

COUNCIL

Meeting No 1465
Monday 10 December 2007
Notice No 12/1465
Notice Date 6 December 2007

minutes

city of villages

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PRESENT

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

Councillors - Phillip Black, The Hon Verity Firth MP, 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, Firth, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

Councillor Lee left the meeting of Council at 6.24pm during discussion on Item 6 and returned at 6.29pm during discussion on Item 7.7.

Councillor Firth left the meeting of Council at 7.15pm during discussion on Item 8.3 and did not return.

Councillor Hoff left the meeting of Council at 7.30pm during discussion on Item 10.3 and returned at 7.35pm during discussion on Item 10.4.

Councillor Mallard left the meeting of Council at 7.41pm during discussion on Item 10.9 and returned at 7.49pm during discussion on Item 10.10.

Councillor Kemmis left the meeting of Council at 7.51pm prior to discussion on Item 10.12 and returned at 7.54pm during discussion on Item 10.20.

Councillor Pooley left the meeting of Council at 7.53pm during discussion on Item 10.18 and returned at 7.55pm during discussion on Item 10.20.

The Chief Executive Officer, Director Legal Services, Director Corporate Services, Director City, Community and Cultural Services, Director City Projects, Director City Engagement, Director City Planning and Regulatory Services and Director City Strategy and Design were also present.

Opening Prayer

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

ITEM 1 CONFIRMATION OF MINUTES

Moved by Councillor Pooley, seconded by Councillor Lee -

That the minutes of the meeting of Council of Monday 19 November 2007, as circulated to Councillors, be confirmed, subject to the following correction:

On page 1022, in the second line of the first paragraph of the answer by the Director City Planning and Regulatory Services to Question without Notice 3, the words "including single dwelling houses" should have read "excluding single dwelling houses".

Carried.

ITEM 2 DISCLOSURES OF INTEREST

Councillor Shayne Mallard declared a non-pecuniary interest in Item 7.11 on the agenda, in that Westfield is an organisation which was a donor to the Liberal Party and to Councillor Mallard's campaign.

Councillor Michael Lee declared a non-pecuniary interest in Item 7.6 on the agenda, in that he is a resident of Woolloomooloo, which is on the route of the proposed trial Woolloomooloo/Redfern shuttle bus service.

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

ITEM 3.1 AWARDS FOR DESIGN, PLANNING AND SUSTAINABILITY**FILE NO:****MINUTE BY THE LORD MAYOR**To Council:

The Australian Institute of Landscape Architects and the NSW Local Government and Shires Associations recently recognised the City of Sydney's environmental leadership and commitment to design excellence with major awards.

AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS NSW AWARDS

At the Australian Institute of Landscape Architects NSW Awards night on 22 November 2007, four City projects were recognised with prestigious prizes.

The Institute offers awards in four categories: Design, Planning, Land Management and Research and Communication. In each category, the Jury awards a small number of "Merit" and "Commendation" awards, and may select one "Award for Excellence".

I congratulate all involved in the success of these projects, particularly our current Director of City Projects, Michael Leyland; former Director Russell Lloyd; and Chris Thomas, Manager – Design.

Glebe Foreshore

The City's Glebe Foreshore Walk was recognised with the "Design Award for Excellence" and the "NSW Award in Landscape Architecture", which provides additional recognition and acknowledges "outstanding achievement in landscape architecture".

The judging criteria for awards in the Design category are

- Design excellence and functional quality;
- Environmental responsibility and sustainability; and
- Relevance to the profession of landscape architecture, the public and the education of future practitioners.

In their judgement, the Jury described the foreshore walk as follows:

The resulting experience is a relaxed stroll along the foreshore edge which takes you past intimate beaches, mangrove communities, industrial artefacts, residential development and quiet reflective places for sitting and absorbing the view; a very enjoyable way to spend an afternoon.

They also congratulated the design team on the simple material palette and responsive design, saying:

The resulting composition is a delight which sits in poetic harmony with its unique marine and industrial environment. Perhaps the project's greatest success is that it sets about repairing the site's marine ecologies while providing access to this jewel at the edge of Sydney harbour.

I congratulate our design partners Maher and Associates and Anton James Design, and all of the City Staff involved, particularly Gynt Drinan and Adam Fowler.

Barcom Avenue Park

Barcom Avenue Park at Darlinghurst was recognised with “Merit Award for Design” for the City and Sue Barnsley Design, our consultant. The Jury commented that design resulted in a “finely detailed park that is both functional and satisfying.”

The upgrade used the adjacent road closure to double the size of Barcom Avenue Park, providing an extremely popular new green space for this densely populated area. The Jury was particularly impressed with the City’s partnership with St Vincent’s hospital to harvest stormwater for the park. They concluded their judgement by saying that:

The upgrade of Barcom Avenue Park shows how small, considered interventions combined with strategic alliances can transform a place and uplift a neighbourhood.

Congratulations to Sue Barnsley Design and the City Staff who worked on this project, particularly Stephen Merchant and Russell Kosko.

Wetland 5, Sydney Park

Sydney Park’s Wetland 5 is part of the chain of wetlands integral to the park’s environmentally sustainable design.

In awarding Wetland 5 a “Commendation Award for Design”, the Jury commended the City for commissioning architects, Aspect Studios, to lead this project, which they said “otherwise might have been less significant infrastructure works”. The Jury concluded:

Wetland 5 achieves a successful fusion between an environmental objective and a contemporary design.

I congratulate Aspect Studios, and all City Staff who worked on the project, especially Sarah Rees and Damon La’Rance.

Water Police Site

The City’s masterplan for the Water Police Site in Pymont was recognised by the “Award for Excellence in Planning”. The Jury described the City’s extensive consultation as a:

brave community engagement process, taking real options to stakeholders and incorporating much of the feedback into the resolved masterplan.

I extend my congratulations to the many residents and community members who participated in workshops and made submissions. I also congratulate Julie Grimson and our Community Engagement Team, and City Projects Staff, especially Kathleen Ng and Stephen Merchant, as well as our consultants, Aspect Studios, Hill Thalys and CAB Consultants, on this important award.

LGSA EXCELLENCE IN THE ENVIRONMENT AWARDS

On 4 December 2007, Councillors Black and McInerney attended the Local Government and Shires Associations (LGSA) Excellence in the Environment Awards where the City was recognised with the “Energy and Water Savings Award”.

The award is for outstanding initiatives during the previous twelve months by a NSW local government authority that have resulted in significant savings in energy and/or water. The winner must be able to demonstrate the amount of water, energy or greenhouse gas emissions saved per year.

The City was the overall category winner. The award recognised the City's strategic planning in Sustainable Sydney 2030, the ambitious targets in our Environmental Management Plan, and our achievements in energy and water savings.

The LGSA noted that Council's operations will be carbon neutral by 2008 and commended the City's "Energy and Water Savings Action Plans", which are designed to save 72 mega litres of water and 3200 tonnes of carbon dioxide emissions per year.

I particularly thank Alan Cadogan, Executive Manager – City Strategy, and I congratulate Chris Derksema our Sustainability Manager and Bruce Pickering our Facilities Manager for developing and implementing these plans.

This achievement is also an example of successful collaboration across Council departments, particularly in City Planning and Design, City Projects and Properties. I congratulate current and former City Project Directors, Michael Leyland and Russell Lloyd, and senior staff including Geoff Brew, Chris Thomas, Gynt Drinan, Jason Green, Allan Saxby and their committed teams, who are responsible for the 49 water reuse projects completed or being implemented across the City.

RECOMMENDATION

It is resolved that Council:

- (A) note the awards received from the Australian Institute of Landscape Architects NSW and the Local Government and Shires Associations of NSW; and
- (B) congratulate our CEO, staff and consultants on their work and achievement.

COUNCILLOR CLOVER MOORE MP
Lord Mayor

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

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

Carried unanimously.

ITEM 3.2 NSW STATE GOVERNMENT PLANNING SYSTEM PROPOSALS**FILE NO:****MINUTE BY THE LORD MAYOR**To Council:

On 27 November 2007, the Minister for Planning released a Discussion Paper "Improving the NSW Planning System" which contains more than 90 proposals to radically alter processes for land use planning and development assessment in NSW.

The Minister for Planning has invited comment by 8 February 2008. He proposes to then release an exposure draft Bill in early 2008, with final legislation enacted by mid 2008.

Council tonight begins a scheduled recess, with our next meeting set for Monday 18 February 2008. This Lord Mayoral Minute aims to ensure that, during the recess, the City of Sydney prepares a detailed response to this important Discussion Paper.

The State Government's Discussion Paper articulates desirable outcomes for its reform process, such as certainty and transparency in the planning process, and reduced cost and complexity in development assessment. It identifies the need for meaningful involvement of local communities in determining the future of their area, to reduce uncertainty at the DA stage. It proposes sustainability as a fundamental principle.

Reform is essential, at both a local and state level, where poor outcomes occur due to under-resourcing, unnecessary bureaucracy, lack of strategic planning, inconsistent decision making, undue pressure from vested interests, or conflicts of interest.

However, I am concerned that the proposals continue the trend of State Government removing local planning control. They follow the widely criticised Part 3A, which removed hard-won rights of local communities to be involved in planning decisions that affect them and transferred decision making out of the hands of democratically elected local councils. The Planning Minister now also proposes to delegate the majority of State Significant projects to a new Planning Assessment Commissioner for determination.

These new proposals could create a multi-layered bureaucracy that will be accessible and comprehensible only by experts. In addition to current processes, there could be new state, regional and local approvals panels; local arbitrators, independent hearing and assessment panels; and complying development expert panels.

The Discussion Paper also uses negative generalisations to justify removing powers from councils. Data is selectively presented, based on a few under-resourced or underperforming areas. Local government is blamed for delays, without addressing the impact of poorly considered, badly documented or non-compliant development proposals. Complaints data is provided out of context without acknowledging that local planning is often unavoidably complex and adversarial due to conflicting rights and expectations, the risk of permanent and significant negative impacts, and the major financial and emotional investment by those involved in the process.

The City of Sydney continues to increase the speed and efficiency of our processing, and we have one of the fastest average processing times in NSW.

In 2006/07, the City assessed some 3,400 development-related applications valued in excess of \$2.5 billion. The average processing time was 37 days despite dealing with some of the biggest developments in Australia. Approximately 95 per cent of all development related decisions are made by City staff under delegated authority, without needing to be brought before Council for a decision.

A radical overhaul is not a prerequisite for speedy processing times. Small changes already need no approval and complying development can be fast-tracked.

Fortunately, a disturbing proposal in the Discussion Paper has been reported as an error. Current regulations provide for consent to be deemed to be refused after 40 or 60 days, depending on the category of development. An Erratum to the Discussion Paper has now been released stating that proposed new “deemed to comply” periods are only intended to be “statutory assessment periods”.

All proposed reforms will need careful consideration and, in some in some areas, the City has a significant contribution to make.

The Discussion Paper proposes a new ePlanning system to lodge, track and make DA submissions online. To increase public access to development information, applications requiring public exhibition are included on the City’s website. We are also working toward an online database containing the decisions for all development applications since 2004.

The City also has an effective Small Permits Appeals Panel (SPAP) where the outcome of a minor development application can be reviewed. This provides an approach for the Discussion Paper’s reported concerns about the current appeals and review system.

I encourage our staff in drafting a submission to look to solutions beyond the immediate terms of the discussion paper. Many councils face problems recruiting staff and solutions may be required beyond the planning system. Problems stem from the restricted resource base of local government, the impact of ever increasing cost shifting, loss off staff to the private sector, and the adequacy of current education and training processes.

The Discussion Paper proposes a partnership approach and I hope we can achieve cooperative solutions that resource and support the important role of local government and avoid politically-motivated interventions, blame shifting or cost shifting.

Any changes must help achieve the beneficial aims in the Discussion Paper: effective ownership and participation by community members; processes that promote sustainable development; improved consistency, transparency and accountability; and effective and efficient processes that are adequately staffed and resourced.

RECOMMENDATION

It is resolved that:

- (A) the City of Sydney prepare a detailed response to the NSW State Government’s Discussion Paper “Improving the NSW Planning System”;
- (B) the draft submission be circulated to all Councillors for comment prior to being lodged with the Department of Planning;
- (C) authority be delegated the CEO to finalise the submission in consultation with the Lord Mayor during the Council recess; and

- (D) authority be delegated to the Lord Mayor to work with the Local Government and Shires Association of NSW and other relevant organisations to promote planning reform in line with the City of Sydney's submission.

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.

**ITEM 4.1 STATUS REPORT ON INVESTIGATIONS INTO 403 CROWN STREET,
SURRY HILLS****FILE NO: S038652****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

This report provides an update on the incident of 28 November 2007 which involved the partial collapse and subsequent demolition of a property at 403 Crown Street Surry Hills, adjacent to the construction site of the Surry Hills Library, Community Centre and Child Care Facilities.

BACKGROUND

At 1.00am on Wednesday 28 November 2007, police were notified of a potentially dangerous situation at 403 Crown Street Surry Hills, in which the building appeared to be moving. The building housed an Indian restaurant. Occupants of the building were safely evacuated at that time, the street was closed to traffic and Council was notified of a potential building safety issue. Police, fire and emergency services personnel were in attendance at the scene to ensure public safety, be available to respond quickly to any emergency event and to re-route traffic.

The building was monitored throughout the night, during which time severe cracking and building distress became evident. After sunrise, a qualified structural engineer carried out a visual inspection and advised that the building was severely damaged and in danger of imminent collapse.

To preserve public health and safety, a demolition order was prepared and served on the owner of the building. To assist the owner, Council engaged a specialist contractor to be ready to carry out the demolition at short notice.

Water, electricity and gas utilities companies were notified and requested to cut these services in the vicinity of the building to ensure demolition could be carried out safely. Eventually, the building was demolished between 3.00pm and 4.00pm.

Council staff made contact with local residents. This included three residents in Norton Street and two residents in Crown Street. Fortunately, all residents were able to find alternative accommodation for the night where necessary. Ultimately, the Norton Street residents were able to return to their homes once the engineer's inspection was completed around 5.00pm.

Four businesses were contacted in person and four by phone/email to offer emergency financial and accommodation assistance and updates on the situation. The offer of assistance has been repeated to the restaurant owner.

