on the premises at all times public entertainment is provided and at peak times
- (b) That the final Plan of Management shall incorporate procedures and principles in the WorkCover NSW document "Armed Hold-ups and Cash Handling";
- (c) That the final Plan of Management shall incorporate a clearly defined method to control any patron line that dominates the footpath. There should be no more than ten patrons in any formed line, except for at opening times;

- (d) That the final Plan of Management shall incorporate a comprehensive drug management component to the satisfaction of Surry Hills Police Local Area Command Licensing Unit and, further:
- (i) There shall be no floor-to-ceiling toilet doors or flat surfaces within toilet cubicles;
 - (ii) Sufficient gap shall be provided above and below toilet doors to facilitate detection of unconscious patrons and the presence of multiple patrons in one cubicle;
 - (iii) There shall be no unisex toilets;
 - (iv) Toilets shall be adequately lit to allow observation and detection of hazards or unlawful or disorderly conduct;
 - (v) Toilets shall be regularly checked and patrolled by security staff;
 - (vi) Toilets shall be regularly cleaned and maintained, particularly during peak periods.
- (e) That a DIGITAL CCTV monitoring system be installed to the premises and be continuously operated 24 hours per day, seven days per week, that complies with the following requirements:
- (i) All exits and entrances be effectively and satisfactorily covered by CCTV, not just the principal entrance, in addition to all stairwells and lifts and all other public areas excluding toilets;
 - (ii) Cameras and recording equipment must be of a high quality and record in real-time with correct time and date auto-recorded, and must be able to isolate individual cameras, to capture individual video streams from individual cameras, and be capable of playing back footage at the site and downloading and recording footage to digital media in such a manner and format as to allow immediate viewing of any footage from the CCTV system on any computer with a Windows Operating System;
 - (iii) All data recorded from the cameras shall be maintained and be able to be recorded and viewed for at least 21 days;
 - (iv) A person must be on the premises at all times during operation who has the skills, knowledge and capacity to access and operate all components of the CCTV system;
 - (v) On Police demand, such a person will allow Police to view playbacks of any recorded footage and immediately provide Police with the data downloaded onto digital media if so requested by Police;
- (f) Appropriate lighting should be provided all areas within the premises, and to the rear access point and laneway, to levels which facilitate satisfactory performance of the CCTV system;

- (g) There shall be only one principal entrance to the premises and this should be controlled at all times entertainment is provided. Lighting in this area and the area of the cashier should be excellent to allow assessment of intoxication levels of patrons and age assessment;
- (h) The cloak room shall be located near the principal entrance to minimise pedestrian conflict within the premises;
- (i) Licensed uniformed security guards shall be employed at all times entertainment is being provided, and shall sign on at the start of every shift and record their names and licence numbers legibly in a sign on sheet. Guards shall be on active duty at the premises at least 30 minutes after the last patron has left the premises to ensure orderly departure and to minimise the risk of assaults or neighbourhood disturbance due to patron behaviour. There shall be sufficient security guards on duty to maintain control of the principal entrance, to adequately patrol the premises for intoxication and to maintain the public safety inside the premises;
- (j) If so directed by Police or Council, the operator or manager of the premises is to increase the number of security guards on duty to an adequate level;
- (k) If so directed by Police, metal detectors shall be used by security guards when admitting patrons to the premises;
- (l) Signs satisfactory to Police should be displayed in the toilet areas, informing patrons of the offence of "Fail to Leave Licensed Premises".

(11) COPIES OF APPROVALS AND MANAGEMENT PLANS

(12) REMOVAL OF GLASS

(13) WASTE AND RECYCLING COLLECTION

(14) CARE OF BUILDING SURROUNDS

(15) NOISE FROM GLASS REMOVAL

(16) NEIGHBOURHOOD AMENITY

(17) PLACE OF PUBLIC ENTERTAINMENT

The use of the premises (or subject part) for the provision of entertainment must not commence until such time as an application, pursuant to section 68 of the Local Government Act 1993, has been submitted to and approved by Council. The premises must comply with the requirements of the Building Code of Australia, in particular those relating to Places of Public Entertainment.

(18) MAXIMUM POPULATION OF LICENSED PREMISES

(19) NOISE ATTENUATION

- (a) That the recommendations of the Acoustic Report by Wilkinson Murray, dated February 2006, be fully implemented, in particular the provision of noise attenuation of the ceiling (as shown on p.11), noise attenuation of common eastern wall (as shown on p. 10) and noise attenuation (sound locks) of openings in the rear façade (as shown on p. 12).
- (b) That a certificate of Compliance be submitted to Council's Licensed Premises (POPE) team prior to occupation from an accredited Acoustic Consultant certifying that the recommendations in the above mentioned report have been implemented and complied with.

(20) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES

- (a) While entertainment is being provided on the first three occasions, a suitably qualified acoustic engineer must be appointed to:
 - (i) measure and verify that noise emanating from the premises, at the nearest residential boundary, complies with the noise criteria in the Noise-Use condition (with such measurement being made from 11.00pm until the cessation of public entertainment or the close of business, whichever occurs first); and
 - (ii) make recommendations to ensure the entertainment complies with the noise criteria in the Noise-Use condition (if necessary).
- (b) The results of the noise measurements are to be submitted to Council within 7 days of testing.
- (c) No further public entertainment is allowed to take place until such time as any recommendations of the acoustic engineer or other matters considered appropriate by Council have been satisfactorily implemented.

(21) NOISE - USE**(22) NOISE - MECHANICAL PLANT****(23) NOISE LIMITERS**

- (a) All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management/licensee or their nominee.
- (b) The noise limiter is to be calibrated in accordance with the manufacturer's specification or on an as-needs basis with certification that the equipment is correctly calibrated being kept on the premises and made available to Council officers upon request.

(24) INTRUDER ALARM

That the premises shall be fitted with an intruder alarm with external alarm and light to the Oxford Street frontage of the building.

Note: Intruder alarms associated with the development are to operate only in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the Protection of the Environment Operations Act, 1997.

(25) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

Note: 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.

(26) ACCESSIBLE ENTRY

The premises shall be made to fully comply with recommendations made by Access Associates Sydney dated 7 April 2006. In particular provision shall be made for the following:

- (a) The premises shall be installed with a low rise vertical lift adjacent to the existing front stairs at the Oxford Street entry;
- (b) A ramp complying with AS1428.1 from Oxford Street footpath into the lobby of the venue; and
- (c) provision of an accessible sanitary facility on the basement level adjacent to gender specific toilets.

(27) GENERAL HERITAGE

(28) EXTERNAL MATERIALS

(29) MATERIALS AND FINISHES TO MATCH EXISTING

(30) WASTE AND RECYCLING MANAGEMENT - MINOR

(31) WASTE AND RECYCLING COLLECTION CONTRACT

(32) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(33) EROSION AND SEDIMENT CONTROL – LESS THAN 250SQM

(34) BARRICADE PERMIT

(35) INSTALLATION OF DUAL-FLUSH TOILETS

(36) INSTALLATION OF WATER EFFICIENT TAPS

- (37) FOOD PREMISES DATA BASE**
- (38) EMISSIONS**
- (39) MECHANICAL VENTILATION**
- (40) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (41) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9**
- (42) VERIFICATION OF SUPPORT FOR NEW LOADS**
- (43) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS (CC REQUIRED)**
- (44) ANNUAL FIRE SAFETY STATEMENT FORM**
- (45) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (46) SMOKE HAZARD MANAGEMENT**
- (47) PANIC BOLTS ON EGRESS DOORS**
- (48) SEPARATION OF ENTERTAINMENT AREA**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (49) STRUCTURAL CERTIFICATE FOR INSPECTIONS**
- (50) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (51) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (52) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (53) VEHICLE CLEANSING**
- (54) NO OBSTRUCTION OF PUBLIC WAY**
- (55) SHOP NUMBERING**
- (56) FOR CIGARETTE BUTTS**

SCHEDULE 2

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

NOTE:

Liquor Licensing Accord

Carried unanimously.

Speakers

Mr James Lidis, Mr Barry Tilley, Mr Mark Gerber, Mr Dan Hennesy and Ms Pamela Hansford addressed the meeting of the Planning Development and Transport Committee (Development Assessment-Sub Committee) on Item 10.7.

ITEM 10.8**DEVELOPMENT APPLICATION: 27-29 COMMONWEALTH STREET SYDNEY (D/2005/1847)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 7 August 2006.

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

It is resolved that consent be granted subject to the following conditions:-

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2005/1847 dated 1 November 2005 and,
 - (i) Code of Practice and Security Management Plan prepared by JBA Planning dated November 2005,
 - (ii) Loading Dock Capacity Statement prepared by Transport and Traffic Planning Associates dated 19 September 2005,
 - (iii) Environmental Noise Impact Statement prepared by Acoustic Logic dated 15 January 2006,
 - (iv) BCA Capacity Report prepared by DLM Consulting dated 11 October 2005,
 - (v) Access Review prepared by Morris-Goding Accessibility Consulting dated 29 September 2005,
 - (vi) Drawing DA01 A prepared by Lawton Hurley dated October 2005 and DA02 prepared by JBA Planning dated May 2006,

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) HOURS OF OPERATION – SENSITIVE USES

The hours of operation must be restricted to between 10.00 am and 12 midnight Mondays to Sundays inclusive.

(2A) MAXIMUM CAPACITY

Subject to BCA (Building Code of Australia) requirements, the maximum number of patrons permitted on the premises at any one time must not exceed 200 people.

(2B) PATRON EXIT

Exiting patrons shall be directed to Wentworth Avenue/Goulburn Street when leaving the premises.

(2C) PATRON QUEUING

Patrons are not permitted to queue on Council property. All queuing is to be accommodated within the tenancy.

(2D) INTERNAL SPEAKERS

Any internal speakers shall be mounted so that no vibration is to be transmitted to the building structure.