At this stage, no person or business has taken up the City's offers of assistance.

Following demolition, rubble was removed from the street and Crown Street was reopened to traffic at 8.00pm. Services were reconnected later in the evening.

Since 28 November the site has been cleaned up, with the exception of the ground floor walls abutting adjoining properties which have been left intact to avoid potential risk to those properties.

Insurers for the building owner, Council and its construction contractor have commenced investigations into the cause of the building distress which led to the demolition order. Those investigations are ongoing and it is not possible to determine the cause at this time.

SUMMARY

The incident had the potential to cause significant damage to private property and Council property and risk of injury. However, public health and safety were protected due to the prompt actions of police, emergency services and Council.

Council made contact with and offers of assistance to the affected residents and business. All residents were permitted to safely return to their homes on the same day. All affected businesses, except the restaurant, were able to resume trading either the same day or the next day.

Investigations into the cause of the incident are ongoing and it is not possible to determine the cause at this time.

RECOMMENDATION

It is resolved that the subject Memorandum be received and noted.

MONICA BARONE
Chief Executive Officer

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

That the Memorandum by the Chief Executive Officer be received and noted.

Carried.

ITEM 5 QUESTION TIME**QUESTIONS WITHOUT NOTICE****CITY OF SYDNEY AND WORKCHOICES (S044447)**

1. By Councillor Pooley

Question

My question refers to the historic events of 24 November 2007, when the people of Australia jettisoned a tired and out of touch government and their draconian Workchoices Policy, and elected instead a new leadership team led by Kevin Rudd as Australia's Government. Given those events and this Council's near unanimous previous resolutions opposing Workchoices for our employees, will you give a commitment to negotiating the future consolidated City of Sydney Agreement in the New South Wales industrial relations system?

Answer by the Lord Mayor

I think we are all awaiting the legislation of the new government with interest. I will not be able to respond to your request until that legislation is put up. And whether it actually gets up in the Senate as there has been lots of discussion about whether they have a mandate or not, and what is going to happen in July anyway. I will take that on notice.

BOTTLED WATER (S044442)

2. By Councillor McInerney

Question

Australia's bottled water use last year was responsible for more than 60,000 tonnes of greenhouse gas emissions which is the same amount that 13,000 cars generate in 12 months. Given this impact, could the CEO investigate the recent decision of the Department of Environment and Climate Change to no longer provide bottled water at its 120 offices and to encourage staff to also avoid buying bottled water? Could this approach be adopted for all Council premises and activities?

Answer by the Lord Mayor

That sounds like a very sensible suggestion. This matter was raised at the Climate Summit in New York too. I was on the panel discussing water and I can not remember which country the representative came from, I think it was the United States, but she gave those sorts of figures. The world figures are more startling and it is of course a Western country issue. People in the third world are lucky to get safe water, but for us it is very much a fashion thing when people seem to think the water they drink out of a bottle is going to be better for them than the water they drink out of the tap. We know we have safe drinking water and I think we have really got to promote, as I am sure the Department of Environment and Climate Change are doing, the fact of the environmental impact of the production and sale of bottled water.

What I would also like to say, and I will ask the CEO to make a note of this, is that if we promote a reduction in the use of bottled water we need to promote the use of bubblers and drinking fountains in the City and ensure the existing ones are operating. We may need to look at the installation of new bubblers in the City, particularly those both human and canine friendly ones, particularly on the bike tracks. I think it is a very worthwhile question and a very worthwhile thing to do. We should work in partnership with the Department of Environment and Climate Change to achieve an outcome in the reduction of bottled water consumption. We need to be encouraging all staff to start drinking tap water too, rather than bottled water. I will ask the CEO to make a comment.

Chief Executive Officer

I just want to point out that this issue was also raised a few weeks ago and Councillors agreed not to have bottled water at meetings and dinners and now we have glasses of tap water.

Answer by the Lord Mayor

We have jugs on the table rather than bottled water too, so we are seeking to walk our talk, but I think the introduction of more drinking fountains and bubblers in the City and on bike paths would be a civic thing to do.

FIRE SAFETY INSPECTIONS (S044441)

3. By Councillor Lee

Question

You will recall my previous questions at the last Council meeting about fire safety inspections and the recent fire fatality in Regent Street, Redfern. I thank the Lord Mayor and the CEO for the confidential briefing that has since been provided to Councillors and acknowledge that not all that information can be made public. But for the record, are Council staff able to say whether the property involved in that fatality satisfied fire safety obligations and are there any changes that Council intends to make in this area following this tragedy?

Answer by the Lord Mayor

I will ask the CEO to comment.

Chief Executive Officer

With regard to the first part of the question, there is an investigation underway and so clearly we need to wait to see what is determined as a consequence of that investigation. To the second part of that question, as I previously advised Council, over the previous 12 months or so, we have allocated a great deal of resources to the fire compliance area. We have gone back through all of our orders and processes to ensure everything is up to date and we have largely achieved that. Whenever something like this happens it causes you to reflect on what you're doing and think about ways you can improve and certainly that will be part of this process for us as well.

PET TAXIS (S044444)

4. By Councillor Kemmis

Question

The City's website recommends residents get their pets desexed if they are not intended for breeding. The website also outlines the benefits of desexing pets, and provides a list of veterinary clinics in the City's local government area. People without transport have difficulty taking their pets to the vet, and while there are privately operated pet taxis these may be too costly for people on low incomes. The cost of desexing can also be prohibitive. This came up at a Glebe Community Action Group where people have quite a lot of animals, ready to go, but people on the estate have no means of getting them there. Given that desexing pets has benefits for the community that we all know very well, as well as individual owners, could the City investigate options for providing a low cost "pet taxi" service and subsidised desexing for the animals belonging to low income owners?

Answer by Lord Mayor

This has been raised with me by Glebe public housing tenants just in very recent times. I'm very concerned about how unfriendly our public transport is to low income people who have pets, particularly pets living in the city. And I know when a public housing tenant wanted to go and visit a relative in regional New South Wales and take her small dog, to actually go and see her sister who was dying, she couldn't travel on the train with her small dog and I had to get a special letter and go through a whole lot of rigmarole so this elderly public housing tenant could get on a train with her small dog and go and visit her dying sister. It is a classic example of how unfair it is to not allow pets to travel on public transport as they do in other cities around the world. Having said that, there is something practical we can do in terms of helping public housing tenants look after their pets. We know how important pets are, particularly to public housing tenants who might be living on their own and be very lonely but can't afford the de-sexing or micro chipping and we have had programs to support them and of course to be able to get them there would be very helpful indeed. So I will ask the CEO to investigate that. And I just want to add, one undesexed cat and her offspring, can over a seven year period, produce 420,000 cats. That's how important desexing is. I work quite closely with the Cat Protection Society and this is of great concern to them. Being able to have a pet is a very important thing to do. We have many low income people in the city and we need to do everything we can to help them look after their pets responsibly.

WENTWORTH PARK FEASIBILITY STUDY (S044446)

5. By Councillor Firth

Question

At the October Council meeting I asked a question about whether the Wentworth Park Trust had met and agreed to plans to improve the amenity of Wentworth Park for residents in the area. I am yet to receive a response to this question and was wondering what the delay is? Has the Trust met and, most importantly, can Councillors receive a copy of the feasibility study?

Answer by the Lord Mayor

I think we will take that on notice Councillor Firth. I will ask the CEO to provide a response.

Chief Executive Officer

I know we have exchanged letters and the Trust has agreed to work with us to see if they can develop plans that fit into the budget we have available and we were going to do this over the summer break. I will ask the Director City, Community and Cultural Services to elaborate further.

Director City, Community and Cultural Services

There was a CEO update issued about three weeks ago. I will distribute that study within three to four weeks. That will have some background information and the report.

CHINATOWN INITIATIVES (S044439)

6. By Councillor Hoff

Question

I have been contacted by business people in Chinatown and Haymarket, who have been asking about the City's plans for improvements in those areas. They are aware that the Local Action Plan for the area has identified several projects, but they are particularly concerned about when action will be taken to improve street lighting and footpath pavements, which they say are not in line with other parts of the city. They are also suggesting that more could be done to increase awareness in the area of the Local Action Plan and the Sustainable Sydney 2030 project. For the first part of this question could the CEO provide information on the City's plans for the area, through the CEO Update?

The other section is, again, in Chinatown and as a result of Advent Sunday I happened to be speaking to a couple of nuns in Ultimo over the weekend. Sister Margaret asks if we can investigate the installation of a seat at the bus stop opposite St Peter Julian's Catholic Church at 641 George Street. The elderly come there to worship and of course they come outside normal hours when they often stand waiting for an hour for a bus to come. One side of the Church is in full sun and the other side is in the shade; it would be good if we could put the seat in the shade.

Answer by Lord Mayor

This is a very easy one to say yes to and I'll ask the CEO to follow up on providing the seat. The Chinatown project is an important local action plan project for the community; and I know from the times I've been down there how keen they are for that work to happen so I will ask the CEO if she can tell us when that will be.

Chief Executive Officer

I've been briefed by staff on the draft plan that responds to that local action plan project, it was similar to the one we are looking at tonight on Oxford Street. It's just a matter of refining it and getting it to Council so it will come to Council shortly. I have to say some of the things are really terrific. Obviously we will deal with those immediate issues. There's also the question of public art which has come up on a number of occasions, so it will be an opportunity to address the public art issue that has been raised by the community. With regard to the seat, certainly we will follow that up.

PLANE TREES ON WILLIAM STREET (S044445)

7. By Councillor Mallard

Question

Has Council settled the dispute with the Cross City Tunnel subcontractors on replacing the dead and failing plane trees on William Street? Currently the grand boulevard is lined with six metre tall skeletons that, in yesterday's Sydney Morning Herald, were compared to a European Christmas scene. The public do not want to hear who is to blame – they just want their promised green boulevard. When will the dead trees be removed, because they are embarrassing us, and when will the new trees be planted?

Answer by Lord Mayor

I share your concern and have also asked those questions. I will ask the Director City, Community and Cultural Services to respond.

Director City, Community and Cultural Services

We have been negotiating with the RTA. I in fact got a letter from them late last week where they have acknowledged that it is their responsibility to replace the trees. They agree that of the 76 trees planted many of them have either died or are dying. We believe there are at least 33 that are dead, and there are probably about another 30 that won't last over the summer period. We have agreed that we will meet with them again in the early New Year, determine the ones that are to be taken out and replaced and we want to do the planting in the autumn and that will probably end in April.

Supplementary question by Councillor Mallard

A branch fell off a dead tree and I saw it lying next to the tree near the hardware store and the letter I had yesterday was that the timber is so dry now you can use it for firewood, which is true. Would it be better for us to remove them at ground level with the expectation you can replant them in the right season, although all that rain we had this week would have made a tremendous difference for them.

Director City, Community and Cultural Services

There is no doubt that the contractor who planted the trees didn't do them to our specifications. I spoke to the Manager for Parks about whether we should be removing the trees now, particularly if they present some form of public risk, and there are going to be further assessments by the staff. It may be that we start removing some of those trees ourselves.

Answer by the Lord Mayor

And the other aspect of what Councillor Mallard wants to know and I think everyone would like to know, if the RTA have now accepted responsibility, what is the time frame for a replacement tree? It is not a good time to be doing it now, going into the very hot months either.

Director City, Community and Cultural Services

The intention is that they will be replanted in the autumn. We can't replant them or replace them now, so that will happen March/April next year.

Answer by the Lord Mayor

That's very disappointing – can you tell us why those trees have just gone so badly?

Arboricultural Services Manager

It is a combination of factors, one of which is that some of the trees were planted too deeply with too much soil on top, and there is also concern about the amount of concrete slurry that has washed into the pits, as this raised the soil pH very high. The frequency of maintenance has been an ongoing factor, as it is being done every two or three weeks, when it should be three times per week. Some of the trees were left too long in the nursery and then on the site before being planted, some roots were pruned before planting. Every tree was looked at and its health investigated during establishment, so it is hard to specify just the one thing. It has been a combination of those issues that has led to the avenue failing.

We are going to start maintaining the trees that are declining over the summer, so we can save the ones we can and the trees that don't make it over the summer will be replaced, and we will do that.

Answer by the Lord Mayor

And that issue of removing any that are dead and dangerous will be followed up by you?

Director City, Community and Cultural Services

We will follow that up and report back through a CEO update.

INFORMATION ABOUT STREET TREE PLANTINGS (S044443)

8. By Councillor Black

Question

Residents have spoken to me very favourably about the City's street planting program and have told me they would like to know about the varieties of trees planted in front of their house or in their near vicinity. I was wondering if there is an easy and cost effective way in which we can inform the community of the trees that are planted within their immediate vicinity?

Answer by the Lord Mayor

I will refer that to the CEO for comment. I know some Councils actually deliver a letter to the resident when they plant a tree saying we are planting such and such tree and will you look after it and this has worked quite well. I don't believe there has been a tradition of doing that here. I do know many people take it upon themselves to look after trees outside their houses and create their own garden.

Chief Executive Officer

Yes, I will take that on notice. I am sure there are lots of different ways we can inform the community and I am sure they would really appreciate that.

FORUM – PROPOSED SUPERMARKET DEVELOPMENT IN ERSKINEVILLE (S944440)

9. By Councillor Harris

Question

I attended a meeting of Erskineville residents the other evening along with Councillor Hoff, Councillor Pooley and Councillor Mallard. The residents were concerned about the impact of a proposed supermarket development in their suburb. At the meeting they requested the Lord Mayor convene a forum at an Erskineville location and advertise that meeting in Erskineville where the developer can explain what is proposed, residents can air their concerns, and Council staff can put the position of Council. Would you be willing to convene that meeting?

Answer by the Lord Mayor

I received that feedback at the Alexandria Concert on Saturday night. I haven't received that request yet, but it would be a request we would respond to very sympathetically. It would just need to be organised.

DOG DNA TESTING KITS (S044447)

10. By Councillor Pooley

Question

Lord Mayor, I read with interest a recent article in the Wentworth Courier headed "Canines Face DNA Testing" (on Wednesday 28 November 2007). It stated amongst other things, and I quote, "A spokeswoman for the City of Sydney Council stated that the City of Sydney would not be using new dog DNA testing kits because most dog owners in the City act responsibly". This DNA kit is to establish exactly which dog it is, should an attack occur. It further notes that Woollahra Council was using the kit, and Waverley Council would consider using it.