(3) PLACE OF PUBLIC ENTERTAINMENT

No development approval is granted for a Place of Public Entertainment (PoPE) License. No entertainment is to be provided at the premises.

(4) USE OF THE PREMISES AS A RESTAURANT

The premises is to operate as a restaurant, subject to the restrictions applicable under a Drink and Dine Licence. The bar shall serve last drinks at 11.30pm.

(5) COMPLIANCE WITH ACOUSTIC REPORT

- (a) The recommendations of the acoustic report prepared by Acoustic Logic Consultancy dated 15 January 2005 are to be implemented including:
- (i) Ensure that the amplified background music sound reinforcement system is hard set to a maximum level of 90dBA.
 - (ii) All loudspeakers forming part of the amplified background music reinforcement system shall be vibration isolated from the building structure.

- (iii) An airlock is to be installed for the ingress/egress to the restaurant and bar from Commonwealth Street. The primary and secondary doors of the airlock should be sufficiently distanced apart to ensure that they are not open at the same time. It is recommended that automatic door closing mechanisms are employed to ensure that the doors are not left ajar. Both the primary and secondary doors of the airlock shall employ full perimeter and astragal acoustic seals.
 - (iv) All plant and equipment shall be selected and treated in order to comply with The Council of The City of Sydney external noise criteria.
 - (v) Ensure that all mechanical plant within the tenancy is vibration isolated from the structure of the building. This shall also extend to commercial equipment such as dishwashers.
 - (vi) It is recommended that a resiliently mounted plasterboard ceiling be installed on the first level of the tenancy fit-out.
 - (vii) The cavity should be a minimum 200mm below the soffit with a resiliently suspended double layer 16mm thick plasterboard ceiling using Embleton RHD mounts or equivalent. The void formed shall be lined with 85mm thick 32kg/m³ density glass wool insulation. All penetrations are to be acoustically sealed using a flexible 100% polyurethane sealant equivalent to Bostik Fireban 1.
 - (viii) It is recommended that duct penetrations and service risers running up through the building be acoustically treated.
 - (ix) It is recommended that resilient matting be installed within the keg area.
 - (x) It is recommended that a register is kept on site by management, and possible noise complaints are registered and what course of remedial action has been taken. This register should be stored on site and be accessible at all times.
 - (xi) Ensure that signage is visible reminding patrons that when leaving the premises, they should attempt to minimise noise.
- (b) A certificate of compliance shall be submitted to Council's Development and Environmental Assessments team prior to occupation from an accredited acoustic consultant certifying that the recommendations in the above report have been complied with.

(6) SIGNAGE DETAILS

- (a) The projecting wall sign is to be vertically orientated and have a maximum area of 0.75sqm.
- (b) Details of all proposed signage are to be submitted and approved by Council prior to the issue of a Construction Certificate.

(7) NEIGHBOURHOOD AMENITY

(8) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES

- (a) While entertainment is being provided on the first three occasions, a suitably qualified acoustic engineer must be appointed to:
 - (i) measure and verify that noise emanating from the premises, at the nearest residential boundary, complies with the noise criteria in the Noise-Use condition (with such measurement being made from 11.00pm until the cessation of public entertainment or the close of business, whichever occurs first); and
 - (ii) make recommendations to ensure the entertainment complies with the noise criteria in the Noise-Use condition (if necessary).
- (b) The results of the noise measurements are to be submitted to Council within 7 days of testing.
- (c) No further public entertainment is allowed to take place until such time as any recommendations of the acoustic engineer or other matters considered appropriate by Council have been satisfactorily implemented.

(9) NOISE GENERATING USES E.G. PUBS, RESTAURANTS – ACOUSTIC IMPACT ASSESSMENT AND IMPACT

(10) NOISE LIMITERS

(11) NOISE - USE

(12) NOISE - MECHANICAL PLANT

(13) MAXIMUM POPULATION OF LICENSED PREMISES

(14) LIQUOR LICENSING ACCORD

(15) COPIES OF APPROVALS AND MANAGEMENT PLANS

(16) SURVEILLANCE CAMERAS

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

(18) SIGNAGE – TIME LIMITED CONSENT

(19) SIGN ILLUMINATION

(20) SIGNS/GOODS IN THE PUBLIC WAY

(21) REMOVAL OF GRAFFITI

(22) NO SPRUICKING/AMPLIFIED NOISE

(23) NO SPEAKERS OR MUSIC OUTSIDE

(24) REMOVAL OF GLASS

(25) WASTE AND RECYCLING COLLECTION**(26) NOISE FROM GLASS REMOVAL****(27) CARE OF BUILDING SURROUNDS****(28) LOADING WITHIN SITE****SCHEDULE 1B****Prior to Construction Certificate/Commencement of Work/Health and Building**

Note: 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.

(29) DEEM-TO-SATISFY PROVISIONS OF THE BCA

The proposed work shall comply with the deemed-to-satisfy provisions of the BCA. Any non-compliance may be addressed by an alternative solution, submitted as a report to the certifying authority, illustrating how the relevance performance requirements can be satisfied.

(30) COMPLIANCE WITH REPORT

Compliance shall be given to the BCA Capability Report (REF: J050407) prepared by DLM Consulting dated 11 October 2005. In addition, the following requirements shall also be complied with:

- (a) The existing doorways shall be widened so that the unobstructed width of each doorway shall not be less than 1 metre.
- (b) Smoke hazard management system complying with NSW Table E2.0b shall be installed throughout the PoPE areas. In this regard, the existing sprinkler system shall be fitted with fast response sprinkler heads.
- (c) The sanitary facilities shall be calculated separately for the employees and the patrons in accordance with F2.3 of the BCA.

(31) WASTE AND RECYCLING COLLECTION CONTRACT**(32) INSTALLATION OF DUAL-FLUSH TOILETS****(33) INSTALLATION OF WATER EFFICIENT TAPS****(34) BARRICADE PERMIT****(35) RECEPTACLES FOR CIGARETTE BUTTS****(36) CONSTRUCTION AND FITOUT OF FOOD PREMISES****(37) FOOD PREMISES DATA BASE**

(38) NOTIFY NSW FOOD AUTHORITY

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(39) OCCUPATION CERTIFICATE TO BE SUBMITTED

(40) HOURS OF WORK AND NOISE – CBD

(41) NO OBSTRUCTION OF PUBLIC WAY

SCHEDULE 2

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

Carried unanimously.

Speakers

Ms Molly Robinson, Ms Pamela Lai, Mr Terry Ginn, Ms Sheila Bolton and Mr Glen Wellsmore addressed the meeting of the Planning Development and Transport Committee (Development Assessment-Sub Committee) on Item 10.8.

ITEM 10.9

DEVELOPMENT APPLICATION: LADYLUX NIGHT CLUB 2 ROSLYN STREET POTTS POINT (D/2006/564)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 7 August 2006.

At the meeting of Council, it was moved by Councillor Black, second by the Chair (the Lord Mayor) -

It is resolved that Council refuse the development application for the following reasons:

- (1) The proposal is contrary to clause 7(b) "Principal Objectives" of South Sydney Local Environmental Plan 1998 in that the nightclub would result in a significant loss of amenity to residents who live in close proximity to the premises by way of noise and disturbance.
- (2) The proposed development will result in a detrimental impact upon the amenity of the adjoining residential area by way of noise and disturbance, contrary to clause 21(1)(h) of Zoning Controls for Zone No. 10 - the Mixed Uses Zone under South Sydney Local Environmental Plan 1998.
- (3) The proposal is contrary to Part B: Urban Design Principles "Design for a Sustainable, Healthy Environment" under South Sydney Development Control Plan 1997 in that the nightclub would result in unacceptable noise pollution for adjoining and surrounding residents, in particular, residents living in Ward Avenue.

- (4) The nightclub would exacerbate existing negative social impacts and issues that local residents are currently experiencing in terms of noise from people taking advantage of the Kings Cross entertainment precinct after normal business hours.
- (5) The location and hours of operation of the proposed nightclub would be detrimental to amenity of residents living in close proximity to the premises by way of noise pollution.
- (6) Given the above, and the number of objections received, approval of the application would not be in the public interest.

Carried unanimously.

Speakers

Mr Elvin Alberts, Ms Annette Nevin and Ms Sue Hanley addressed the meeting of the Planning Development and Transport Committee (Development Assessment-Sub Committee) on Item 10.9.

ITEM 10.10

DEVELOPMENT APPLICATION: 23 – 31 DARLINGHURST ROAD, POTTS POINT (D2006/00429)

It is resolved that Council refuse the development application for the following reasons:

- (1) the proposal is contrary to Clause 7(b) 'Principal Objectives' of South Sydney Local Environmental Plan 1998 in that the new restaurant/nightclub and associated outdoor courtyard to be used by patrons would result in a significant loss of amenity to residents who live in close proximity to the premises by way of noise and disturbance;
- (2) the proposed development will result in a detrimental impact upon the amenity of the adjoining residential area by way of noise and disturbance, contrary to Clause 21(1)(h) of Zoning Controls for Zone No 10 - the Mixed Uses Zone under South Sydney Local Environmental Plan 1998;
- (3) the proposal is contrary to Part D: Social Planning design criteria 'Cumulative Impacts and Trade-Offs' outlined under South Sydney Development Control Plan 1997 in that the nightclub and outdoor courtyard would exacerbate existing negative social impacts;
- (4) the location and hours of operation of the proposed nightclub and outdoor smoking courtyard would be detrimental to amenity of residents living in close proximity to the premises by way of noise pollution;
- (5) the proposal would cause likely adverse vibration and disruption to the adjoining accommodation within the building, and the proposed rooftop terrace would cause adverse impacts on amenity; and
- (6) given the above and the number of objections received, approval of the application would not be in the public interest.