Considering rangers have recently had to attend both Harmony Park and Edmund Resch Reserve to investigate complaints about very large dogs who were allegedly chasing people through the park, and your personal enthusiasm for making as many of our parks as possible off leash areas for dogs for 24 hours a day, it consequently stands to reason, in fact makes it more, not less likely, for a dog attack to occur in the City of Sydney. My question is, should an attack occur, and I sincerely hope that one does not, why has the City ruled out the possibility of employing DNA dog testing kits?

Answer by the Lord Mayor

This matter hasn't been discussed at Council, but it is a comment made by my representative. I would like to respond in this way and it's a position I take regularly in parliament too, and I just restate that we're the greatest pet owning nation in the world and yet we have archaic laws in relation to our pets and to our dogs. Pet owners are treated like second hand citizens but the majority of pet owners are responsible. We have a policy in the City of encouraging responsibility and educating the general community about the benefits of pet ownership.

The research is out there to show that people who own pets are healthier both physically and mentally – and that is actually saving the National Health Bill \$2 billion a year. The minority are the ones who are irresponsible and cause problems for us and we have to constantly address that. I am in constant dialogue with the Director City, Community and Cultural Services about this in terms of being able to carry this out responsibly and also asking that our Companion Animal Officer works in those parts where from time to time problems might arise.

We need to be able to address problems proactively and I was discussing the issue (of dogs and owners and children and mothers and children's' playgrounds) with a young mother on Saturday when I was at the consultation about the children's playground for Ward Park, Surry Hills. Under the Companion Animal Act, dogs shouldn't be in children's playground areas but then you have parents who have little dogs and little children and they want to be able to take both to the children's playground or you have a situation where you have a mother with a young child who really doesn't want her children to have anything to do with dogs.

I therefore plan to ask the CEO and the Director City Projects if we could consider a policy perhaps of designing a very elegant little fence, toddler height, around our children's playground areas that are located in our bigger parks so there's a degree of security for the parents and the toddlers. Pets at all times should be under control, some people don't need to have their pets on a lead to have them under control, others do and as I said the minority are not responsible. So I believe that the most appropriate and responsible thing for us to do as a City Council is to continue doing what we're doing in terms of encouraging responsible ownership and educate the general community about that benefit. But working very hard to make sure we're onto the irresponsible minority in a very pro-active way.

MOTOR CYCLE PARKING IN CBD (S044442)

11. By Councillor McInerney

Question

Last Monday when we discussed the report on differential parking permit fees, I moved an amendment which noted that motorcycle and scooter parking fees and controls are being reviewed as part of the forthcoming Motor Cycle and Scooter Strategy. I have recently seen an email from a resident which talks about the need for such a parking strategy, pointing out the environmental benefits of motorcycles and scooters and requests an increase in parking spaces for these vehicles in the CBD. Could the CEO provide an update on the progress of the Motor Cycle and Scooter Strategy which includes information on options for increasing parking for motor cycles and scooters?

Answer by Lord Mayor

I will ask the CEO to give you that feedback. But I would like to say that I am, like you, a very strong supporter of encouraging people to first of all be pedestrians and then cyclists and then if they have to use a petrol consuming vehicle that it's a scooter rather than a car and we have provided an extra 500 parking places this year and we are very committed to increasing that too and encouraging it but I will ask the CEO to comment.

Chief Executive Officer

We have increased the number of spaces and we have had a lot of very positive feedback which is wonderful. A draft of the policy has been developed and it's being reviewed by staff so I hope that it will come to Council early in the New Year.

STRUCTURAL INSPECTIONS FOR OLD BUILDINGS (S044441)

12. By Councillor Lee

Question

Lord Mayor, do you support the call by Genia McCaffery that older buildings, including terrace houses, be subject to structural inspections following the balcony and awning collapse of the last few days and, if so, who should pay for them?

Answer by Lord Mayor

I'll ask for a report on this. Clearly it's an issue and the Surry Hills instant is an example of this. I was in Manly at the weekend and saw where that awning collapsed in Balgowlah and I have to say I've had a similar experience myself at my electorate office where the owner of the building refused to take action on the awning. I don't know how many times I had written to the Clerk of the Parliament, the Speaker of the Parliament. Fortunately James Zannotto and Larry Galbraith are still with us. They had left the office and were standing outside one Saturday afternoon. Fortunately they had moved away because 5 minutes later the whole thing came down. This was a Saturday afternoon in Oxford Street, Paddington, you know with Berkelouw and Ariel and all these people coming and going. We have got a new awning on the Paddington office and it's still standing but it's clearly an issue for us about 19th century buildings and so we do need a report following that call.

SECONDHAND SATURDAY (S044444)

13. By Councillor Kemmis

Question

I received a letter, as I imagine we all did, from the Harris Community Centre in Ultimo about Secondhand Saturday. This is an annual event supported by the City which is dedicated to promoting recycling, reuse and sustainable living by Ultimo and Pyrmont residents. The Harris Community Centre suggests there could be distinct benefits if the City adapted this model in other City neighbourhoods and they are preparing a report on their event for Council's information. When Council formally receives this report, could the CEO investigate ways, and the feasibility, of introducing Secondhand Saturday or similar activities to other areas of Sydney?

Answer by Lord Mayor

I went to the last Secondhand Saturday in Ultimo and the Harris Community Centre representative spoke to me about it. It seems imminently sensible. It's really hard in the city to recycle things you no longer need but other people might. It was an opportunity where people could go round and buy things and recycle them. And of course at the end of the day what wasn't recycled the council took away. It helps in reducing our footprint, building community, providing an opportunity for people in a densely populated area. There are things that you no longer need but others might and it's much better than just dumping it in the back lane.

This could be part of our waste strategy; I think it's really sensible and it's also part of our community building too. This was a really lovely day where everyone got together and it was an opportunity for our City Waste Education Team, they were there talking to people about recycling and reducing our ecological footprint. It's a good thing to do and I think it would be terrific if we could do it in other areas.

LEICHHARDT BICYCLE USERS GROUP (S044446)

14. By Councillor Firth

Question

I have recently received correspondence from Bob Moore, President of the Leichhardt Bicycle Users Group. He has asked for my assistance in arranging a meeting between his group and Council officers to discuss ways to better connect cycleways in Leichhardt to ones in the City of Sydney. They specifically want to talk about the Crescent Bypass on Chapman Road; bike lanes on The Crescent itself; access from Booth Street to Pyrmont Bridge Road via Alexandria Drive and what they perceive as a lack of shared path signage on the Blackwattle Bay Foreshore Walk. I certainly believe that Council is doing a lot of great work to improve facilities for cyclists in the City and was hoping Council officers would be willing to meet with this group to hear their ideas and share with them the work Council is doing. Can this be arranged?

Answer by Lord Mayor

It can and it's very much part of what we're wanting to do and that's why I set up a Mayor's forum with council's surrounding us. It's very much part of what we'd like to see in our integrated transport plan. Clearly our cycle paths should link into Randwick and Woollahra and Leichhardt and we want to work closely and in a very complimentary way with those councils. And when we have an integrated plan for the whole area, perhaps we might ask for a federal or state grant. I think the Victoria state government gave Melbourne City \$10 million for their cycle plan but clearly we have a new federal government committed to sustainability and who will be coming back to us with targets we have to reach and this is all very much part of it. I'll ask the CEO to comment.

Chief Executive Officer

Staff will meet with the group. All the councils around us have their own cycle plans and the groups within those areas have contributed to those cycle plans and started meeting with the officers in the other councils to try and integrate the plans. I'm only saying that because I don't want to give the false impression that our staff could meet with every cycle group and deal with their particular project, we really need to get a cycle plan that's for the City of Sydney and the surrounding councils and get those councils working co-operatively with us. We'll certainly have the meeting but what we'll be saying is: "Are your ideas in the Leichhardt plan", and if they are we keep working with the councils to get as much happening as possible.

INDIGENOUS CULTURAL CENTRE (S044439)

15. By Councillor Hoff

Question

In October this year the Minister for Planning approved plans for the National Indigenous Development Centre which is to be built on the former Redfern School site. This will be an important facility for Indigenous Australians, and particularly the young people who will study there. Has any consideration been given to how this Centre will relate to Council's vision to establish an Indigenous cultural centre? Could the CEO provide any information about this?

Answer by Lord Mayor

I understand that the Exodus Foundation is going to run a specialised literary tutorial centre on that site. It means the education of young Redfern people will continue on that site which we thought we might have lost with the closure of Redfern School and certainly we can get an update on that. The Indigenous Land Corporation should certainly have a dialogue with us about what they're doing and how that would relate to our 2030 vision for an Indigenous cultural centre.

IAN THORPE AQUATIC CENTRE (S044445)

16. By Councillor Mallard

Question

Can the Council be informed on the failure of the floor tiles at the Ian Thorpe Aquatic Centre? Why did this happen, and what is being done to rectify the problem? How much has it cost, and who is paying for it?

Answer by Lord Mayor

The CEO advises me it will be included in a CEO Update.

SMOKING IN PUBLIC PLACES (S044443)

17. By Councillor Black

Question

In August this year Council received the recommendations of the Smoking Ban Working Party which I think Councillor Kemmis chaired. A report on current research activities or activities undertaken in other jurisdictions on secondhand smoke impacts, approaches to smoking in playgrounds, sports grounds, and civic spaces was requested.

Given the growing community concern about the impact of smoking in public places including increased litter from discarded cigarette butts, noise, anti-social behaviour and even violence, could Council have an update on the progress of this report and could it include options for better management of cigarette smoking in public places?

Answer by Lord Mayor

This is one of the most vexatious issues we're having to deal with currently. When you look at the problems in Oxford Street many of them are caused by all the people who are congregating outside smoking. One of the major concerns of littering in the street relates to people congregating outside smoking. I know we have a Clean Harbour partnership program to try and get those cigarette butts into ashtrays rather than the stormwater and then into the harbour. We have our Butt Busters program and our rangers educating people, and fining them. They've issued a thousand fines in the last 12 months.

None of that has really addressed the issue. It's a very big one for us and we are trying to grapple with it. We haven't so far. It's a direct result of legislation that has forced smokers out onto the street. But they're not being accommodated. Even we know the problems if they're in those smoking rooms out the back of a venue in a residential area that then impacts on the surrounding residents. It's a really difficult one for us that we're going to have to keep grappling with until we get a better outcome than we currently have achieved.

SUPERMARKET – IKON BUILDING – POTTS POINT (S044440)

18. By Councillor Harris

Question

The supermarket at the base of the Ikon Building in Potts Point operates under conditions of consent that require that trucks enter the loading dock in a forward direction and depart the loading dock in a forward direction. Local residents tell me that this condition is breached on multiple occasions on a daily basis. How do we ensure that the supermarket manages its loading dock properly and in accordance with the DA consent?

Answer by Lord Mayor

I'll refer that to the CEO or the Director City Planning and Regulatory Services. It's a compliance issue and a real concern for us because they're the conditions that we're imposing on other supermarkets in the area.

Director City Planning and Regulatory Services

Now that the matter has been brought to my attention, I can have our rangers investigate it.

ITEM 6 MATTERS FOR TABLING

6.1 Disclosures of Interest

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

It is resolved that the Disclosures of Interest returns be received and noted.

Carried.

6.2 Petitions

- (1) Councillor Kemmis tabled a petition containing 157 signatures from residents objecting to the development proposal by the Hillsong Group (Development Application D/2007/1976) for the old RTA site at 26-52 Rothschild Avenue Rosebery.
- (2) Councillor Hoff tabled 2 petitions, organised by Village Friends – Protecting our Erskineville Village Life, containing signatures from residents objecting to the development application for a Proposed 2 Storey Woolworths or Coles, Erskineville Road.

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

That the Petitions be received and noted.

Carried.

**ITEM 7 REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE
- 3 DECEMBER 2007****PRESENT**

The Lord Mayor Councillor Clover Moore MP
(Chair)

Councillor Shayne Mallard
(Deputy Chair)

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

At the commencement of business at 1.02pm those present were -

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

The Lord Mayor arrived at the meeting of the Finance, Properties and Tenders Committee at 1.12pm during discussion on Item 7.3.

Councillor Harris arrived at the meeting of the Finance, Properties and Tenders Committee at 1.14pm during discussion on Item 7.3.

Councillor Pooley arrived at the meeting of the Finance, Properties and Tenders Committee at 2.45pm during discussion on Item 7.20 (see Note below).

Councillor Kemmis left the meeting of the Finance, Properties and Tenders Committee at 2.28pm during discussion on Item 7.17 and returned at 2.30pm during discussion on Item 7.18.

The Lord Mayor left the meeting of the Finance, Properties and Tenders Committee at 2.33pm during discussion on Item 7.19 and returned at 2.39pm during discussion on Item 7.20.

Apology

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Finance, Properties and Tenders Committee.

Moved by Councillor Lee, seconded by Councillor McInerney -

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

Carried.

Note - Councillor Pooley had earlier conveyed his apologies for his anticipated late arrival at the meeting.

Order of Business

The Finance, Properties and Tenders Committee agreed that the Order of Business be altered such that Items 7.7 and 7.20 be moved to the end of the meeting and dealt with after Item 7.19.

Closed Meeting

At 2.01pm, the Finance, Properties and Tenders Committee resolved to close the meeting to the public, and to move to the Finance Room, to discuss confidential Attachment B to Item 7.14 on the agenda.

At 2.16pm, the meeting of the Finance, Properties and Tenders Committee resumed in open session in the Council Chamber.

The meeting of the Finance, Properties and Tenders Committee concluded at 2.56pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 3 December 2007 be received, and the recommendations set out below for Items 7.2 to 7.10 inclusive, 7.12, 7.15, and Items 7.17 to 7.20 inclusive be adopted, with Item 7.1 being noted, and Items 7.11, 7.13, 7.14 and 7.16 being dealt with as shown immediately following those items.

Carried.

ITEM 7.1

DISCLOSURES OF INTEREST

Councillor Shayne Mallard declared a non-pecuniary interest in Item 7.11 on the agenda, in that Westfield is an organisation which was a donor to the Liberal Party and to Councillor Mallard's campaign.