The recommendation of the Planning Development and Transport Committee was not carried.

At the meeting of Council, it was moved by Councillor Black, seconded by the Chair (the Lord Mayor) -

It is resolved that Council refuse the development application for the following reasons:

- (1) the proposal is contrary to Clause 7(b) 'Principal Objectives' of South Sydney Local Environmental Plan 1998 in that the new restaurant/nightclub and associated outdoor courtyard to be used by patrons would result in a significant loss of amenity to residents who live in close proximity to the premises by way of noise and disturbance;
- (2) the proposed development will result in a detrimental impact upon the amenity of the adjoining residential area by way of noise and disturbance, contrary to Clause 21(1)(h) of Zoning Controls for Zone No 10 - the Mixed Uses Zone under South Sydney Local Environmental Plan 1998;
- (3) the proposed development is contrary to Clauses 28(e) and 28(d) under South Sydney Local Environmental Plan 1998 as the proposed use of the rooftop terrace used in association with a nightclub is not compatible with and would result in a loss of privacy for existing backpackers on the two top floors of the subject premises;
- (4) the proposal would result in unacceptable noise pollution for adjoining and surrounding residents, in particular, Nos. 1-13 Springfield Avenue, 18-22 Springfield Avenue and residents living in Roslyn Street. The proposal will also have unacceptable noise and vibration effects to the existing backpacker's establishment on the two top floors of the subject building. Accordingly, the proposal is contrary to Part B: Urban design Principles "Design for a Sustainable, Healthy Environment", Part E Section 4 (Amenity) and Section 6 (Operational Controls) and the planning intent of Precinct 3 - Urban Village centres under Part F Section 4 under South Sydney Development Control Plan 1997;
- (5) the proposal is contrary to Part D: Social Planning design criteria 'Cumulative Impacts and Trade-Offs' outlined under South Sydney Development Control Plan 1997 in that the nightclub and outdoor smoking courtyard would exacerbate existing negative social impacts and issues that local residents are currently experiencing in terms of noise from people taking advantage of the Darlinghurst Road entertainment precinct after normal business hours; and
- (6) given the above, and the number of objections received, approval of the application would not be in the public interest and is inconsistent with Section 79(C)(1)(e) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

Speakers

Mr Matt Ambler and Ms Jo Holder addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.10.

ITEM 10.11**DEVELOPMENT APPLICATION – 490 CROWN STREET, SURRY HILLS (D2006/638)**

It is resolved that consent be granted subject to the conditions as detailed in the subject report, subject to condition (7) being amended to read as follows:

(7) BI-FOLD DOORS ON CROWN STREET FRONTAGE

- (a) The bi-fold windows to the Crown Street frontage of the site shall be closed by 6.00pm each night.
- (b) Notwithstanding (a) above, the bi-fold windows to the Crown Street frontage may remain open between the hours of 6.00pm and 9.00pm daily on a trial basis for a period of 12 months from the date of this consent. Prior to the completion of the 12 month trial period, the applicant is to submit an application (section 96 or development application) to Council to continue the hours of such opening. Consideration of such an application will be based on, inter alia, the performance of the operator in relation to compliance with development consent and any complaint received.

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

That the recommendation of the Planning Development and Transport Committee be adopted, subject to the addition of clause (B), such that the conditions of consent be as follows:

It is resolved that:

- (A) Consent be granted subject to the following conditions:-

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D2006/638 dated 26 April 2006 and the Statement of Environmental Effects by Studio 73 and the following drawings:

Drawing Number	Architect	Date
1-100	Studio 73	21 April 2006
2-00	Studio 73	21 April 2006 as amended 16 June 2006
3-00	Studio 73	21 April 2006
Signage Drawing	Acronym Design	Undated

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) NUMBER OF PATRONS

No more than 100 patrons are to be permitted within the subject premises at any time.

(3) ACOUSTIC REPORT

The applicant shall implement the following recommendations contained in the Acoustic Report prepared by Acoustic Logic and dated 16 June 2006:

- (a) Any penetrations through the walls and roof of the restaurant such as ventilation should be acoustically treated or sealed within the external façade;
- (b) 10.38mm laminated glazing is to be installed on the Crown Street Façade of the building; and
- (c) The proposed bi-folding doors are to be fitted with seals and a locking mechanism to ensure an air tight seal when closed.

(4) SERVICE AND STOCK DELIVERY:

All stock and produce deliveries are to be made within the hours of 7:30am – 5:00pm Monday to Saturday. All stock and produce deliveries to the premises are to occur from the Crown Street frontage of the building.

(5) TIMES OF WASTE COLLECTION

All waste collection is to occur between the hours of 7:30 am and 5:00pm Monday to Saturdays. No service vehicles are to utilise Collins Lane for the purpose of waste collection

(6) HOURS OF OPERATION

The hours of operation of the restaurant shall be restricted to 11:00am to 11:00pm Monday – Saturday and 11:00am to 10:00pm Sundays. The operator/management must ensure that at the end of the permitted hours of operation no customers remain on the premises. Management must ensure that sufficient time is allocated before the end of permitted hours of operation, so that the restaurant service and warning is given to customers to prepare to leave the premises.

(7) BI-FOLD DOORS ON CROWN STREET FRONTAGE

- (a) The bi-fold windows to the Crown Street frontage of the site shall be closed by 6.00pm each night.
- (b) Notwithstanding (a) above, the bi-fold windows to the Crown Street frontage may remain open between the hours of 6.00pm and 9.00pm daily on a trial basis for a period of 12 months from the date of this consent. Prior to the completion of the 12 month trial period, the applicant is to submit an application (section 96 or development application) to Council to continue the hours of such opening. Consideration of such an application will be based on, inter alia, the performance of the operator in relation to compliance with development consent and any complaint received.

(8) FAÇADE TREATMENT

The two bi-folding doors located on the northern portion of the Crown Street façade are to be designed to match the materials used on the façade of the adjoining tenancy at 490 Crown Street. The applicant is required to submit the design specifications to Council prior to the lodgement of a Construction Certificate.

(9) PATRON BEHAVIOUR

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

(10) SURVEILLANCE CAMERAS**(11) CERTIFICATE OF COMPLIANCE**

A Certificate of Compliance shall be submitted to Council's Health and Building Unit prior to occupation from an accredited acoustic consultant certifying that the recommendations in the Acoustic Report dated 16 June 2006 have been complied with.

(12) ACOUSTIC TESTING

Acoustic testing shall be carried out by a suitable qualified Acoustic Engineer three weeks after the commencement of operation for the assessment of and subsequent implementation of any further noise attenuation works for compliance to the designed noise level criteria.

(13) COMPLIANCE WITH ACOUSTIC REPORT

The applicant is to ensure that the noise emissions from the subject development do not exceed the maximum levels outlined within the Acoustic Report prepared by Acoustic Logic dated 16 June 2006.

(14) COMPLIANCE WITH PLAN OF MANAGEMENT

The applicant shall implement the recommendations contained in the Plan of Management prepared by Equus Holdings dated 16 June 2006. The hours of operation and number of patrons is to be amended in accordance with conditions 2 and 6 of Councils approval.

(15) NOISE COMPLAINTS

Should any complaints be received by Council from any adjacent place of a different occupancy, if deemed necessary by Council subsequent noise attenuation works shall be carried out so as to enable the use of the premises to operate within the confines of the *Protection of the Environment Operations Act (1997)* at all times.

(16) NOISE - USE**(17) NOISE - MECHANICAL PLANT****SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building**

Note: 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.

(18) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

(19) BCA - IDENTIFIED AREAS OF NON-COMPLIANCE - NEW BUILDINGS**(20) ANNUAL FIRE SAFETY STATEMENT FORM****(21) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

- (22) FOOD PREMISES DATA BASE
- (23) NOTIFY NSW FOOD AUTHORITY
- (24) MECHANICAL VENTILATION
- (25) EMISSIONS
- (26) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES
- (27) ENCROACHMENTS – PUBLIC WAY

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (28) OCCUPATION CERTIFICATE TO BE SUBMITTED
 - (29) HOURS OF WORK AND NOISE – OUTSIDE CBD
- (B) Council undertake a Traffic Management Plan for the area of Arthur Street and Collins Lane to address the use of the area by heavy vehicles (including but not restricted to the possible inclusion of improved turning facilities on Arthur Street and protective works to the properties at the entry to Collins Lane).

Carried unanimously.

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

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

Noes (1) Councillor Harris.

Speakers

Mr Bill Budd, Mr Christopher Laybutt and Mr Alan Yazbek addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.11.

ITEM 10.12

SECTION 96 (MODIFICATION) APPLICATION: 281-283 BOURKE STREET, DARLINGHURST (CNR KINGS LANE) – TAJINE RESTAURANT (D/2003/1411/B)

That conditions (1) and (2) of D/2003/1141 granted consent on 24 November 1999 be amended as follows (changes marked in ***Bold Italics***):-

- (1) Development must be in accordance with Development Application No. D2003/01411 dated 23 December 2003 and drawing numbered ***01A and 02A*** prepared by ArchiSpectrum dated ***February 2006*** and as amended by the following conditions:

HOURS OF OPERATION & NUMBER OF TABLES AND CHAIRS

- (2) *The hours of operation and the numbers of tables and chairs allowed in the outdoor courtyard is as follows:-*
- (a) *The indoor portion of the restaurant, being the ground and mezzanine levels, shall operate between the hours of 7.30am and 11.00pm daily. A maximum of 8 tables and 16 chairs shall be located within the outside courtyard between the hours of 7.30am to 9.30pm daily. On all days the outdoor courtyard area may be used for 4 tables and 8 chairs between 9.30pm and 11.00pm.*
 - (b) *Notwithstanding (a) above, the outdoor courtyard may be used between the hours of 9.30pm and 11.00pm with a maximum of 8 tables and 16 chairs, Thursday to Saturday inclusive.*
 - (c) *Condition No 2(b) above is subject to a one year trial from the date of this consent notice. Prior to the completion of the 12 month trial period the applicant is to submit an application (Section 96 or Development Application) to Council to continue the use and hours prescribed under condition No 2(b). Such consideration will be based on, inter alia, the performance of the operator in relation to compliance with development consent conditions and any complaints received.*
 - (d) *On all nights, last orders for food and beverages must be taken by 10.30pm and guests must be asked to leave quietly 11.00pm.*

Carried unanimously.