Councillor Michael Lee declared a non-pecuniary interest in Item 7.6 on the agenda, in that he is a resident of Woolloomooloo, which is on the route of the proposed trial Woolloomooloo/Redfern shuttle bus service.

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

PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2008 (A04-01171)

It is resolved that Council adopt the Schedule of Meetings and Briefings for 2008, as shown at Attachment A to the subject report.

Carried.

The Schedule of Meetings and Briefings for 2008, as adopted by Council, is as follows:

2008 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 28 JANUARY	<ul style="list-style-type: none"> • RECESS (Australia Day Public Holiday)
MONDAY 4 FEBRUARY	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 11 FEBRUARY	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 18 FEBRUARY	<ul style="list-style-type: none"> • COUNCIL
MONDAY 25 FEBRUARY	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 3 MARCH	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 10 MARCH	<ul style="list-style-type: none"> • COUNCIL
MONDAY 17 MARCH	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 24 MARCH	<ul style="list-style-type: none"> • RECESS – (Easter Monday Public Holiday)
MONDAY 31 MARCH	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 7 APRIL	<ul style="list-style-type: none"> • COUNCIL
MONDAY 14 APRIL	<ul style="list-style-type: none"> • RECESS
MONDAY 21 APRIL	<ul style="list-style-type: none"> • RECESS
<i>FRIDAY 25 APRIL</i>	<ul style="list-style-type: none"> • (Anzac Day Public Holiday)
MONDAY 28 APRIL	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 5 MAY	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 12 MAY	<ul style="list-style-type: none"> • COUNCIL
MONDAY 19 MAY	<ul style="list-style-type: none"> • BRIEFINGS

2008 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 26 MAY	• COMMITTEES
MONDAY 2 JUNE	• COUNCIL
MONDAY 9 JUNE	• RECESS (Queen's Birthday Public Holiday)
MONDAY 16 JUNE	• BRIEFINGS
MONDAY 23 JUNE	• COMMITTEES
MONDAY 30 JUNE	• COUNCIL
MONDAY 7 JULY	• RECESS
MONDAY 14 JULY	• RECESS
MONDAY 21 JULY	• COMMITTEES
MONDAY 28 JULY	• COUNCIL
MONDAY 4 AUGUST	• BRIEFINGS
MONDAY 11 AUGUST	• COMMITTEES
MONDAY 18 AUGUST	• COUNCIL
MONDAY 25 AUGUST	• BRIEFINGS
MONDAY 1 SEPTEMBER	• COMMITTEES
MONDAY 8 SEPTEMBER	• COUNCIL
MONDAY 15 SEPTEMBER	• RECESS
MONDAY 22 SEPTEMBER	• RECESS
SATURDAY 27 SEPTEMBER	• LOCAL GOVERNMENT ELECTIONS

2008 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 29 SEPTEMBER	• RECESS
MONDAY 6 OCTOBER	• RECESS (Labour Day Public Holiday)
MONDAY 13 OCTOBER	• EXTRAORDINARY COUNCIL (post election) & BRIEFINGS
MONDAY 20 OCTOBER	• COMMITTEES
MONDAY 27 OCTOBER	• RECESS (LGA Conference)
MONDAY 3 NOVEMBER	• COUNCIL
MONDAY 10 NOVEMBER	• BRIEFINGS
MONDAY 17 NOVEMBER	• COMMITTEES
MONDAY 24 NOVEMBER	• COUNCIL
MONDAY 1 DECEMBER	• BRIEFINGS
MONDAY 8 DECEMBER	• COMMITTEES
MONDAY 15 DECEMBER	• COUNCIL
MONDAY 22 DECEMBER	• RECESS

The recess continues until the first Committee meetings of 2009.

ITEM 7.3

METROPOLIS CONGRESS 2008 - SPONSORSHIP (S057824)

It is resolved that:

- (A) Council provide cash sponsorship support of the Metropolis Congress 2008 for \$100,000 (ex GST);
- (B) Council provide up to 600 banner sites without charge plus 100 Bus Shelter timetable sites without charge for the week of the Forum at an estimated Value in Kind of \$42,100;
- (C) Council host the Australian Capital City Lord Mayors' meeting in Sydney during the Congress period; and
- (D) authority be delegated to the Chief Executive Officer to enter into agreements for this purpose as required.

Carried.

Speaker

Mr Chris Johnson addressed the meeting of the Finance, Properties and Tenders Committee on Item 7.3.

Extension of Time

At the meeting of the Finance, Properties and Tenders Committee, during discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was -

Moved by Councillor Lee, seconded by Councillor McInerney -

That Mr Johnson be granted an extension of time to speak on this matter.

Carried.

ITEM 7.4

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS - CONFERENCE SPONSORSHIP REQUEST (S058712)

It is resolved that:

- (A) Council approve a cash sponsorship of \$20,000 (excluding GST) to the Royal Australian Institute of Architects for the 2008 RAIANational Conference; and
- (B) authority be delegated to the Chief Executive Officer to enter into an agreement with the Royal Australian Institute of Architects.

Carried.

ITEM 7.5**PLANNING INSTITUTE OF AUSTRALIA - CONFERENCE SPONSORSHIP REQUEST (S058737)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$19,000 (excluding GST) to the Planning Institute of Australia for the 2008 National Congress; and
- (B) authority be delegated to the Chief Executive Officer to enter into an agreement with the Planning Institute of Australia.

Carried.

ITEM 7.6**SOUTH SYDNEY COMMUNITY TRANSPORT - GRANT FOR SHUTTLE BUS SERVICE (S046152)**

It is resolved that:

- (A) Council approve a grant of \$95,783 (excluding GST) to South Sydney Community Transport for the provision of 'Village to Village' shuttle bus services;
- (B) authority be delegated to the Chief Executive Officer to enter into agreement with South Sydney Community Transport; and
- (C) Council work with South Sydney Community Transport and the Department of Housing to market and promote the service, particularly to Department of Housing tenants.

Carried.

Speaker

Ms Jane Rogers addressed the meeting of the Finance, Properties and Tenders Committee on Item 7.6.

ITEM 7.7**PROPOSED DIFFERENTIAL PARKING PERMIT FEES TO ENCOURAGE ENVIRONMENTALLY SUSTAINABLE VEHICLES (S064757)**

It is resolved that Council:

- (A) advertise the proposed differential fee structure for Resident and Business Parking Permits, as shown at Attachment D to the subject report, as part of the City's 2008/09 draft Fees and Charges; and
- (B) note that the fees and conditions applicable to the parking of scooters and motorcycles will be reviewed as part of the Scooter and Motorcycle Strategy currently in preparation.

Carried unanimously.

ITEM 7.8

REDFERN PARK UPGRADE - PUBLIC ART ACQUISITION (S052965)

It is resolved that:

- (A) Council endorse the appointment of Fiona Foley with Urban Art Projects under "Exceptional Circumstances" for the design development, fabrication, installation and commissioning of the endorsed public art 'intuitive play elements' in Redfern Park; and
- (B) authority be delegated to the Chief Executive Officer to negotiate the design, scope and budget for the artwork as described in paragraphs 12 and 13 of the subject report, in consultation with the Lord Mayor.

Carried.

ITEM 7.9

RENEWAL OF LEASE – PART OF HICKSON ROAD, DAWES POINT, ADJOINING 11 HICKSON ROAD (L02/00514-02)

It is resolved that:

- (A) Council grant a lease, pursuant to Section 153 of the Roads Act 1993, to the adjoining Lessee of 11 Hickson Road, Dawes Point, currently Pier One Developments Pty Ltd, for the occupation of part of Hickson Road as shown on the plan at Attachment A to the subject report;
- (B) the lease be for a term of five (5) years from 1 January 2008 and subject to the conditions contained in the schedule shown at Attachment C to the subject report; and
- (C) the rent be \$6,000 per annum plus GST, with CPI review annually.

Carried.

ITEM 7.10

OWNER'S CONSENT AND LEASE - LEVELS 4 - 10, 540 GEORGE STREET SYDNEY (S057306)

It is resolved that:

- (A) Council approve the granting of a lease to the proposed tenant on the terms and conditions outlined in confidential Attachment B to the subject report;
- (B) owner's consent be given to the lodgement of a Development Application / Section 96 to allow the proposal for the proposed tenant to proceed;
- (C) the Chief Executive Officer be authorised to finalise any commercial issues which may arise; and

- (D) Summary of Proposed Commercial Terms to Proposed Tenant and Comparison of Commercial Lease Terms in respect to Levels 4 – 10, 540 George Street, Sydney, being Attachments A and B respectively to the subject report, remain confidential in accordance with Section 10A(2)(c) of the Local Government Act 1993.

Carried.

ITEM 7.11

STRATUM LEASE - CASTLEREAGH STREET SYDNEY, IMPERIAL ARCADE (S026699)

The Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007.

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

It is resolved that:

- (A) the City grant a lease, pursuant to section 149 of the Roads Act 1993, to Westfield Limited for the occupation of Castlereagh Street in stratum by the tunnel structure and being part of Imperial Arcade, as shown on the plan at Attachment A to the subject report;
- (B) the lease be for a term of 40 years, and subject to the conditions contained in the schedule at Attachment B to the subject report, with market rent reviews every two years; and
- (C) The Financials, Attachment C 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 - HYDE PARK TREE SUPPLY (S057468)

It is resolved that:

- (A) Council accept the Tender received from Tenderer A to supply Hills Figs for Central Avenue in Hyde Park; and
- (B) Tender Evaluation Summary, Attachment C to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried.

ITEM 7.13

TENDER - STREET TREE MAINTENANCE (S057345)

It is resolved that:

- (A) Council accept the Tender received from Tenderer A to undertake the street tree maintenance contract for all of the City's street tree assets, for a period of three years;
- (B) Tender Evaluation Summary, Attachment C to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993; and
- (C) the City continue to negotiate with Energy Australia to transfer the responsibility for street tree pruning around powerlines to the City.

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

That the recommendation of the Finance, Properties and Tenders Committee be adopted.

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

That the motion be amended by the deletion of clauses (A) and (B), the substitution of the following new clauses (A) and (B), and the retention of clause (C) -

- (A) the City commits to establishing internal resources that allow the City of Sydney to care for its street trees in-house by hiring suitably skilled staff, training existing staff and purchasing the equipment necessary to carry out the task;
- (B) the CEO make interim arrangements with our tree management contractor to maintain the City's trees; and

The amendment was lost on the following show of hands -

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

Noes (6) The Lord Mayor, Councillors Black, Hoff, Kemmis, Mallard and McInerney.

The motion was carried unanimously.

Extension of Time

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

Moved by Councillor Lee, seconded by Councillor Pooley -

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

Carried.

Closed Meeting

At 2.01pm, during discussion on Item 7.14, the Finance, Properties and Tenders Committee resolved -

That the meeting be closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss confidential Attachment B to Item 7.14 on the agenda as this matter comprised commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

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

Item 7.14 was then dealt with by the Finance, Properties and Tenders Committee, in the Finance Room, while the meeting was closed to the public. At 2.16pm, discussion resumed in open session in the Council Chamber. This matter was subsequently dealt with by Council in open session.

ITEM 7.14**TENDER - PARKS AND OPEN SPACE MAINTENANCE SERVICES (S050745)**

It is resolved that:

- (A) Council accept the Tender offer from Tenderer A for Parks and Open Space Maintenance Services; 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.

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

That the recommendation of the Finance, Properties and Tenders Committee be adopted.

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

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

It is resolved that:

- (A) Council not proceed with the tender assessed in Attachment B to the subject report; and
- (B) staff prepare a report on the costs and benefits of bringing all our park maintenance in-house. That report should also look at other Councils such as Leichhardt, Parramatta and Baulkham Hills Councils which carry out all park maintenance internally.

The amendment was lost on the following show of hands -

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

Noes (6) The Lord Mayor, Councillors Black, Hoff, Kemmis, Mallard and McInerney.

The motion was carried on the following show of hands -

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

Noes (1) Councillor Harris.

Motion carried.

ITEM 7.15

TENDER – SYDNEY PARK, NORTH WESTERN LANDSCAPE UPGRADE (S047510)

It is resolved that:

- (A) Council accept the lump sum tender offer of Company “D” for the construction of Sydney Park, North Western Stage 1 Upgrade; 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.

ITEM 7.16

TENDER - BANNERMAN AND THURNBON SMALL PARKS (SO52642)

The Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007.

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

It is resolved that:

- (A) Council accept the tender submitted by Company A for the construction of the Bannerman Crescent upgrade;
- (B) Council accept the tender submitted by Company G for the construction of the WJ Thurnbon Reserve upgrade; and
- (C) 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 7.17**TENDER - 307 PITT STREET – HVAC PLANT REFURBISHMENT (S045425)**

It is resolved that:

- (A) Council accept the tender from Company “B” for the HVAC Plant Refurbishment Stage 2 – 307 Pitt Street; and
- (B) Tender Evaluation Summary, Attachment A to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried.

ITEM 7.18**TENDER - GOULBURN STREET PARKING STATION NORTH LIFT (S042603)**

It is resolved that:

- (A) Council accept the tender from Company “A” for the Goulburn Street Car Park North Lift Upgrade; and
- (B) Report from EMS Elevator Management Services and Tender Evaluation Summary, being 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.

ITEM 7.19**TENDER - SYDNEY TOWN HALL – ARCHAEOLOGICAL EXCAVATION (S053750)**

It is resolved that:

- (A) Council accept the lump sum tender offer of Company “A” for the Archaeological Excavation under the Peace Hall floor of the Sydney Town Hall; and
- (B) Tender Evaluation Summary, Attachment A to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried.

ITEM 7.20

GREEN SQUARE/SOUTHERN AREA COMMUNITY AND RECREATIONAL FACILITIES AND POOL (S055209)

It is resolved that Council:

- (A) endorse the preferred services mix of option 2 for the Southern Area Community and Recreation Facilities and Pool, and note the estimated capital and operating costs, as set out in confidential Attachment B to the subject report;
- (B) examine the feasibility of locating the services in the Green Square Town Centre by offering the endorsed services to Landcom for inclusion as an option in the tender for a Green Square development partner;
- (C) request a further report on the results of any offer from Landcom's Green Square Development Tenders;
- (D) undertake further feasibility studies, prepared business cases and develop options for site selection (including Precinct E), staging and delivery; and
- (E) Development Deed between South Eastern Sydney Area Health Services and The Council of the City of Sydney – Extract and Briefing Presentation including Service Mix Options and Cost Estimates, being 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.

**ITEM 8 REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE - 3
DECEMBER 2007**

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 2.57pm those present were -

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

Councillor Lee arrived at the meeting of the Environment and Heritage Committee at 2.59pm during discussion on Item 8.3, which had been brought forward.

Councillor Mallard left the meeting of the Environment and Heritage Committee at 3.30pm during discussion on Item 8.3, which had been brought forward, and returned at 3.50pm during discussion on Item 8.4, which had been brought forward.

Councillor Kemmis left the meeting of the Environment and Heritage Committee at 3.53pm during discussion on Item 8.4, which had been brought forward, and did not return.

Councillor Pooley left the meeting of the Environment and Heritage Committee at 4.10pm during discussion on Item 8.2, which had been deferred to the end of the meeting, and did not return.

Apology

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Environment and Heritage Committee.

Moved by Councillor Black, seconded by Councillor Pooley -

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

Carried.

Order of Business

The Environment and Heritage Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Items 8.3 and 8.4 be brought forward and dealt with before Item 8.2.

The meeting of the Environment and Heritage Committee concluded at 4.15pm.

Report of the Committee

Moved by Councillor Black, seconded by Councillor McInerney -

That the Report of the Environment and Heritage Committee of its meeting of 3 December 2007 be received, and the recommendations set out below for Items 8.2 and 8.4 be adopted, with Item 8.1 being noted, and Item 8.3 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 8.1

DISCLOSURES OF INTEREST

No 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

SURRY HILLS LIBRARY, COMMUNITY AND CHILDCARE CENTRE ENVIRONMENTAL INITIATIVES (S038652)

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 8.3

AMENDED PROPOSALS - PRINCE ALFRED PARK AND POOL UPGRADES (S038715)

It is resolved that:

- (A) Council endorse the amended Prince Alfred Park Master Plan and Pool Facility Design (December 2007), as described in Attachment A to the subject report;
- (B) Council endorse the preparation of a new development application for the Pool Facility as described in the subject report;
- (C) Council accept the lump sum fee variation offer of Neeson Murcutt Architects, under exceptional circumstances, for the design development, Development Application documentation and construction stage services for the amended pool facility;
- (D) Council note the amended preliminary estimate of an additional \$8.70M for the project and the Forward Estimate be revised to reflect these costs;

- (E) Neeson Murcutt Architects Fee Variation Summary, Attachment B to the subject report, and Prince Alfred Park Cost Comparison, Attachment C to the subject report, remain confidential in accordance with Section 10A(2)d of the Local Government Act 1993; and
- (F) a report on the proposed CBD skate facility be reported to the first Committee meeting in 2008.

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

That the recommendation of the Environment and Heritage Committee be adopted.

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

That the motion be amended by the deletion of clause (F) and the substitution of the following new clause (F) -

- (F) Council adopt the recommendation of the 2006 "CoS Youth Facility and Skate Facility Needs Study" and reinstate the Youth Skate Facility into the Prince Alfred Park Master Plan.

A show of hands on the amendment resulted in an equality of voting as follows -

Ayes (5) Councillors Firth, Harris, Lee, Mallard and Pooley.

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

The Chair (the Lord Mayor) exercised her casting vote against the amendment.

The amendment was declared lost.

The motion was carried on the following show of hands -

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

Noes (1) Councillor Harris.

Motion carried.

Speakers

Ms Chloe Mason and Ms Margaret McCullagh-Dennis addressed the meeting of the Environment and Heritage Committee on Item 8.3.

ITEM 8.4

GEHL ARCHITECTS – PUBLIC SPACES PUBLIC LIFE SYDNEY 2007 - PROPOSED FEASIBILITY AND IMPLEMENTATION ACTION PLAN (S049337)

It is resolved that Council:

- (A) receive and note the Public Spaces Public Life Study - Sydney 2007 prepared by Gehl Architects, as shown at Attachment A to the subject report;
- (B) prepare a feasibility assessment and implementation/ action plan of the Study recommendations for Council consideration and approval by mid 2008;
- (C) provide a copy of the Study to relevant Government agencies and place on City's website for public information and discussion; and
- (D) endorse the Disclaimer, shown at Attachment B to the subject report, to be included with the Public Spaces Public Life Sydney 2007 Study.

Carried unanimously.

Speaker

Mr David Allen addressed the meeting of the Environment and Heritage Committee on Item 8.4.

ITEM 9 REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE - 3 DECEMBER 2007**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 4.18pm those present were -

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

Councillor Pooley arrived at the meeting of the Cultural and Community Services Committee at 4.25pm during discussion on Item 9.2.

Apologies

Councillor The Verity Firth MP extended her apologies for her inability to attend the meeting of the Cultural and Community Services Committee.

Moved by Councillor Hoff, seconded by Councillor Lee -

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

Carried.

The meeting of the Cultural and Community Services Committee concluded at 4.45pm.

Report of the Committee

Moved by Councillor Hoff, seconded by Councillor Kemmis -

That the Report of the Cultural and Community Services Committee of its meeting of 3 December 2007 be received, and the recommendations set out below for Items 9.3 and 9.4 be adopted, with Item 9.1 being noted, and Item 9.2 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 9.1**DISCLOSURES OF INTEREST**

No 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

BUSKING POLICY – POST EXHIBITION (S051488)

It is resolved that:

- (A) Council adopt the City of Sydney Busking Policy 2007, as shown at Attachment A to the subject report, subject to clause 5.10.2 being amended to read as follows:

“The CD’s or DVD’s must contain original material of the busker.”; and

- (B) authority be delegated to the Chief Executive Officer to authorise temporary, one day only, busking zones for events and/or festivals.

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 Lee, and by consent, the motion was amended in clause (A) by inserting the words “the first sentence of” before the words “clause 5.10.2”.

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

- (C) in response to representations and noting that the Busking Policy does not apply to street 'religious preachers', the Council reaffirm its position that we celebrate Sydney's diversity and embrace people from all walks of life as equals whether their differences be religious, ethnicity, sexuality or other. The City of Sydney strongly supports antivilification and antidiscrimination laws and opposes the vilification of any community members, particularly the vilification of homosexual people under the guise of religious freedom by street preachers.

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

The motion, as adopted by Council, is as follows:

It is resolved that:

- (A) Council adopt the City of Sydney Busking Policy 2007, as shown at Attachment A to the subject report, subject to the first sentence of clause 5.10.2 being amended to read as follows:

“The CD’s or DVD’s must contain original material of the busker.”;

- (B) authority be delegated to the Chief Executive Officer to authorise temporary, one day only, busking zones for events and/or festivals; and

- (C) in response to representations and noting that the Busking Policy does not apply to street 'religious preachers', the Council reaffirm its position that we celebrate Sydney's diversity and embrace people from all walks of life as equals whether their differences be religious, ethnicity, sexuality or other. The City of Sydney strongly supports antivilification and antidiscrimination laws and opposes the vilification of any community members, particularly the vilification of homosexual people under the guise of religious freedom by street preachers.

Speakers

Mr Wadie Andrawis and Mr Bill Von Dreher addressed the meeting of the Cultural and Community Services Committee on Item 9.2.

The Busking Policy, as adopted by Council, is as follows:

CITY OF SYDNEY BUSKING POLICY

City of Sydney Busking Policy

Please note: The maps referred to the City of Sydney Busking Policy can be find on file No. S051488

For All Enquiries Contact:

CBD City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney NSW 2000
Monday–Friday: 8am to 6pm
Telephone 02 9265 9333

Kings Cross Neighbourhood Service Centre
50 - 52 Darlinghurst Rd
Kings Cross NSW 2011
Telephone: 02 9265 9333

Glebe Neighbourhood Service Centre
Glebe Town Hall
160 St Johns Road
Glebe NSW 2037
Telephone: 02 9265 9333

Redfern Neighbourhood Service Centre
Tower 2, 1 Lawson Square
Redfern NSW 2016
Telephone: 02 9265 9333

Erskineville Neighbourhood Service Centre
Erskineville Town Hall
104 Erskineville Road,
Erskineville NSW 2043
Telephone: 02 9265 9333

Policy Owner: Manager, Community Living
Adopted by Council: 10 December 2007
Review Date: February 2009

CITY OF SYDNEY BUSKING POLICY

1. GLOSSARY OF TERMS

For the purposes of this Policy the following definitions apply:

- 1.1 Busker** - an entertainer who provides impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.
- 1.2 Performance** - musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
- 1.3 Soliciting of Funds** - the act of asking, begging, seeking or requesting money or goods from members of the public.
- 1.4 Offering for Sale** - the display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money, eg, CDs, DVD's, sunglasses, fluffy toys, glow sticks, or artworks.
- 1.5 Dangerous materials and implements** - materials and implements that pose risk, hazard or uncertain outcomes for people. Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements, or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property. Dangerous implements include knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public.
- 1.6 Pavement Art** - defined as chalk drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out on the pavement. Busking may include pavement art.
- 1.7 Restricted Areas** - Specified areas within the city that have had restrictions placed on busking activities that may occur in them.
- 1.8 Designated sites** - specified sites within restricted areas where busking can occur under defined conditions.
- 1.9 Circle Acts** - structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20-40 minutes.
- 1.10 Walk-by Acts** - spontaneous performances where the audience is not required to stop and watch.

2. OBJECTIVES

This policy has been developed:

- To encourage activities that contribute to the colour and life to the city and opportunities for alternative voices to be heard through public performance.
- To provide an equitable system of use for popular busking sites in the city among the buskers earning a living through their art form.

CITY OF SYDNEY BUSKING POLICY

- To identify locations in the city suitable as busking sites.
- To minimise complaints, criticism and other problems associated with buskers operating in the Sydney area, while supporting the rights of individuals to express themselves in a democratic manner.

3. PRINCIPLES

The City of Sydney recognises that:

- Sydney has a strong tradition of busking and buskers contribute to a sense of place in the city of Sydney.
- Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- Buskers provide entertainment and thought provoking experiences to tourists and members of the general public.
- Busking is a valid means for people to make a living.
- Busking should not unduly interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

4. CONDITIONS

The following conditions apply to all holders of City of Sydney Busking Permits:

4.1 Applying for a Permit

- 4.1.1 Standard and Special Busking Permits can be obtained from the City of Sydney's CBD One Stop Shop located on Level 2, Town Hall House, 456 Kent Street, Sydney or at Neighbourhood Service Centres.
- 4.1.2 All applicants, individual and groups, are required to apply in person and must agree to have their photograph taken at the time of application. Scanned photos will not be permitted except in exceptional circumstances.

4.2 Identification

- 4.2.1 All applicants are required to present proof of identify with their application form before a Busking Permit is issued:
- 4.2.2 Proof of identity must include one of the following:
- current motor vehicle driver's license.
 - proof of age card.
 - current passport.

4.3 Types of Permits

The City of Sydney has 2 types of Busking Permits:

CITY OF SYDNEY BUSKING POLICY

4.3.1 **Standard Busking Permit**-all busking acts that do not involve dangerous materials or implements in their act.

4.3.2 **Special Busking Permit**-all busking acts that do involve dangerous materials or implements in their act.

4.4 Cost of Permits

4.4.1 Busking Permits are issued for a 3month or 12 month term.

Three Month Permits - \$10 – these are valid for 3 months from the permit's commencement date. This fee is applicable to individuals and group acts.

Twelve Month Permits - \$40 – these are valid for 12 months from the permit's commencement date. This fee is applicable to individuals and group acts.

4.4.2 Permits are not transferable or refundable.

4.5 Issuing of Permits

4.5.1 Standard Busking Permits

These can be issued on the same day with suitable proof of identification (listed above) and payment.

4.5.2 Special Busking Permits

These can only be issued upon the applicant passing a safety review for endorsement of their performance.

Safety review dates are provided at City of Sydney's One Stop Shop, Neighbourhood Service Centres and website.

Endorsement is based on skill and knowledge of the conditions outlined under Dangerous Materials and Implements. Buskers applying for a Special Busking Permit will be judged by a certified Busking Assessor and two designated Council Officers. The City does not guarantee endorsement.

4.6 Renewal of Permits

4.6.1 Standard and Special Busking Permits should be renewed before the expiry date. Buskers cannot perform with an expired permit and fines will be issued where unauthorised or expired permits are used.

4.6.2 Buskers already holding Special Busking Permits who plan to introduce any additional dangerous implements or materials to their performance for which they have not been assessed, must notify the City of Sydney and attend another safety review.

CITY OF SYDNEY BUSKING POLICY

4.7 Replacement of Permits

- 4.7.1 A \$5 replacement fee applies for the re-issuing of all lost or stolen 3 month standard and special busking permits.
- 4.7.2 A \$10 replacement fee applies for the re-issuing of all lost or stolen 12 month standard and special busking permits.

4.8 Register

- 4.8.1 Details of Buskers holding Busking Permits will be entered into a register of approvals granted by the City of Sydney pursuant to section 113 of the Local Government Act.
- 4.8.2 Additionally, pursuant to Sections 113(2) and 113(5) of the act the information recorded will include the name and address of the person or persons to whom the approval is granted.

4.9 Insurance

- 4.9.1 Busking activities are covered for public liability under the City of Sydney's Hirers' and Users' Insurance policy while the busker complies with the conditions and requirements for busking contained in this policy.
- 4.9.2 The policy is limited to \$10 million for any one loss, and the busker is responsible for the first \$10,000 of each and every loss, under current arrangements.

4.10 Display of Permits

- 4.10.1 Buskers must display their permits in a prominent position at all times while performing their acts. This applies to buskers with Standard Busking Permits and Special Busking Permits.

4.11 Group Acts

- 4.11.1 All members of the group must hold a current Busking Permit and this must be clearly displayed during their performance. This applies to both Standard Busking Permits and Special Busking Permits.
- 4.11.2 Groups are limited to a maximum of 5 members. This is to ensure that pedestrians are able to move freely through the city and to prevent crowd crush.