Speakers

Ms Leslie McCullough, Mr George Walker, Mr David Cohen, Mr Omar Majei, Ms Stephanie Wood and Ms Leigh Johnson addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.12.

ITEM 10.13**DEVELOPMENT APPLICATION: INSTALLATION OF AUTOMATED PUBLIC TOILET & ASSOCIATED ADVERTISING SIGNAGE – DEVONSHIRE STREET, SURRY HILLS. (D2005/01352)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 7 August 2006.

At the meeting of Council, it was moved by Councillor Black, seconded by the Chair (the Lord Mayor) -

It is resolved that:

- (A) Council not proceed at this time with its application for an Automated Public Toilet adjacent to Ward Park, Devonshire Street, Surry Hills, due to concerns about:
 - (1) potential impacts of the toilet on the amenity of adjacent properties;

- (2) use of illuminated advertising panels in a conservation area;
 - (3) obstruction of views of Ward Park from Riley Street and
 - (4) possible distraction for passing vehicles at the intersection.
- (B) the Chief Executive Officer:
- (1) initiate discussions with the Department of Housing with a view to installing a public toilet adjacent to the existing Northcott Community Centre; and
 - (2) report back to Council on the possibility of meeting the identified need for a public toilet at Ward Park by locating it adjacent to the Northcott Community Centre.

The motion was carried on the following show of hands -

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

Noes (2) Councillors Mallard and Pooley.

Motion carried.

Speakers

Ms Robyn Koster addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.13.

ITEM 10.14

DEVELOPMENT APPLICATION: 424-430 GEORGE STREET, SYDNEY (D/2006/67)

It is resolved that consent be granted subject to the conditions as detailed in the subject report and in the memo dated 7 July 2006 circulated to Councillors prior to the meeting, subject to condition (4) being amended to read as follows:

(4) VERTICAL ILLUMINATED DYMCKS SIGN

The proposed vertical illuminated Dymocks sign on George Street is supported in principle. However, it requires redesign based on historical evidence and other similar signs in the locality. The detailed design of the final sign shall be to the satisfaction of the Director City Planning, in consultation with the Deputy Chair of the Planning Development and Transport Committee (Development Assessment Sub-Committee).

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

That the recommendation of the Planning Development and Transport Committee be adopted, such that the conditions of consent be as follows:

It is resolved that:

- (A) In accordance with Clause 7.1 of the Central Sydney Development Control Plan 1996, the Conservation Management Plan prepared by prepared by Truman, Zaniol and Associates and dated December 2005, as modified by recommended Conditions 3 to 10 which require:
- (i) Vertical sign to be deleted;
 - (ii) Awning skylight to be deleted;
 - (iii) Details of new services;
 - (iv) Shopfront details;
 - (v) Salvage and re-use of significant fabric;
 - (vi) Signage strategy;
 - (vii) Cyclical maintenance strategy
- be endorsed for the purpose of an award of Heritage Floor Space:
- (B) The requirement for a development plan to be submitted be waived in accordance with the provisions of Clause 23 (4) of the Sydney LEP 2005, due to the nature of the proposal and an appropriate guiding document (being the CMP).
- (C) Consent be granted subject to the following conditions:-

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A 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.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2006/67 dated 18 January 2006 and
 - (i) Statement of Environmental Effects prepared by BBC Consultant Planners dated January 2006,
 - (ii) Conservation Management Plan prepared by Truman, Zaniol and Associates dated December 2005,
 - (iii) Building services Report prepared by Arup dated January 2006,
 - (iv) Energy Efficiency Report prepared by Arup dated January 2006,
 - (v) Fire Safety Upgrade Report prepared by Arup dated January 2006,

- (vi) Façade Repair Works DA Briefing Paper prepared by Hyder Consulting dated 9 January 2005,
- (vii) Structure Report prepared by Hyder Consulting dated 17 January 2005,
- (viii) Heritage Impact Assessment prepared by Truman, Zaniol and Associates dated 15 December 2005, and the following drawings prepared by Crone Partners Architecture Studios dated 22 December 2005,
- (ix) BCA Report prepared by Advance Building approvals dated 26 September 2005,
- (x) Proposed Strata Subdivision Report prepared by Hyder Consulting dated 17 January 2006,
- (xi) Draft Strata Plans sheets 1 to 16 prepared by Rygate and Company dated 30 June 2006:

Drawing Number	Architect	Date
ADA Z 0101	ADA Z1108	ADA Z1725
ADA Z1101	ADA Z1109	ADA Z1726
ADA Z1102	ADA Z1110	ADA Z1727
ADA Z1103	ADA Z1204	ADA Z1728
ADA Z1104	ADA Z1721	ADA Z1729
ADA Z1105	ADA Z1722	ADA Z2001
ADA Z1106	ADA Z1723	ADA Z2002
ADA Z1107	ADA Z1724	ADA Z3001

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) AWARD OF HERITAGE FLOOR SPACE

The owner of the site may be awarded 7000sqm of heritage floor space under the Sydney Local Environmental Plan 2005, if the criteria set out in the sub clauses below are complied with.

- (a) The owner must complete the conservation work approved by this development consent and future Construction Certificates to the satisfaction of Council, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register.

- (b) The owner must enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 18,244sqm with an FSR 9.4:1.
- (c) All legal documentation must be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
- (d) The owner will be registered as the owner of 7,000sqm of heritage floor space only after the completion of paragraphs (a) to (c) of this condition, to the satisfaction of Council.
- (e) On the satisfactory completion of (a) to (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

(2A) STRATA SUBDIVISION - APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973.

(2B) DEMOLITION OF CARPORT

The existing carport must be removed and the area used for loading purposes, and the area shown as such on the strata plan.

(2C) NO PARKING PERMITTED

No part of common property is to be used for the parking of vehicles, and the loading dock area, including the carport in the south-east corner of the site, may only be used for loading and garbage purposes. The strata subdivision of the site is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority benefited by the restriction.

(2D) CYCLICAL MAINTENANCE PLAN

A Cyclical Maintenance Plan, based on Clause 8.2.1 of the Conservation Management Plan for the building, must be prepared for the building to ensure that the processes and guidelines for the future management of the building have full regard for, and maintain the heritage significance of, the building. The plan must be prepared in consultation with a heritage consultant and must be to the approval of the Director City Planning.

(2E) COVENANT REQUIRED

A positive covenant must be created on the subdivision affecting all proposed lots and common property and benefiting Council, requiring all owners to maintain the building in accordance with the Heritage Act 1977, the Sydney Local Environmental Plan 2000, and the approved Maintenance Plan.

(2F) OCCUPATION CERTIFICATE TO BE SUBMITTED FOR STRATA

A Final Occupation Certificate must be obtained from the principal Certifying Authority and a copy submitted to Council prior to the issue of a strata certificate.

(3) AWNING SKYLIGHT

The proposed awning skylight on the George Street elevation is not approved and is to be deleted from the drawings prior to the issue of a Construction Certificate.

(4) VERTICAL ILLUMINATED DYMOCKS SIGN

The proposed vertical illuminated Dymocks sign on George Street is supported in principle. However, it requires redesign based on historical evidence and other similar signs in the locality; and the detailed design of the final sign shall be to the satisfaction of the Director City Planning, in consultation with the Deputy Chair of the Planning Development and Transport Committee (Development Assessment Sub-Committee).

(5) SIGNAGE STRATEGY

A signage strategy for the building as a whole including interiors and exteriors is to be submitted for approval by the Director of City Planning prior to the issue of a Construction Certificate.

(6) SHOPFRONT DETAILS

Detailed design of the proposed re-configured shopfronts to George Street is to be submitted for approval by Council's Heritage Specialist prior to the issue of a Construction Certificate.

(7) SALVAGE AND RE-USE OF SIGNIFICANT FABRIC

The building works shall ensure salvaging of original tiles, marble and other original fabric disturbed by these works to facilitate conservation of retained fabric and allow onsite storage of sufficient fabric to facilitate future repair and maintenance.

(8) REPORT RECOMMENDATIONS ADOPTED

All recommendations contained within the Heritage Impact Statement section 8.00 Conclusions and Recommendations subclauses (i) – (vii) inclusive are to be adopted and/or carried out in the approved works with the exception of item 8 (vi) (f) and (i) which is not to be adopted as the proposed neon sign and awning skylight are not approved. The following works to be carried out:

- (a) Re-finish and repair original interior floors, walls, cornices, ceilings, columns, windows and door cases where visible;
- (b) Conserve original joinery, terrazzo flooring, partitions and toilets;
- (c) Conserve original elements to existing stairs and corridors including balustrades, suspended rods and brackets;
- (d) Preserve original plant and equipment where removal is unnecessary and remove existing non-original plant and equipment (e.g. wall mounted air conditioners);
- (e) Stabilise and conserve existing building facades;
- (f) Rationalise non-original exterior windows;
- (g) Adapt the existing ground floor entry shopfronts and lobby;
- (h) Patch repair and refinish surfaces of former caretakers residence on level 10;
- (i) Construct a new glazed highlight within the existing awning over the entry to the building to provide light to the street frontage;
- (j) Demolition works to facilitate the removal of redundant internal partitioning and building services such as individual external air conditioning units, and other elements not part of the original building fabric;
- (k) Maintenance and repairs to the western façade (George Street frontage) of the building;
- (l) Maintenance and repairs to existing elements and finishes within the building in order to conserve the heritage significance of the building;
- (m) Upgrade of building services to comply with contemporary Building Code requirements, the Disability Discrimination Act, Australian Standards and the Environmental Planning and Assessment Regulations.