4.12 Non Acceptable Acts

- 4.12.1 The purpose of this policy is to encourage and guide general entertainment provided to the public and as such the provision of services or one-on-one consultation are not considered to be busking under the terms of this policy and will not be permitted: For example

CITY OF SYDNEY BUSKING POLICY

Balloon sculpting or modelling, fortune, tarot card and palm reading, artists selling their works (such as portrait artists), massage or any type of healing therapy, selling of any kind (with exception to clause 5.10), solicitors of money for any purpose.

4.12.2 Holders of Special Busking Permits are not permitted to perform in any Park within the City of Sydney Local Government Area due to health and safety regulations unless the CEO has given prior approval.

4.13 Under Age Acts

4.13.1 Proof of parental consent is required for applicants under the age of 18 years.

4.13.2 Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a permit to busk. Consent forms can be obtained from the City of Sydney One Stop Shop and Neighbourhood Service Centres.

4.14 Monitoring

4.14.1 Council and other authorised officers reserve the right to prohibit use of a restricted area, designated site or such area as may be specified by it while Council or other road works are in progress, or while a special event is in progress. It is possible that restrictions on busking may be imposed during such occasions as New Years Eve, Mardi Gras, Australia Day, Anzac Day, or other events.

4.14.2 The use of unrestricted areas, restricted areas and designated sites for busking activities will be monitored by the Review Committee and continued use will be subject to their report.

4.15 Hours of Operation

4.15.1 The hours of operation for all holders of Standard Busking Permits and Special Busking Permits within the CBD and City of Sydney Local Government Area are:

- 7am-10pm Monday - Thursday
- 7am-12 Midnight Friday and Saturday
- 9am-10pm Sunday

4.15.2 This is subject to clause 5.9.3 which provides a mechanism for Council to halt busking when a justified complaint is received.

4.16 Duration

4.16.1 Buskers may perform at any one site for a

- Maximum of 1 hour in Pitt Street Mall
- Maximum of 2 hours elsewhere in the City, including designated sites,
- Maximum of 8 hours for pavement art as detailed in 5.11

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4.17 Cancellation

The City of Sydney may serve notice upon the person or persons holding a busking permit, giving reasons for the revocation or modification of the permit and providing the permit holder with the opportunity to show cause why the approval should not be revoked or modified.

- 4.17.1 Busking permits may be revoked or modified where persons breach any of the conditions listed in the 'Code of Conduct', section 5 of this Policy.
- 4.17.2 Pursuant to sections 89, 109, 110 and 124 of the Local Government Act, City of Sydney may revoke or modify permits or issue an on the spot fine if the permit holder fails to comply with the requirements and conditions of approval. Authorised officers of the City of Sydney may confiscate permits for non-compliance.
- 4.17.3 In instances where a Busking Permit has been confiscated due to breach of conditions, a busker has the right of appeal by requesting a meeting with Council officers.

5. CODE OF CONDUCT

The following rules apply to all holders of City of Sydney Busking Permits

5.1 Purpose

- 5.1.1 The purpose of this Code of Conduct is to outline the conditions for buskers to ensure maximum public safety and community harmony at all times.
- 5.1.2 All applicants must agree to comply with the conditions outlined in the Code of Conduct to be able to obtain a Standard Busking Permit or Special Busking Permit.
- 5.1.3 The Code of Conduct applies to busking in all areas of the city (with the exception of those areas outside the authority of the City of Sydney), whether in restricted or unrestricted areas.

5.2 Display of Permits

- 5.2.1 Buskers must display their Busking Permits in a prominent, highly visible position in the busking site at all times during their acts.

5.3 Public Amenity and Pedestrian and Vehicle Access

- 5.3.1 Buskers must not undertake any act that could be considered as causing a public nuisance including excessive noise and/or the use of offensive or discriminatory language or behaviour.
- 5.3.2 Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.

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- 5.3.3 Buskers must not interfere in any way with an approved entertainment or activity without permission.
- 5.3.4 Buskers should make provision for clear and accessible pathways of travel for people with disabilities ensuring sufficient clear footpath access with 1 metre recommended as a minimum.
- 5.3.5 Buskers should be aware that the building line may be used for navigation by people with a vision impairment.

5.4 Restricted Areas

- 5.4.1 When performing in Restricted Areas, buskers must use the designated sites specified in Section 6 of this Policy under the conditions specified for each designated site.

5.5. Intentionally deleted – following clauses have been renumbered

5.5 Soliciting of Funds

- 5.5.1 Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in a way which is likely to cause any discomfort to any individual.

5.6 Language/Behaviour

- 5.6.1 Buskers must not undertake any act that could be considered a public nuisance such as the use of excessive noise, offensive language or anti social behaviour.
- 5.6.2 The use of political, religious, racial, sexually explicit or homophobic material that may be deemed unduly persuasive, offensive or discriminatory is strictly prohibited as determined by the NSW Anti Discrimination Act 1977.

5.7 Cleanliness

- 5.7.1 Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.

5.8 Amplification

- 5.8.1 Buskers may only use amplification that is battery operated. Mains voltage amplification is prohibited.
- 5.8.2 Excessive amplification will not be tolerated. Loud acts may be asked to lower their volume or cease busking. The City reserves the right to impose a decibel limit on amplified sound in appropriate circumstances.

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5.8.3 Where a complaint has been received about the excessive noise, level of noise amplification, music of a percussive or repetitive nature, or excessive duration of an act, particularly in relation to the proximity of that act to a place or work or residence, and the complaint is deemed to be justified, a busker may be directed by authorised officers of the City of Sydney to cease busking.

5.9 Advertising/Selling

5.9.1 Buskers cannot offer goods and services for sale, display, demonstrate or advertise goods or services or associate themselves with such advertising in conjunction with their performance with the exception outlined in 5.10 below.

5.10 CD's and DVD's

5.10.1 The sale of CD's and DVD's is permissible in all areas within the Sydney CBD or Local Government Area.

5.10.2 The CD's or DVD's must contain original material of the busker. Only one item for sale is allowed on display and a maximum of fifty items can be available for sale at any given time.

5.10.3 The sale of CD's or DVD's may only occur as a complement to the busker's performance and should not dominate the time a busker occupies a site.

5.11 Pavement Art

5.11.1 Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so where:

5.11.1.1 The material used is removable by water and does not leave a residue, and,

5.11.1.2 The surface is of a non-porous material, such as bitumen and concrete. Surfaces not able to be drawn directly upon include sandstone, granite and other porous surfaces currently being used in some pavements, pathways and walkways in the city.

5.11.1.3 Individual renditions of the artists' work may not be offered for sale, or sold to the public.

5.11.1.4 Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.

5.11.1.5 The site is used for no more than 8 hours.

5.11.1.6 Define the work space to be used by using either a roped or chained off area. Artists' tools and personal belongings must be kept within this area.

5.11.1.7 Buskers must be conscious of public safety and accessibility at all times.

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5.12 Dangerous Materials and Implements

5.12.1 Buskers may not use dangerous implements or materials as part of a performance without a Special Busking Permit to do so. Special Busking Permits are issued to those using dangerous materials and implements such as the use of fire, knives, swords and chainsaws. These are only issued to buskers who have highly developed skills and experience in their use and who are acutely aware of the importance of safety for the public and themselves when using them.

5.12.2 Buskers who wish to use dangerous implements or materials must:

- 5.12.2.1 Pass a safety review and receive an endorsement of their performance in order to obtain a Special Busking Permit. Safety review dates are provided at City of Sydney's One Stop Shop, Neighbourhood Service Centres and website.
- 5.12.2.2 Comply with directions issued by authorised officers and members of the NSW Police Force, Ambulance, Fire and any other Emergency Services.
- 5.12.2.3 Comply with directions issued by authorised officers of the City of Sydney who may at any time request a busker to cease busking if the performance is deemed loud or intrusive, or excessively repetitive, or is causing public inconvenience, or is likely to cause harm to the public or property
- 5.12.2.4 Ensure the health and safety of the audience witnessing the performance.
- 5.12.2.5 Ensure that public property is not damaged in the course of the performance.
- 5.12.2.6 Define the performance space to be used by establishing a physical boundary of at least 2 metres between herself/himself and the audience. This may be done using either a Roped or Chained off area or Chalk line (if the surface to be drawn upon is not of a porous material such as granite and sandstone, and if the line drawn is water-soluble and removed once the busker has completed the act).
- 5.12.2.7 Include a Work Cover approved Fire Blanket in their performance kits that is kept visible and accessible throughout the performance.
- 5.12.2.8 Limit the use of flammable fuels to kerosene, firewater or scented lamp oils (eg, citronella) only. No other fuels will be permitted.
- 5.12.2.9 Store and transport any flammable liquids permitted under the Code of Practice in accordance with section 7 of the Australian Dangerous Goods Code i.e. portable plastic containers of no greater than a 5 litre capacity.

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5.12.2.10 All containers must be conspicuously marked with the following:

- "HIGHLY FLAMMABLE", in capital letters on both sides of container, and
- "Class 3 Flammable liquid" and
- Name of the liquid in the container, eg, "Kerosene".

5.12.2.11 The dripping of any flammable fuel on the ground should be avoided at all costs. It is the responsibility of all buskers to ensure any drip stains are immediately cleaned up with a towel.

5.12.2.12 If using dangerous implements in a performance, as defined under the Dangerous Goods Act, Clauses 14, 31, 239, 240, 242 and 248, covering the use and packaging of prohibited items, all edges on metal implements must be blunted and rendered non-dangerous (including chain saws and other mechanical devices). An implement is determined blunt if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

6. BUSKING AREAS

6.1 Areas Covered

This policy covers only the City of Sydney Local Government Area.

6.2 Areas Not Covered

6.2.1 This policy does not cover Sydney Harbour Foreshore Authority (Circular Quay, First Fleet Park, Museum of Contemporary Art Forecourt, The Rocks, Darling Harbour, Tumbalong Park and Darling Walk). This policy does not cover the Royal Botanic Gardens Trust (The Domain and Royal Botanic Gardens) or The Opera House Trust (Opera House steps, concourse and forecourts.).

For information about busking in these areas please contact the relevant authority.

6.3 Events or Festivals

6.3.1 The organiser of an event or festival is required to make a request in writing to the CEO for permission to have buskers perform at an event or festival. The request should be accompanied by a proposed program of entertainment for the event.

6.3.2 The CEO has delegated authority to authorise temporary (one day only) busking zones in any area within the City of Sydney Local Government Area for "one off" or "annual" community events or festivals. Approval for any busking activity at an event or festival is given at the discretion of the CEO.

6.3.3 Buskers (individuals or groups) will need to hold a current license.

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7. BUSKING SITES

7.1 STANDARD BUSKING PERMITS

7.1.1 Permitted Sites

Buskers with Standard Busking Permits are permitted to perform anywhere in the City of Sydney under the jurisdiction of the City except for the restricted sites.

7.1.2 Restricted Sites

The following special conditions apply to Buskers with Standard Busking Permits.

7.1.2.1 Macquarie Place (2 designated sites)

Buskers must respect the rights of patrons using the park or nearby cafes and hotels and not unduly disrupt their activities.

7.1.2.2 Martin Place (5 designated sites)

Busking is not permitted between Pitt Street and George Street at any time.

Buskers may not perform any closer than 25 metres from the Martin Place Amphitheatre while performances are taking place in the Amphitheatre.

Buskers may not perform less than 15 metres from any other performer in Martin Place.

Circle shows are permitted between Macquarie Street and Phillip Street but only one show at any given time.

No busking is allowed in Martin Place on Anzac Day (25 April) without the written approval of Council.

7.1.2.3 Pitt St Mall (3 designated sites)

Busking in Pitt Street Mall is limited to three (3) designated sites only, as marked at any one time.

Busking performances are limited to walk-by acts only. Circle acts are not permitted.

Busking is not permitted prior to 2 pm in the Mall on weekdays. Busking is permitted after 11 am on weekends.

Buskers may not perform while special events are in progress in the Mall.

Excessive amplification will not be tolerated in the Mall. Loud acts may be asked to lower their volume or cease busking.

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7.1.2.4 Hyde Park and Queens Square (10 designated sites)

Busking is permitted at ten (10) designated sites, as marked, in the Park.

Busking is only permitted on hard surfaces.

Busking will only be permitted on Saturdays in Queens Square if the Supreme Court is not sitting and Sundays from 1.00 pm onwards.

7.1.2.5 Wynyard Park (2 designated sites)

Busking in the two (2) designated sites is permitted only on the hard surface areas, not on the grassed area of the park.

7.1.2.6 Belmore Park (6 designated sites)

Busking is permitted at six (6) designated sites, as marked, at any one time.

7.2 SPECIAL BUSKING PERMITS

7.2.1 Restricted Sites

7.2.1.1 Six sites have been nominated as appropriate for Special Busking Permit buskers who use dangerous materials and implements. These are marked on the Busking Site Maps as "SBS".

7.2.1.2 These sites are the only sites where buskers using dangerous materials and implements can perform. Note, holders of Special Busker Permits cannot perform in any park without CEO permission.

7.2.1.3 The general and specific site conditions contained in the City of Sydney busking policy apply to these sites, in addition to the special requirements for the use of dangerous materials and implements in busking acts and must be abided by at all times.

7.2.1.4 Special Busking Sites have been designated for buskers holding a Special Busking Permit only.

7.2.1.5 Buskers must respect the rights of patrons using parks or nearby amenities and not unduly disrupt their activities.

7.2.1.5 Macquarie Place (1 designated site)

Busking in Macquarie Place is limited to one (1) designated site only, as marked, at any one time.

Buskers may not perform while special events are in progress in Macquarie Place.

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7.2.1.6 Martin Place (2 designated sites)

Busking in Martin Place is limited to two (2) designated sites only, as marked, at any one time.

No busking is allowed between Pitt Street and George Street at any time.

Buskers may not perform any closer than 25 metres from the Martin Place Amphitheatre while performances are taking place in the Amphitheatre.

Buskers may not perform less than 15 metres from any other performer in Martin Place.

Circle shows are permitted between Macquarie Street and Phillip Street but only one show at any given time.

No busking is allowed in Martin Place on Anzac Day (25 April) without the written approval of Council.

7.2.1.7 Taylor Square (2 designated sites)

Busking in Taylor Square is limited to two (2) designated sites only, as marked, at any one time.