(9) SERVICE DETAILS

Detailed design of mechanical, electrical and hydraulic services is to be submitted for approval by Council's Heritage Specialist prior to the issue of a Construction Certificate.

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

(11) NOISE - USE

(12) NOISE - MECHANICAL PLANT

(13) APPROVED DESIGN ROOF-TOP PLANT

- (14) SIGNS - SEPARATE DA REQUIRED**
- (15) SIGNS/GOODS IN THE PUBLIC WAY**
- (16) REMOVAL OF GRAFFITI**
- (17) NO SPRUICKING/AMPLIFIED NOISE**
- (18) NO SPEAKERS OR MUSIC OUTSIDE**
- (19) LOADING WITHIN SITE**

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: 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.

(20) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of work, a Construction Liaison Committee is to be established by the developer, which is to be comprised of potentially affected properties (including the Sydney Central Plaza and the Mid City Centre) surrounding the site, to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues, management of the construction site) from the site can be dealt with expeditiously and co-operatively.
- (b) The committee shall meet prior to the commencement of works on the site and at least monthly intervals or as considered appropriate by the Committee throughout the construction process. Details of the consultation with the adjoining sites must be submitted to and approved by the Director City Planning prior to the commencement of work.
- (c) The meetings are to be recorded/minuted and such recordings/minutes are to be provided to Council within 7 days of the meeting(s).
- (d) The following plans are to be tabled at a meeting of the Construction Liaison Committee prior to being provided to Council:
 - (i) Demolition Report
 - (ii) Construction Management Plan
 - (iii) Construction Program (A rough forward estimate of the construction timetable shall be tabled and discussed at the first meeting)
 - (iv) Construction Traffic Management Plan

- (v) Dilapidation Reports
- (vi) Traffic Management Plan
- (vii) Reports on Noise and Vibration
- (viii) Plans to apply for temporary road or footpath closure or use of mobile cranes
- (ix) Complaints register.

(21) CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of work, the Site Manager is to provide the Mid City Centre (City Freehold (Constructions) Pty Ltd), Sydney Central Plaza and Council, with 24 hour contact details (including location of site office and 24 hour phone number), to ensure that any matters which arise during the construction period are addressed immediately. The site manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the applicant.
- (b) The Site Manager is to inform, by way of writing, the Mid City Centre (City Freehold (Constructions) Pty Ltd) and Sydney Central Plaza on a regular monthly basis including at the Construction Liaison Committee of the construction program, construction progress and impending work.
- (c) A register of all complaints received shall be kept by the applicant through out the duration of the project, and for the register to be made available to Council on request.

(22) PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-

- (a) Proposed ingress and egress of vehicles to and from the construction site;
- (b) Proposed protection of pedestrians adjacent to the site;
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
- (d) Proposed route of construction vehicles to and from the site.

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

(23) CONSTRUCTION MANAGEMENT PLAN

- (a) A detailed Construction Management Plan (which may include aspects of the above mentioned Management Plans) must be submitted to the satisfaction of the Principal Certifying Authority, and the RTA Network Operations Manager (and a copy submitted to Council if it is not the PCA) before commencement of work on the site. The Construction Management Plan shall clearly demonstrate how the site works will not unreasonably delay bus services for the duration of works on site.
- (b) The applicant shall liaise with adjoining property owners and the Construction Liaison Committee during the preparation of the Construction Management Plan. In addition to the above, the Plan shall include the following as a minimum:
 - (i) A detailed Construction Program that indicates the logical sequence of activities that will be executed to complete the works. This Program must define the start, duration, completion and interdependencies of each activity, and also define the Critical Path of the proposed works.
 - (ii) Provide an acceptable level of detail in respect of the methodology and equipment proposed to execute the proposed construction activities, including the demolition of the existing building and excavation of the site, to enable the technical assessment of the suitability and adequacy of the measures and processes selected.
 - (iii) A detailed site establishment plan, specifying the proposed arrangement of temporary site accommodation, mess and ablutions blocks, site offices, storage areas and the like.
 - (iv) Details of the hoardings, scaffolding and other temporary structures proposed for the site, with particular regard for the detailing and presentation of any element proposed for the George Street elevation, the Lane on the northern side of the adjoining property to the south and other areas in the public domain.
 - (v) Details of the arrangement, location and installation of any constructional plant proposed to execute the works, including details of the erection, servicing, refuelling and maintenance of same.
 - (vi) Details of pedestrian management in George Street during the construction period including measures to ensure access to the adjoining buildings is not adversely affected.

(24) DESIGN OF HOARDING

All hoardings shall be designed to promote visibility and access to adjoining properties along George Street and shall include temporary directional signage placed on hoardings in George Street to re-direct pedestrians to the Mid City Centre and Pitt Street Mall. Such signage shall be noticeable but not of such a size and presentation as to be intrusive.

(25) MINIMISE IMPACTS ON CENTRAL SYDNEY PLAZA AND MID CITY CENTRE

The applicant shall take all reasonable steps to minimise noise and disruption during retail hours to the operation of the Mid City Centre and Sydney Central Plaza.

(26) ENERGY EFFICIENCY OF BUILDINGS

(27) GENERAL HERITAGE

(28) USE OF CONSERVATION ARCHITECT

(29) HERITAGE INTERPRETATION STRATEGY

(30) HISTORIC MARKER

(31) COMMEMORATIVE PLAQUE

(32) CONSERVATION OF PAVEMENT LIGHTS

(33) MATERIALS AND FINISHES TO MATCH EXISTING

(34) COLOUR SCHEME

(35) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MAJOR WORKS

(36) ARCHAEOLOGICAL INVESTIGATION

(37) MICROBIAL CONTROL

(38) CONTROL OF LEGIONNAIRES

(39) WASTE AND RECYCLING COLLECTION CONTRACT

(40) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(41) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

(42) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

(43) BARRICADE PERMIT

(44) MECHANICAL VENTILATION

(45) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

(46) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2 – 9

(47) ANNUAL FIRE SAFETY STATEMENT FORM

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(48) DRIVEWAY ACCESS**

- (a) The driveway and vehicular ramp must be maintained to a standard acceptable to both Mid City Centre and Dymocks (acting reasonably) during demolition and construction. Reasonable endeavours must be made by Dymocks (or their representative) to repair any damage to the surface of the driveway caused by construction vehicles within 24 hours during that period.
- (b) The driveway and vehicular ramp between the Dymocks and the Mid City Centre (City Freeholds) shall continue to provide shared vehicular ingress and egress throughout construction and following the completion/operation of the development.

(49) LOADING DOCK

The Dymocks loading dock shall be maintained during construction for use to service that part of the existing building that is to remain in operation during construction.

(50) LOADING AND UNLOADING DURING CONSTRUCTION

- (a) George Street and Pitt Street Mall shall not be used for loading, unloading and other construction activities. All loading, unloading and other construction activities shall be accommodated on-site except that:-
- (b) If it is not feasible for loading and unloading to take place on site, the provision of a Works Zone may be considered by Council. The applicant shall submit a proposal to the Sydney Traffic Committee stating the justification for not complying.
- (c) If a Works Zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specified 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.
- (d) All costs of traffic management measures associated with the development shall be borne by the developer.

(51) HOURS OF WORK AND NOISE – CBD**(52) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS****(53) NO OBSTRUCTION OF PUBLIC WAY****(54) USE OF MOBILE CRANES****(55) HAZARDOUS AND INDUSTRIAL WASTE**

SCHEDULE 2

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

The motion was carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, Lee, Mallard and McInerney.

Noes (1) Councillor Pooley.

Motion carried.

Speakers

Mr Don Grover, Ms Edit Gillot, Mr John Thompson, Mr Alan Collingwood and Mr Don Truman addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.14.

ITEM 10.15

SECTION 96 (MODIFICATION) APPLICATION: 1 QUARRY LANE, ULTIMO (D/04/0001/B)

It is resolved that consideration of this matter be deferred to allow for:

- (A) individual site visits by Councillors as required;
- (B) a meeting to be facilitated by Council officers between the applicant and adjoining owners to reach agreement on outstanding construction and planning defects and infringements and the use or otherwise of the proposed outdoor balcony; and
- (C) a report to Council indicating that all outstanding construction and planning issues and infringements have been resolved or, in the opinion of Council officers, can be resolved.

Carried.

Speakers

Mr Charles Crone, Mr John Chang, Mrs Seifret, Ms Moonyeen Atkinson, Mr Andrew Martin and Mr Steve Kitching addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.15.