Circle shows are permitted but only one show at any given time.

Buskers may not perform while special events are in progress in Taylor Square.

7.2.1.8 Paddington Markets (1 designated site)

Busking in Paddington Markets is limited to one (1) designated site only, as marked, at any one time.

8. BUSKING REVIEW COMMITTEE

8.1 A Busking Review Committee monitors the effectiveness of the policy and advises on Busking issues that emerge in the City.

8.2 The Committee reports to the Manager, Culture and Libraries and includes, but is not limited to the following:

- One (1) Representative of the Arts and Cultural Community,
- One (1) Representative of the Retail Traders Association,
- One (1) Representative from the Media Entertainment and Arts Alliance,
- One (1) Street performer and One (1) Musician nominated by Council in

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- consultation with the Media Entertainment and Arts Alliance,
- One (1) representative from City of Sydney, Cultural Development Unit,
- One (1) Representative from City of Sydney Venue Management Unit,
- One (1) Representative from The City of Sydney One Stop Shop or Neighbourhood Service Centres.

ITEM 9.3**CULTURAL DIVERSITY STRATEGY 2008 - 2011 (S054591)**

It is resolved that Council endorse the draft City of Sydney Cultural Diversity Strategy 2008-2011, as shown at Attachment A to the subject report, for public exhibition.

Carried unanimously.

ITEM 9.4**OXFORD STREET CULTURAL PRECINCT STUDY (S056196)**

It is resolved that Council:

- (A) endorse in-principle the strategy contained in the Report prepared by Urban Cultures Ltd, *Oxford Street as a Cultural Precinct: A Strategy*, as shown at Attachment A to the subject report, for the purposes of developing a specific implementation plan to enhance the areas cultural and creative distinctiveness;
- (B) note the recommendations of the Report listed on pages 31 to 40;
- (C) note that the Oxford Street Safety Strategy and Oxford Street Revitalisation Strategy may contribute to implementing this Strategy;
- (D) request the Chief Executive Officer prepare an implementation plan and budget for Council's consideration, ensuring that:
 - (i) the implementation plan, the Oxford Street Safety Strategy and Oxford Street Revitalisation Strategy complement each other; and
 - (ii) the implementation plan contributes to Sustainable Sydney 2030; and
- (E) make the Report available on the City of Sydney website and invite further comments and feedback to guide the implementation plan.

Carried unanimously.

ITEM 10 REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 3 DECEMBER 2007

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 McNerney and Tony Pooley.

At the commencement of business at 4.16pm those present were:

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

Councillor Pooley arrived at the meeting of the Planning Development and Transport Committee at the resumption of the meeting at 5.13pm.

Apologies

Councillor The Hon Verity Firth MP extended her apologies for her inability to attend the meeting of the Planning Development and Transport Committee.

Moved by Councillor Black, seconded by Councillor Pooley -

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

Carried.

Adjournment

At 4.17pm, 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 to enable the meeting of the Cultural and Community Services Committee to commence.

Carried.

At the resumption of the meeting of the Planning Development and Transport Committee at 5.13pm, those present were:

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

Councillor Mallard returned to the meeting of the Planning Development and Transport Committee at 5.19pm during discussion on Item 10.4, which had been brought forward.

Sub-Committees

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 Planning Policy Sub-Committee, with Councillor McInerney as Deputy Chair, commenced at 5.14pm.

The Major Development Assessment Sub-Committee, with Councillor Kemmis as Deputy Chair, commenced at 7.40pm.

The Development Assessment Sub-Committee, with Councillor Black as Deputy Chair, commenced at 6.08pm.

Order of Business

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

1. Disclosures of Interest
4. Late Night Trading Premises Development Control Plan 2007 – Post Exhibition
20. Development Application: 2 Macleay Street Potts Point – Jenner House
13. Development Application: 110-110B Elizabeth Bay Road Elizabeth Bay
3. Draft Ecologically Sustainable Development Development Control Plan – Proposed Exhibition
9. Development Application: 8A Missenden Road Camperdown – St John’s College
12. Development Application: 46-58 Holt Street Surry Hills
17. Development Application: 182 St Johns Road Glebe – Roxbury Hotel
15. Development Application: 77 Gerard Street Alexandria
16. Development Application: 11 Mackey Street Surry Hills
2. Sustainable Sydney 2030 Update
11. Development Application: 17-19 Alberta Street Sydney
10. Development Application: 69-73 O’Riordan Street Alexandria
14. Development Application: 245-247 Riley Street Surry Hills
18. Development Application: 138 Pitt Street Sydney
5. Report of the Operations of the Small Permits Appeals Panel
6. Land and Environment Court Appeals – Summary of Current Appeals and Recent Decisions
7. Special Signage
8. General Business

Note:

19. Development Application: 8-14 Broadway Chippendale was not dealt with as the application was withdrawn.

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 9.30pm.

ITEM 10.1

DISCLOSURES OF INTEREST

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

Report of the Planning Policy Sub-Committee

Moved by Councillor McInerney, seconded by Councillor Kemmis -

That the report of the Planning Policy Sub-Committee of its meeting of 3 December 2007 be received, with Items 10.1 and 10.8 being noted, the recommendations set out below for Items 10.5 to 10.7 inclusive being adopted, and Items 10.2 to 10.4 inclusive being dealt with as shown immediately following those items.

Carried unanimously.

The Planning Policy Sub-Committee recommended the following:

ITEM 10.2

SUSTAINABLE SYDNEY 2030 UPDATE (S053087)

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007.

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

It is resolved that Council:

- (A) note the progress on the Sustainable Sydney 2030 project;
- (B) endorse the emerging directions for the strategy in the attachments to the subject report, which will form the basis of the finalisation of the draft strategy, and in particular:
 - (i) the summary of community and stakeholder consultations in Attachments L, M, N and O to the subject report;
 - (ii) the emerging directions for the strategy described in Attachment C to the subject report;
 - (iii) the basic structure for the strategy indicated by the table of contents in Attachment A to the subject report; and
 - (iv) the proposed strategic directions and demonstration projects that will form the basis of the remainder of stage 3 of the project, in Attachment B to the subject report;
- (C) endorse the preparation of an exhibition of the draft Sustainable Sydney 2030 strategy to occur for approximately six weeks from March 2008 to May 2008, which will be:
 - (i) primarily web-based; and
 - (ii) include an anchor physical exhibition at Customs House, and other communication and engagement events and activities throughout the local government area, including the City's neighbourhood service centres and libraries; and

- (D) note the next steps for the Sustainable Sydney 2030 strategy which are:
- (i) finalisation of the draft strategy for exhibition from December 2007 to January 2008;
 - (ii) Council and Central Sydney Planning Committee workshops/briefings during February/March to provide comprehensive information regarding the strategy prior to it being exhibited; and
 - (iii) exhibition of the draft Sustainable Sydney 2030 strategy for approximately six weeks from March 2008 to May 2008 following the Councillor workshops.

Carried unanimously.

Speakers

Ms Chloe Mason and Ms Jeanette Brokman addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.2.

ITEM 10.3

DRAFT ECOLOGICALLY SUSTAINABLE DEVELOPMENT DEVELOPMENT CONTROL PLAN 2007 – PROPOSED EXHIBITION (S029610)

It is resolved that Council:

- (A) approve the Draft Ecologically Sustainable Development Development Control Plan 2007, as shown at Attachment A to the subject report, for public exhibition for a minimum of 60 days in accordance with the Environmental Planning and Assessment Regulation 2000;
- (B) approve the multi-unit residential ecologically sustainable development tool for a minimum trial period of 60 days and make it available on line; and
- (C) request the Chief Executive Officer to develop a program of meetings/briefings with key organisations to introduce the ecologically sustainable development tool, and that this program take place during the exhibition period.

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

That the recommendation of the Planning Development and Transport Committee be adopted, subject to the addition of the following new clause (D) –

- (D) note the issues raised at the meeting of the Central Sydney Planning Committee on 6 December 2007.

Carried unanimously.

Speakers

Mr Angus Nardi and Ms Chloe Mason addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.3.

ITEM 10.4**LATE NIGHT TRADING PREMISES DEVELOPMENT CONTROL PLAN 2007 – POST EXHIBITION (S048102)**

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007.

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

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 City of Sydney Late Night Trading Premises Development Control Plan 2007;
- (B) authority be delegated to the Chief Executive Officer to make any minor drafting changes that may be required as a result of Council's consideration of the City of Sydney Late Night Trading Premises Development Control Plan 2007;
- (C) Council note that the NSW Parliament last week passed new legislation to control premises on which liquor is sold or supplied, and request a report to the Planning Development and Transport Committee following gazettal of the Liquor Act 2007 and regulations concerning:
 - (i) any refinements to the Late Night Trading Development Control Plan that could increase co-ordination with the provisions of the new Liquor Act and regulations;
 - (ii) opportunities to incorporate into the development control plan findings of research into "cumulative impact" and "saturation level" that the City has commissioned;
 - (iii) options to incorporate into the development control plan any improvements to application procedures that reduce the number of separate DAs required and to provide more continuity and certainty to applicants; and
 - (iv) any additional matters or amendments that could assist in achieving the aims of the development control plan, particularly related to practical experience with the revised approach to trading hours and trial periods;
- (D) Council endorse the commencement of discussions between Council staff, staff of the Office of Liquor Gaming and Racing and NSW Police to refine the City's Plan of Management guidelines and further investigate the development of appropriate enforcement and compliance procedures;
- (E) Council endorse the aims and objectives of the City of Sydney Late Night Trading Premises Development Control Plan 2007 being expanded to acknowledge the important contribution that late night trading premises play in Sydney's role as a Global City, and the following amendments being made to the DCP:
 - (i) the insertion of the following paragraph after paragraph 1 in Section 2.1 - Aims:

“The City’s night-time economy is an integral part of its commercial, cultural and social fabric. Late night trading premises are an important part of Sydney social and street life that contribute to Sydney’s image as a Global City, and play an important role in the City’s economic growth. People living and working in the City, as well as tourists are attracted to these places as a result of their diversity and vitality, and late night trading premises can provide employment and jobs with flexible hours, particularly for people that work in the hospitality and tourism sector.”

- (ii) the insertion of the following objective after objective ‘c’ in Section 2.2 – Objectives:

“to encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City”

- (F) upon commencement of the Liquor Act 2007 the classification of “Category A - High Impact” and “Category B – Low Impact” premises in Section 2.4 of the City of Sydney Late Night Trading Premises Development Control Plan 2007 be amended to read as follows:

Category A Premises – High Impact

- a. A hotel within the meaning of the Liquor Act 2007 that is not designated as a general bar licence;
- b. A hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence;
- c. An on-licence within the meaning of the Liquor Act 2007 where the primary business or activity carried out on the premises is that of a night-club with a capacity of more than 120 patrons;
- d. A club within the meaning of the Liquor Act 2007;
- e. A premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or
- f. Premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

Category B Premises – Low Impact

- a. A hotel within the meaning of the Liquor Act that has a capacity of 120 patrons or less and is designated as a general bar licence;
- b. Premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- c. An on-licence within the meaning of the Liquor Act 2007;
- d. Any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a category A premises;

- e. Any other commercial premises which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night.

Carried unanimously.

Speakers

Mr Andrew Woodhouse, Mr David Cass, Ms Jo Holder, Ms Carole Ferrier, Ms Chloe Mason, Ms Sue Hanley, Dr Sacha Blumen and Ms Jeanette Brokman addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.4.

ITEM 10.5

REPORT OF THE OPERATIONS OF THE SMALL PERMITS APPEALS PANEL (S051113)

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 10.6

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 unanimously.

ITEM 10.7

SPECIAL SIGNAGE (D/2007/1799 AND D/2007/1800)

It is resolved that the subject report be noted.

Carried unanimously.

ITEM 10.8

GENERAL BUSINESS (S054963)

Conditions of Consent – CCTV

Councillor Mallard requested that consideration be given to introducing a voluntary code for CCTV, similar to the Liquor Accord, where the provision of CCTV is imposed as a condition of development consent.

The Chief Executive Officer undertook to discuss the matter with relevant Council staff.

The Chair (the Lord Mayor) suggested that the matter could also be raised with the Council of Capital City Lord Mayors, which has previously considered this issue.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kemmis, seconded by Councillor Pooley -

That the report of the Major Development Assessment Sub-Committee of its meeting of 3 December 2007 be received, with the recommendation set out below for Item 10.10 being adopted, and Items 10.9 and 10.11 being dealt with as shown immediately following those items.

Carried.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 10.9

DEVELOPMENT APPLICATION: 8A MISSENDEN ROAD CAMPERDOWN - ST JOHN'S COLLEGE (D/2007/1856)

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007.

At the meeting of Council, it was moved by Councillor Kemmis, seconded by Councillor McInerney –

It is resolved that authority be delegated to the Chief Executive Officer to determine the development application having regard to:

- (A) outcomes of discussions held with the Design Advisory Panel, as discussed in the memo from the Director City Planning and Regulatory Services dated 6 December 2007 and circulated to Councillors prior to the meeting of Council; and
- (B) the draft conditions of consent as detailed in the report to the Planning Development and Transport Committee on 3 December 2007.

Carried unanimously.

Speakers

Mr Brian Lennon and Mr Andrew O'Connell addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.9.

ITEM 10.10

DEVELOPMENT APPLICATION: 69-73 O'RIORDAN STREET ALEXANDRIA (D2007/00449)

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. D2007/00449 dated 16 March 2007 and Statement of Environmental Effects prepared by SPD Town Planners, dated March 2007, drawings 0614 -01c to 06c and 07b to 10b dated June 2007 prepared by Geoform Design Architects, landscape concept plan 0633 Issue P dated 12 June 2007 prepared by Umbaco Landscape Architects Pty Ltd and preliminary Strata plans Sheets 1 to 10 prepared by Harrison Friedmann & Associates Pty Ltd 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 MODIFICATIONS

The design of the building must be modified as follows:

- (a) The proposed fire booster valve shall be relocated clear of the 6 metre landscaped setback to a location adjacent to the disabled ramp switchback – generally in accordance with Option 3 contained in “Sketch Plan Booster Locations” attached to letter from MPI Group dated 4 May 2007.
- (b) The proposed electricity substation shall be fully integrated into the building design and be relocated clear of the 6 metre landscaped setback and in a location where it will not be subject to potential flooding.
- (c) The basement level shall be setback a minimum of 6 metres from the front boundary.
- (d) A stop sign shall be erected at the top of the ramp from the basement car park and a stop sign shall be erected at the base of the ramp down from the first floor level.