ITEM 10.16**DEVELOPMENT APPLICATION: 20-40 MEAGHER STREET, CHIPPENDALE (D2006/376)**

It is resolved that:

- (A) The use be refused for the following reasons:-
- (a) The use does not satisfy the relevant zone objectives under the South Sydney Local Environmental Plan (LEP) 1998 as it fails to minimise adverse impact on residential amenity through the use of tourist coaches and mini buses to transport their patrons to the site.
 - (b) The use is inconsistent with Clause 37 of the South Sydney LEP 1998 as the use is considered to have an impact on the residential character of the area due to the nature of its business operations.
 - (c) The use, by virtue of its failure to respond to the environmental capacity through the reliance on private buses to transport customers to the site, is inconsistent with Part B, Section 4 of the South Sydney Development Control Plan 1997 – Urban Design (South Sydney DCP 1997).
 - (d) The use does not relate to the capacity of the existing community infrastructure as the tourist coaches cannot be supported by the existing road system surrounding the site and therefore fails to comply with the performance criteria as prescribed under Part D, Section 5 of the South Sydney DCP 1997.
 - (e) The use, through its failure to provide onsite loading and parking facilities for tourist coaches is inconsistent with the provision of Part D, Section 5 of the South Sydney DCP 1997.
 - (f) The cumulative impacts of the use of tourist coaches that will exacerbate the existing negative social impacts, is contrary to the performance criteria of Part D, Section 6 of the South Sydney DCP 1997.
 - (g) The use is contrary with the objects of Part E Section 1.6 of the South Sydney DCP 1997 in that appropriate measures for loading and access have not been incorporated for tourist coaches to address road safety.
 - (h) The use does not comply with the performance criteria outlined in Part E, Section 6 of the South Sydney DCP 1997 for traffic generation, as the traffic generated by the use is not suitable for the environmental capacity of the area and will impact significantly on the residential amenity of adjacent residential properties.
 - (i) The use does not meet the objectives of the South Sydney Transport Guidelines DCP 11 in that an acceptable level of parking, particularly for the tourist coaches, has not been provided onsite to minimise the unreasonable overflow of parking onto surrounding streets.
 - (j) The applicants' proposal of a staff member to be dedicated to directing traffic indicates the unsuitability for the site and unreliable mechanisms to address impacts.

- (k) The use is not suitable for the subject site.
 - (l) The proposal is not in the public interest.
- (B) The matter be referred to the Compliance Unit for enforcement.

Carried.

Speakers

Mr Raymond Leung addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.16.

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Black -

That the report of the Planning Policy Sub-Committee of its meeting of 31 July 2006 be received, with Item 10.23 being noted, Item 10.17 and Items 10.19 to 10.22 inclusive be adopted, and Item 10.18 being dealt with as shown immediately following that item.

ITEM 10.17

DRAFT CYCLE STRATEGY AND MASTER PLAN (S046655)

It is resolved that:

- (A) Council endorse the exhibition of the draft City of Sydney Cycle Strategy and Master Plan until end September 2006;
- (B) a meeting of the steering committee be held during the exhibition period to determine priorities for commencement of physical works and social initiatives;
- (C) Council endorse the development of early projects based on the priorities set by the Committee;
- (D) the Lord Mayor arrange a meeting with the Minister for Roads and the Chief Executive of the Roads and Traffic Authority (RTA) to brief them on the City's strategy and to seek the State's commitment to implementing the regional routes identified in the 1998 RTA publication *Action for Bikes 2010*;
- (E) "The Parkway" proposal be referred to the steering committee consideration;
- (F) representatives from all adjoining Councils be invited to the next steering committee to discuss opportunities for joint cycling initiatives;
- (G) a report be brought to the Planning Development and Transport Committee advising Council how the Cycle Strategy will link with the Pedestrian Strategy currently being prepared; and
- (H) during the exhibition period, additional social research be undertaken, in close consultation with bicycle groups and using external expertise as required, to identify priorities including work trip generators.

Carried unanimously.

Note. At the meeting of Council, Councillor McInerney showed Councillors the award for "Cycling in the City" which the Council had received from the Heart Foundation.

Speakers

Mr Adrian Boss, Ms Jeanette Brokman and Ms Fiona Campbell addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.17.

ITEM 10.18

DRAFT HERITAGE DEVELOPMENT CONTROL PLAN - PROPOSED EXHIBITION (S043085)

It is resolved that Council approve the Draft Heritage Development Control Plan, as shown at Attachment A to the subject report, for public exhibition in accordance with the Environmental Planning and Assessment Regulation 2000.

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

That the recommendation of the Planning Development and Transport Committee be adopted, subject to an amendment to the Draft Heritage Development Control Plan, as shown at Attachment A to the subject report, by the addition of the following words:

Noting that the draft DCP has been informed by past studies, further schedules are to be included as additional studies are completed.

Carried unanimously.

Speakers

Mr Adrian Boss and Ms Jeanette Brokman addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.18.

ITEM 10.19

ASHMORE PRECINCT - DEVELOPMENT CONTROL PLAN (2028449)

It is resolved that:

- (A) Council adopt 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 Part G – Special Precincts Ashmore Precinct of the South Sydney Development Control Plan 1997, with its operation to commence from the date of publication of its Notice of Approval; and
- (B) authority be delegated to the Chief Executive Officer to make any minor drafting changes that may be required as a result of the Council's consideration of the Development Control Plan.

The motion was carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, Lee, McInerney and Pooley.

Noes (1) Councillor Mallard.

Motion carried.

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

Ayes (8) The Lord Mayor, Councillors Black, Harris, Hoff, Kemmis, Lee, McInerney and Pooley.

Noes (1) Councillor Mallard.

Speaker

Mr James Harrison addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.19.

ITEM 10.20

DRAFT HOARDINGS POLICY (S020422)

It is resolved that the Draft Hoardings Policy, as shown at Attachment A to the subject report, be endorsed for public exhibition for 28 days, with relevant groups/representative bodies being advised.

The recommendation of the Planning Development and Transport Committee was not carried.

At the meeting of Council, it was moved by Councillor McInerney, seconded by Councillor Mallard -

It is resolved that:

- (A) the draft Hoardings Policy, as shown at Attachment A to the subject report, be endorsed - subject to replacing 8 pages of the Policy as attached to the memo from the Director City Planning dated 7 August 2006 and circulated to Councillors prior to the meeting - for public exhibition for 28 days, with relevant groups/representative bodies being advised; and
- (B) Council staff prepare advice to be brought to Council during the exhibition period on how the use of community service and charity artworks or promotions can be encouraged or, if possible, mandated on hoardings and building covers.

Carried unanimously.

Speaker

Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.20.

ITEM 10.21**TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS DEVELOPMENT CONTROL PLAN 2006 (S0-39323)**

It is resolved that:

- (A) Council approve the development control plan, shown at Attachment A to the subject report, pursuant to Clause 21(1)(b) of the Environmental Planning and Assessment Regulation 2000 as the City of Sydney Telecommunications and Radiocommunications Development Control Plan 2006; and
- (B) authority be delegated to the Chief Executive Officer to make any minor drafting changes that may be required as a result of the Council's consideration of the City of Sydney Telecommunications and Radiocommunications Development Control Plan 2006.

Carried.

ITEM 10.22**LAND AND ENVIRONMENT COURT APPEALS - SUMMARY OF CURRENT APPEALS AND RECENT DECISIONS (S041276)**

It is resolved that Council receive and note the subject report.

Carried.

Speakers

Mr Ian Kolln addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.22.

ITEM 10.23**GENERAL BUSINESS**

Councillor McInerney raised the matter of the granting of footway licences, the role of the City Planning Division, and the ongoing need for decisions to be made having regard to issues of environmental and residential amenity.

Councillor McInerney asked the Acting Chief Executive Officer to give consideration to this matter.

Vote of Thanks

At this stage of the meeting, the Chair (the Lord Mayor) proposed a very sincere vote of thanks to Mr Jason Perica, Director City Planning, for his tireless and energetic contribution over the years to the Council of the City of Sydney. The Lord Mayor remarked that Jason's sometimes sardonic comments would be sadly missed, and wished him well in his future role.

All Councillors responded to and supported the Lord Mayor's remarks by acclamation.

Adjournment

At 8.20pm, the meeting of Council adjourned for a short break.

At the resumption of the meeting of Council at 8.30pm, those present were -

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

ITEM 11. QUESTIONS ON NOTICE

QUESTIONS ON NOTICE

KINGS CROSS PARTNERSHIP ISSUES (S044454)

1. By Councillor Mallard

Question

The work of the Kings Cross partnership is well known to Council. At a recent meeting I was asked to investigate the following issues on their behalf. Could I be provided with information and answers to the following Kings Cross issues?

1. There are safety concerns about Kellet Street. Is it possible to carefully prune the street trees to maximise the street light for pedestrians?
2. Can street lighting be upgraded to improve safety?
3. Can the footpaths and tree root uplifts on Kellet Street be repaired in the current footpath maintenance budget and program?
4. Is it possible for restaurants to enter into valet parking arrangements with Council's sub contact operator of the Kings Cross car park as I am told that this is not permitted by Council and is viewed as a disincentive to the establishment of fine dining restaurants in the area.
5. Can Council reinstate some taxi rank parking on Darlington Road? It has been suggested that several loading zone spaces opposite the railway station could be converted back to taxi parking bays.
6. When will Council be reviewing the performance of the Grower's Markets? Would Council be supportive of extending the markets to a weekly event?

Answer by the Lord Mayor

City staff have provided me with the following information in response to your questions:

1. Council arborists have investigated and pruned street trees to improve street lighting for pedestrians.

2. The street lighting in Kellett Street is owned by Energy Australia and includes some high level and some pedestrian lighting. The pedestrian lighting was installed about five years ago and is a reasonable standard. However, the HP Sodium lamps will be upgraded with white Mercury Vapour lamps to give a better surface definition for pedestrians.
3. The Kellet Street footpath was patched in February 2006. The footpath near 7-9 Kellet Street was overlaid to repair significant root damage from the adjacent trees in private property. The roots could not be removed without de-stabilising the tree. The repair involved overlaying the uplift area to maintain public safety. The area will be monitored and maintained.
4. The operator of the Kings Cross Parking Station is required to provide parking space for disabled drivers as well as designated community groups. The remaining car spaces are available for commercial operations. Provided adequate space is available for other members of the general public, the City has no current policy preventing the car park operator to enter into arrangements with surrounding restaurants to offer patron car parking on a temporary basis.
5. As part of the Darlinghurst Road upgrade in 2004, taxi ranks were provided in Bayswater Road and Macleay Street next to Fitzroy Gardens. During the upgrade, parking bays for two vehicles were put in on the east side of Darlinghurst Road, separated by widened footpaths for street trees and lighting. Taxi bays require a continuous length of parking to operate properly without the danger of taxis queuing outside the bays and blocking southbound traffic on Darlinghurst Road. As chair of the Traffic Committee, John McInerney recently met with the Taxi Council about this issue and he tells me that they will soon make a detailed submission to the City.
6. The Acting CEO tells me a report on the Fitzroy Gardens Markets will be ready for the next Council cycle, which is approximately six months after the markets started in February 2006. The report will assess the operator's request to run the markets on a weekly basis.

FOOD AND FARMERS MARKET IN MARTIN PLACE (S044440)

2. By Councillor Harris

Question

To the Lord Mayor

Do you support the prospect of a regular weekend organic food and farmers market in Martin Place? Has the city received a request to consider such a market and if so what was the response?

Answer by the Lord Mayor

To my knowledge, the City has not recently received a proposal for a weekend organic food market in Martin Place. However, we have received a proposal for a weekly Thursday organic food market in Martin Place.

This weekday proposal was reviewed by our Properties staff to assess whether the City's land owner's consent should be given. They concluded that the proposal was inappropriate for Martin Place as:

- as the proposed weekly use would exceed the maximum 40 events per year to be regarded Exempt Development, it is not permissible under the Parks and Community Spaces zoning that applies to Martin Place;
- the scale and use would impact on weekday pedestrian circulation in the area;
- there are already kiosks selling fruit, vegetables and flowers in the vicinity;
- the proposed site would intrude on the art installation/water feature in Martin Place, which is not permitted.

The City has commenced a study into markets by consultants, UrbisJHD, which will identify improvements to existing markets, potential for new markets and a strategic framework for current and future markets. A key outcome will be recommendations for a markets strategy for the City of Sydney for the next five years.

Taking this strategic approach will produce the best outcome for the City and ensure that any new markets meet identified community needs, are properly located and well managed.

UPGRADE OF THE PARK AT BURTON STREET IN GLEBE (S044456)

3. By Councillor Pooley

Question

- (i) Council is upgrading the steps and park near the end of Burton Street, Glebe. These steps are known as the Ernest Pedersten steps. Who was Ernest Pedersten and why are the steps named after him?
- (ii) At the bottom of the steps, the small reserve between the steps and Burton Street was until fairly recently known as Alice Lee Reserve. The sign was removed some years ago. Who was Alice Lee and why was the sign removed?
- (iii) Following the upgrade of the park, will the (Alice Lee) sign be replaced? If so, what will the Reserve be known as?

Answer by the Lord Mayor

- (i) Ernest Pedersen was a prominent unionist with the Miscellaneous Workers Union representing storemen. He was a Glebe Municipal Alderman for most of the 40s and then a City alderman for the Glebe ward from 1950 to 1953. During the 60s he was a government appointee to the Board of Directors of Sydney Hospital and to the Trustees of Wentworth Park. Staff are reviewing records to confirm when and how the official naming came about.
- (ii) Alice Lee was a prominent ALP member in Glebe who played a role in City Mission activities in Glebe and other women's self help and improvement oriented organisations. I am not aware of when or why the sign was removed.

- (iii) I have asked the Acting CEO to review current approaches to signage in parks and public places so that the City has high standard of signage that is attractive, appropriate and informative. I am not aware of any proposal to rename this reserve.

PLACES OF PUBLIC ENTERTAINMENT - DIVERSITY (S044453)

4. By Councillor Kemmis

Question

Lord Mayor, with regard to places of public entertainment:

1. What measures are available to Council to encourage the development of a diversity of entertainment available within the City of Sydney, particularly small scale entertainment requiring little or no amplified sound such as for example, cabaret, jazz and music provided by solo instruments (eg piano, acoustic guitar) or small ensembles;
2. To what extent do existing policies and legislation relating to places of public entertainment:
 - (a) provide for entertainment of different types, intensity and volumes;
 - (b) assist in encouraging diversity of entertainment; and
 - (c) discourage or inhibit the development of diversity of entertainment.
3. What legislative changes are required to increase the measures available to Council to achieve the objective of encourage the development of a diversity of entertainment?
4. Could Council examine the Local Approvals Policy adopted by Blue Mountains City Council providing for the approval of light or small scale entertainment without specific development consent being required as one possible measure for encourage the development of a diversity of entertainment available within the City of Sydney?

Answer by the Lord Mayor

This is an important and complex issue that the City must address if we are to ensure Sydney remains a prosperous, vibrant and liveable city. While there are significant limits on what Council can do, I hope we can make progress through our various capacities of planning and consent authority; service provision; grants and sponsorships; and advocacy to other levels of government and the private sector.

City staff are developing a Cultural Policy, which will consider these issues and provide direction for Council.

One significant area of influences is through our grants and sponsorships to organisations that wish to run festivals and events. These include festivals of live music in small venues. The City has provided sponsorship to related events such as Music Fest (live music in the streets, laneways, parks and open spaces in the City); Kings Cross Festival (including entertainment in smaller venues in Kings Cross); Statement Cabaret in the State Theatre; and Gang Festival in Chippendale. A grant has been recommended for EastSide Arts in Paddington. Live music is also performed at markets and the City encourages busking in the streets and open spaces.

Two approvals are needed for a Place of Public Entertainment (PoPE) – a DA and a Local Government Act (LGA) approval. A Development Application (DA) is not needed if prior consent has been given. The LGA approvals require renewal every two years.

Public Entertainment, as defined in the LGA, is more inclusive than exclusive. Entertainment includes music for dancing (DJ or bands), music as feature entertainment, karaoke, live performances, film exhibitions, public meetings, trivia nights, seminars, amusement parlours, exhibition halls, and community and multi-purpose halls. The venue size, entertainment type, or scale of the entertainment is not a consideration under the LGA when determining if a PoPE approval is required (but may be relevant for a DA). The legislation is to ensure a consistent level of public safety and amenity in all venues providing public entertainment.

Development of a Local Approvals Policy to exclude smaller scale entertainment from the need to obtain an approval may encourage entertainment, but may also cause clusters of like-venues within a locality, contributing to local noise and uncontrolled amenity impacts. Diversity of entertainment is a market-driven force over which Council has little influence, as the costs of approval are relatively low. A significant impact is the changing nature and economics of pubs, particularly related to poker machines.

We also need to maintain important fire safety provisions. The PoPE legislation was introduced to ensure public safety, particularly given the distraction of entertainment combined with the affects of drugs and alcohol on patrons.

I have asked City staff to review the Blue Mountains City Council Local Approvals Policy. We need to assess the exemptions within our different context. The Blue Mountains approach could allow entertainment in restaurants (such as on Crown Street) without approval, but with potential for significant amenity impacts.

ITEM 12. SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

Supplementary Answers to Questions on Notice and Questions Without Notice are as follows:

Question Without Notice - Council 12 September 2005

COMMUNITY GARDENS (S032446)

17. By Councillor Mallard

Question

Lord Mayor, my question relates to Sydney in Bloom at the Domain and horticulture in general. I wonder if we could have a brief report or some comment in the future on my proposal to network our existing community gardens together, strengthen their community engagement and identify opportunities to expand the existing sites for new community gardens in the City of Sydney.

Answer by the Lord Mayor

Thank you Councillor Mallard. That sounds like a very worthwhile suggestion and the Chief Executive Officer advises me that that could come to Committee.

Supplementary Answer

There are currently 10 active community gardens which are located within the City of Sydney, the most of any local government area in Australia – see Attachment A. The Pemulway Park Community Garden in Redfern has been inactive for some time; however there is renewed community interest in re-establishing a new community garden in The Block, which is currently being explored.

The community gardens are located on land owned by the City, churches and the State Government. There are two types of community gardens:

- the shared garden in which gardeners have responsibility for the entire garden, doing whatever work is needed at the time and taking a share of what they grow, and;
- the allotment garden in which gardeners have their own garden plot.

Many community gardens combine the two, and even in allotment gardens there is shared work to do in maintaining the communal area. Both types of gardens work well; the preference is determined by the community.

Each community garden has its own sense of character, and is supported by the City for example the installation of rain water tanks in Woollahroomooloo and Glebe, composting and worm farming bins and equipment such as sheds, tools, and plants.

Specifically in response to the questions raised:

1. Networking Community Gardens

The coordinators and volunteers in the community gardens are encouraged to network in a number of ways including tours to other gardens within and outside the City's local government area. The Australian City Farms and Community Gardens Network are also actively involved in arranging visits to the City's community gardens from local, interstate and overseas representatives.

2. Strengthening Community Engagement

The work in the community gardens is all volunteer based, and as such the number of volunteers continually fluctuates. A campaign is currently being developed to increase the profile and benefits of community gardens in each of the local areas, to encourage greater community participation.

Additionally tours will be developed for special interest groups, for example during Seniors Week and when the City's Garden competition is being held.

Information on community gardens is available on the City's website, The Watershed, Neighbourhood Service Centres and is also distributed at community events. The Australian City Farms and Community Network, Food Fairness Alliance, the University of New South Wales, and The Royal Botanic Gardens all actively promote the benefits of community gardens.

3. Identify Opportunities to Expand Sites

The current focus is to lift the profile and community participation in each of the existing 10 community gardens, and to reactivate the Redfern garden, with the support of the local Aboriginal community. Any further expansion of the community gardens within the City's local government area would need to be closely examined to allocate the appropriate resources and to ensure the sustainability of the venture.

Question Without Notice - Council 15 May 2006

REFERRAL AGREEMENTS (S044441)

3. By Councillor Lee

Question

I refer you to your minute last year which expressed concern about the federal government's draconian industrial relations changes and their impact, not just on workers who reside within the City of Sydney but our own Council of City of Sydney workers.

Lord Mayor I'm informed that the City of Sydney, like all other New South Wales local councils has received two draft referral agreements from the United Services Union which have been agreed in negotiations between the New South Wales Local Government and Shires Association and the USU. I understand that these referral agreements will retain the New South Wales Industrial Commission as the independent umpire to resolve disputes and also as a forum to resolve any claims of unfair dismissal.

Lord Mayor, do you support Council agreeing to sign these agreements and if so, when do you intend to bring this matter before Council?

Answer by the Lord Mayor

Councillor Lee, I will take that question on notice and have discussions with the Acting CEO and come back to Councillors.

Supplementary Answer

I can confirm the City and the United Services Union (USU) have been undertaking constructive discussions regarding this matter.

At a meeting on 18 May 2006 attended by Mr. Mark McLeay and Mr. Alan Dickson of the USU, it was discussed and agreed that the NSW Industrial Relations Commission would be utilised by the parties for dispute resolution and unfair dismissals through the use of the Local Government & Shires Association (LGSA) referral agreements. In addition, it was also agreed that the NSW Industrial Relations Commission would be used to approve future local workplace agreements negotiated between the parties.

As a result, the City has formally advised the USU of our agreement to becoming party to the LGSA endorsed Unfair Dismissal Referral Deed and the Referral Agreement for Disputes and Other Industrial Matters (copy attached).

It is expected the deeds will be signed by all the parties before 30 June 2006.

Question Without Notice - Council 10 April 2006**STREET SMART PROGRAM (S044445)**

7. By Councillor Mallard

Question

Can the Acting CEO prepare a report for the next Cultural and Community Services Committee meeting outlining the proposal to establish a Street Smart program in Sydney? For the information of Council, Street Smart is a six week Christmas period program that allows patrons from participating restaurants to donate cash in addition to their food or wine bill to help the homeless in the locality of the collection. Can the report canvass how Council can support the establishment of this worthwhile program, which has come from Melbourne, in time for this November?

Answer by the Lord Mayor

Thank you, Councillor Mallard. I will refer that request to the Acting CEO, to see if what sounds like a very reasonable and compassionate request can be implemented.

Supplementary Answer

StreetSmart Australia (SSA) is an NGO that provides financial support in the form of small grants to community organisations that give assistance to people who are homeless. These grants are targeted at providing support services and helping to tackle homelessness through innovative strategies that promote social inclusion, empowerment and sustainable change. SSA's aim is to raise awareness around the issues of homelessness and assist the organisations that support them through a process aimed at connecting communities.

SSA invites restaurants in the target area to participate in the program over Christmas by offering their patrons the opportunity to add an additional amount of \$2 to their bill at the end of their meal. 100% of donations collected through restaurants are granted directly to community organisations that assist the homeless through the grants program. This program has been established in Victoria for three years and last year was successful in raising \$45,482.

Melbourne City Council currently supports SSA and has helped them to raise the profile of the campaign in the following ways:

- Promotion to Council staff
- In newsletters to businesses
- In newsletters to residents
- Information on the Council website with links to SSA website attached
- Distribution of postcard campaign through Council information points
- Promotion of the campaign to restaurants.

SSA would like to establish the same program in Sydney during Christmas 2006 and are seeking support from the Council to assist them. The program is likely to run during November and December. A launch could occur in October.

The City of Sydney will support the StreetSmart Australia (SSA) program in the following ways:

1. The City formally endorse the program and its establishment in Sydney.
2. The Homelessness Project Co-ordinator, Liz Giles, continue to liaise with SSA and be a point of contact with Council.
3. The City's Marketing Manager link SSA with relevant establishments and commercial operations within the City.
4. The City's Communications section provide promotional assistance and make proactive efforts to generate publicity.
5. SSA material be distributed through City outlets such as the One Stop Shop and Neighbourhood Service Centres.
6. Information about SSA be included in City internal and external publications, such as 'City News', 'Round the Square' and the City's website.
7. The Homelessness Unit identify an appropriate Homelessness service or organisation within the inner city where it will be recommended that the launch of the SSA in Sydney could take place prior to Christmas 2006.
8. That SSA be invited to participate in the existing CBD Homelessness network meetings.
9. That Sydney Harbour Foreshore Authority (SHFA) be invited to introduce SSA to restaurants and other relevant establishments within the boundaries of SHFA.
10. That the City introduce SSA to relevant business partnerships in the City (eg. Kings Cross Partnership).

Question Without Notice - Council 20 March 2006**STREET LIGHTING (S044439)**

15. By Councillor Hoff

Question

Lord Mayor, I and other Councillors have received representations from City residents affected by what appears to be excessive levels of street lighting recently introduced in William Street.

I also attended the Millers Point Residents' Action Group meeting last week and they tell me a similar problem occurs in the recently completed roadworks at Walsh Bay.

Could Council be briefed on the reasons for this, and the options for an alternative solution?

Answer by the Lord Mayor

Thank you Councillor Hoff. We are constantly asking the Director Services, whose area of responsibility it is, to come up with a program for improving street lighting, especially in those highly pedestrianised streets, which are unsafe, particularly in the Surry Hills, Glebe and Woolloomooloo areas. What Councillor Hoff is asking is the very opposite.

I am not sure if we are in a position to comment. We are really itching to get the Director Services' presentation on an overall program to improve street lighting across the City and I know that he is working on that and that his report is coming to us as soon as it is ready.

I invite the Director Services to comment on the issue of the lighting being too bright in William Street and Walsh Bay.

Director Services

Lord Mayor, I will investigate the specifics at William Street and come back with the details of the lighting levels and why they were selected in that area. Generally, we have requests for increased lighting. However, I will investigate. We should be ready to come back to Council with a policy on Public Domain Lighting within the next two months.

Supplementary Answer

The Final Design Report for the Cross City Tunnel shows that street lighting in William Street was designed to the City's requirements. These levels are in line with lighting levels in the CBD.

Street lighting in the Walsh Bay area was designed to the same level. The higher lighting levels are required for local Closed Circuit Television (CCT) operation.

The City is currently preparing a City Lights Design Code which will establish target minimum levels of public domain lighting throughout the City. It is intended that the proposed target minimum levels will not require illumination above the relevant Australian Standards as a standard requirement.

ITEM 13. NOTICES OF MOTION

PRODUCTIVITY COMMISSION REPORT ON HERITAGE (S044433)

1. By Councillor McInerney, seconded by the Chair (the Lord Mayor) -

That Council:

- (A) note that the recent report by the Productivity Commission on the role of heritage controls in Australia appears to undermine Council's objectives and current planning controls for heritage buildings and places;
- (B) commend the response of the NSW Heritage Council to the Productivity Commission report; and
- (C) request the Chief Executive Officer, in consultation with the Lord Mayor, to prepare a response to the Productivity Commission report outlining Council's concerns and that this response be forwarded to the Commonwealth and NSW Governments.

Carried unanimously.

Note from the CEO: A review of the report is currently being undertaken and will be reported to Council in September.

CENTRAL SYDNEY PLANNING COMMITTEE (CSPC) INFORMATION TO COUNCIL (S044433)

2. Moved by Councillor McInerney, seconded by Councillor Pooley -

That Council:

- (A) note the important contribution made by the Central Sydney Planning Committee (CSPC) as a Committee of Council; and
- (B) request that the CEO provide a report at each Council meeting to summarise the preceding CSPC meeting for the information and noting of Council.

Following discussion on this matter, Councillor McInerney, with the consent of the seconder of the motion, withdrew Notice of Motion No. 2.

MEDICALLY SUPERVISED INJECTING CENTRE (S044430)

3. By Councillor Hoff

Noting that:

- 1. The Medically Supervised Injecting Centre in Kings Cross:
 - (a) has saved lives by treating overdoses onsite; and
 - (b) significantly reduced ambulance callouts to Kings Cross and public injecting in doorways, lanes and parks;

2. Drug related crime in Kings Cross has significantly reduced since the Centre opened; and
3. Research by the National Centre for HIV Epidemiology and Clinical Research has found that almost 75% of local residents and businesses support the Centre;

Council expresses its grave concern about proposals to close the Medically Supervised Injecting Centre.

Note. At the meeting of Council, the content of the original Notice of Motion was varied by Councillor Hoff. Subsequently, it was -

Moved by Councillor Hoff, seconded by Councillor Kemmis -

Noting that:

1. The Medically Supervised Injecting Centre in Kings Cross:
 - (a) has saved lives by treating overdoses onsite; and
 - (b) significantly reduced ambulance callouts to Kings Cross and public injecting in doorways, lanes and parks;
2. Drug related crime in Kings Cross has significantly reduced since the Centre opened; and
3. Research by the National Centre for HIV Epidemiology and Clinical Research has found that almost 75% of local residents and businesses support the Centre;

Council express its grave concern about unsubstantiated attacks on the Medically Supervised Injecting Centre.

Amendment. At the request of Councillor Lee, and by consent, the motion as varied was amended by the addition of clause 1(c) as follows:

- (c) provides clients with information and access to drug treatment programs;

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

CODE OF MEETING PRACTICE (S044438)

4. Moved by Councillor Pooley, seconded by Councillor Harris -
 - (i) That Council deletes item 5 on page 29 of the Code of Meeting Practice and replaces it with the following:

“No person may intervene in discussion on a particular motion by moving more than one formal motion, other than amendments where Councillors are entitled to move more than one.”
 - (ii) That Council reviews at the first available opportunity the 1996 legal advice and subsequent effects which are detailed at Clause 22 on pages 28 and 29 of the Code of Meeting Practice.

The motion was lost on the following show of hands -

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

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

Motion lost.

RED AND GREEN BALL (S044438)

5. Moved by Councillor Pooley, seconded by Councillor Mallard -

That Council show its support for the South Sydney Rabbitohs by purchasing a table at its fundraising event, the Red and Green Ball, to be held on Friday September 8, 2006.

Carried unanimously.

Note from the CEO: The cost will be \$1,450 for a table of 10. This can be covered from the CEO Budget.

At 9.15pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 28 August 2006 at which
meeting the signature herein was subscribed.