- (e) The street trees shall be consistent with the Street Tree Masterplan and accordingly *Cupaniopsis anacardiodes* (Tuckeroo) shall be replaced with *Eucalyptus sideroxylon* (Red ironbark) – minimum size at planting to be 100 litres.
- (f) The disabled parking space located off the northern side of the ramp at the rear of the ground floor shall be relocated to near one of the lifts at basement level.
- (g) Two trolley bay areas shall be provided at basement level.

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

(3) STRATA SUBDIVISION CONDITIONS

- (a) A separate application is to be made to Council or an accredited Strata Certifier to obtain approval of the final Strata Plan and endorsement of the Strata Certificate in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.
- (b) The final Strata Plan is to provide for the deletion of Lot 69 in the Draft Strata Plan and its incorporation into the Common Property of the Strata scheme.
- (c) The final Strata Plan is to provide for the deletion of utility lots 21 to 68 (self storage units) in the Draft Strata Plan and their incorporation into a single lot in the scheme, or alternatively, allocated to warehouse or bulky goods units as part-lots in the Strata Plan.
- (d) Prior to the issue of the Strata Certificate, written confirmation that a (Subdivider or Developer) Compliance Certificate has been obtained under Section 73 of the Sydney Water Act 1994 must be submitted to Council or the Strata Certifier. Application must be made through an authorized Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 132 092. Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since installation of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
- (e) The line-marking and numbering of all car parking spaces, including visitor spaces, is to be consistent with the final Strata Plan and to the satisfaction of Council or the Strata certifier.

- (f) A statutory Restriction on Use of Land is to be created over all utility car parking lots in the scheme by exercising the provisions of Section 39 of the Strata Schemes (Freehold Development) Act 1973, or alternatively, a documentary Restriction on Use of Land is to be created, pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part-lots in the scheme in terms consistent with the statutory provisions of Section 39 of the Act and created to the satisfaction of Council.
- (g) A documentary Restriction on Use of Land is to be created over the Common Property in the Strata scheme, exclusive of any visitor and service vehicle spaces, pursuant to Section 88B of the Conveyancing Act 1919, in terms prohibiting its use for the parking or storage of vehicles, boats, trailers and the like and prohibiting the Owners Corporation from granting or permitting to be granted any lease, license or exclusive use rights over the Common Property for that purpose, and created to Council's satisfaction.
- (h) A documentary Restriction on Use of Land is to be created over all storage space utility lots or part-lots in the Strata scheme, pursuant to Section 88B of the Conveyancing Act 1919, appurtenant to Council, in terms prohibiting their use for purposes other than the storage of goods, excluding dangerous goods and such prohibited use including manufacturing, commercial, retail and residential purposes. The Restriction on Use of Land is to be created to the satisfaction of Council.

(4) RIGHT OF WAY

- (a) An easement for Right of Public Access shall be created and registered on the Title of the subject site in relation to the 4.7 metres wide strip of land shown on the plan prepared by Harrison Friedmann & Associates and submitted to Council on 19 September 2007. Such easement is to be appurtenant to Council, in terms granting unrestricted rights for public pedestrian access without vehicles, exclusive of wheelchairs for the disabled, bicycles and the like and to Council's satisfaction.
- (b) A documentary Positive Covenant shall be registered on the Title of the subject site. Such Covenant is to be appurtenant to Council, and in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access. The Covenant shall also require the maintenance of a \$10,000,000 public indemnity insurance policy and the maintenance, upkeep, repair and lighting of the easement in accordance with the requirements and to the satisfaction of Council.

(5) SIGNAGE NOT PART OF APPROVAL

The proposed signage other than the plinth sign in the north western corner of the site is not part of this approval.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 1.5:1 calculated in accordance with South Sydney Development Control Plan 1998.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the Gross Floor Areas in the development, utilising the definition under South Sydney Development Control Plan, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(7) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

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 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$ 35,354.88
Public Domain	\$ 19,581.44
New Open Space	\$152,573.44
New Roads	\$ 38,749.44
Accessibility	\$ 1,607.68
Management	\$ 1,736.96
Total	\$249,603.84

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

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

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 – September quarter 2007/08.

The contribution must be paid 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 City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(8) REMEDIATION OF SITE

- (a) The site is to be remediated and validated in accordance with the Remediation Action Plan (RAP) for Rio Property Developments Pty Ltd Ref E774.1.1AA. Prior the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.
- (b) Any variations to the proposed Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.
- (c) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and management of Non-liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(9) REGIONAL TRAFFIC COMMITTEE REQUIREMENTS

- (a) The driveway access shall be designed to incorporate a central triangular median to separate and channelise entry and exit movements to left in /left out. The driveway shall be 4 metre wide entry driveway, 2 metre median and 3 metre exit.
- (b) "Left Turn Only" signage shall be installed within the proposed driveway median to direct vehicles leaving the site to turn left.
- (c) Any redundant driveways along the O'Riordan Street frontage shall be removed and kerb and gutter (Type SA) reinstated to current standard.

- (d) Post development storm water discharge from the subject site into the Roads and Traffic Authority's drainage system does not exceed the pre-development discharge. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Sydney Asset Management Unit of the Roads and Traffic Authority (RTA) for approval prior to the commencement of any works.
- (e) The driveway crossing works shall be designed to meet RTA requirements and endorsed by a suitably qualified and chartered Engineer (i.e who is registered with the Institute of Engineers, Australia). The design shall be in accordance with the RTA's requirements and other relevant Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate and commencement of road works. The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- (f) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the proposed development and associated works and as required by the various public utility authorities and/ or their agents.
- (g) All works/ regulatory signposting associated with the proposed development shall be at no cost to the Roads and Traffic Authority or Council.

(10) FLOODING PREVENTION MEASURES

- (a) All work must be in accordance with the recommendations of the flood study dated 15 January 2007 by Toby Flanders & Associates "Predicted Flood Levels at 69-73 O'Riordan Street, Alexandria" and "Addendum Report" dated 23 May 2007.
- (b) Prior to the commencement of construction details being submitted by a suitably qualified and experienced Structural Engineer for the design of the foundations and structural glass walls at the front and southern side of the building where they are exposed to the flow path of floodwaters, such design to withstand scour, high velocities, water pressure and impact loadings from floating debris and any other expected loadings during flood events.
- (c) There being no ventilation holes or points of water entry through the external walls of the building lower than RL 12.25 AHD (500 mm above 100 year ARI flood level) that will cause flooding of the ground floor and basement areas during the 100 year flood event.
- (d) Prior to the commencement of construction details being submitted of how the proposed highpoint in the driveway / lobby entrance (RL 12.05 AHD) is to be connected to the external flood wall around the perimeter of the building to maintain the flooding protection from the predicted 100 year ARI flood.

- (e) Prior to the commencement of construction details shall be submitted of the design of the two parallel walls separated by an air space and how the cavity is to be drained to a location where the surface water is predicted to be below RL 11.0 AHD. Such double wall protection system is to be provided wherever the water surface level is higher than 500 mm below the adjacent floor level.
- (f) A Positive Covenant , pursuant to Section 88B of the Conveyancing Act 1919 , being placed on the registered Certificate of Title and/or all Owner's Corporations to be created along the street frontage and adjacent the southern boundary requiring that no alterations be undertaken to the building that would:
 - (i) lower the entry threshold level to the car park and lobby areas below the design RL 12.05 m AHD, or
 - (ii) create any new entry point to the showroom level lower than RL 12.25m AHD , or
 - (iii) reduce the structural integrity of the external walls as provided in the approved construction for the ground floor.
- (g) The driveway entrance incorporating the floodproofing highpoint being designed in accordance with alignment levels approved by the City and complying with AS 2890.1 to prevent scraping of vehicles utilising such driveway.

(11) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for the site detailing the site's historical use as a knackerie must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the use, the display of selected artefacts are some of the means that can be used.
- (c) Prior to an Occupation Certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.

(12) DEVELOPMENT APPLICATIONS FOR FUTURE USES

Development applications shall be submitted for the specific uses and fitouts of all tenancies.

(13) PARKING SPACES AND DIMENSIONS

A maximum of 119 off-street car parking spaces and a minimum of 15 bicycle 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 issue of a Construction Certificate.

(14) ALLOCATION OF PARKING

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 parking spaces, if not common property, must respect the following allocation:

- (a) a maximum of 4 parking spaces for each of the 3 front warehouse units on the lower level.
- (b) a maximum of 6 parking spaces for each of the 3 rear warehouse units on the lower level.
- (c) a maximum of 1 parking space for each of the 4 front warehouse units on the upper level.
- (d) a maximum of 2 parking spaces for each of the 5 rear warehouse units on the upper level.
- (e) a maximum of 5 parking spaces for the front unit on the southern end of the upper level.
- (f) a maximum of 8 parking spaces for the rear unit on the southern side of the upper level
- (g) a maximum of 24 parking spaces for the lower level bulky goods retail area including its associated warehouse
- (h) a maximum of 31 parking spaces for the upper level bulky goods retail area including its associated warehouse
- (i) a maximum of 4 parking spaces (in total) for the self storage area
- (j) a maximum of one parking space for the café.
- (k) the 2 disabled spaces must at all times remain as common property.

(15) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

Accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking and if the premises are strata titled these spaces shall be common property.

(16) LOCATION OF ACCESSIBLE CAR PARKING SPACES

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be proximate to such lifts.

(17) RESTRICTION ON USE OF CAR SPACES – COMMERCIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used by those other than an occupant or tenant of the subject building.
- (b) Any strata subdivision of the site is to include a restriction on user pursuant to section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(18) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 11 metres for the ground floor tenancies and 6.4 metres for the first floor tenancies.

(19) VEHICLE MOVEMENT SIGNPOSTING

- (a) The one way clockwise traffic movement on the upper warehouse level shall be clearly signposted.
- (b) The basement level traffic flow as shown on Drawing No 0614-06c shall be clearly signposted.
- (c) A Stop sign shall be erected at the bottom of the ramp from the first floor level requiring vehicles descending such ramp to stop before entering the ground level driveway.

(20) OPERATIONAL CONDITIONS

- (a) Measures shall be adopted to ensure that trolleys from the premises are not taken off the site and are not left on surrounding footways/roadways.
- (b) Measures are to be adopted to ensure that service vehicles do not obstruct manoeuvring of vehicles into other tenancies.
- (c) Neither signage such as A frames and trailer signs nor goods for sale shall be displayed within the landscaped setbacks to O'Riordan Street or the channel.
- (d) The self storage units shall not be used for manufacturing, office or retailing purposes and shall not be used for the storage of dangerous goods in quantities that would require licensing by Workcover.

(21) BICYCLE PARKING

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

(22) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION**(23) SIGNS AT EGRESS****(24) SECURITY GATES****(25) VEHICLE FOOTWAY CROSSING****(26) LOADING WITHIN SITE****(27) LOADING/PARKING KEPT CLEAR****(28) ASSOCIATED ROADWAY COSTS****(29) SIGNS - SEPARATE DA REQUIRED****(30) SIGNS/GOODS IN THE PUBLIC WAY****(31) NOISE - MECHANICAL PLANT****(32) COST OF TRAFFIC MANAGEMENT****(33) REFLECTIVITY****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.

(34) ELECTRICITY SUBSTATION

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not within the 6 metre any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.

(35) 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 \$1,890,000 dollars as security for the costs of such works provided that:
- a. the maximum liability under the Deed must not exceed \$1,890,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor 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.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is released. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

(36) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;
 - (xi) Emergency lighting, exit signs and warning systems - Part E4;
 - (xii) Damp and weatherproofing - Part F1;
 - (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1248.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Room sizes - Part F3;
- (xv) Light and ventilation - Part F4;
- (xvi) Energy Efficiency – Building Fabric - Part J1;
- (xvii) Energy Efficiency – External Glazing – Part J2;
- (xviii) Energy Efficiency – Building Sealing – Part J3;
- (xix) Energy Efficiency – Air Movement – Part J4;
- (xx) Energy Efficiency – Air Conditioning and Ventilation – Part J5;
- (xxi) Energy Efficiency – Artificial Lighting and Power – Part J6;
- (xxii) Energy Efficiency – Hot Water Supply – Part J7;
- (xxiii) Energy Efficiency – Access for Maintenance – Part J8.

- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (1) 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 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) The BCA matters identified in this condition are not an exhaustive list of non-compliances with the BCA. 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.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(37) ANNUAL FIRE SAFETY STATEMENT FORM

(38) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

(39) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

(40) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(41) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

- (42) EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM**
- (43) ROAD OPENING PERMIT**
- (44) LANDSCAPING OF THE SITE**
- (45) LETTERBOXES**
- (46) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**
- (47) UTILITY SERVICES**
- (48) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (49) INSTALLATION OF DUAL-FLUSH TOILETS**
- (50) INSTALLATION OF WATER EFFICIENT TAPS**
- (51) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (52) BARRICADE PERMIT**
- (53) CONSTRUCTION AND FITOUT OF FOOD PREMISES**
- (54) MECHANICAL VENTILATION**
- (55) CAR PARK VENTILATION**
- (56) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (57) ASBESTOS REMOVAL**
- (58) ASBESTOS REMOVAL SIGNAGE**
- (59) SKIPS AND BINS**
- (60) STREET TREE REMOVAL**
- (61) FOOTPATH DAMAGE BANK GUARANTEE**
- (62) ALIGNMENT LEVELS**
- (63) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS**
- (64) TELECOMMUNICATIONS PROVISIONS**
- (65) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (66) PUBLIC DOMAIN PLAN**
- (67) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (68) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (69) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (70) SYDNEY WATER CERTIFICATE**
- (71) EROSION AND SEDIMENT CONTROL**
- (72) COVERING OF LOADS**
- (73) VEHICLE CLEANSING**
- (74) NO OBSTRUCTION OF PUBLIC WAY**
- (75) ENCROACHMENTS – NEIGHBOURING PROPERTIES**
- (76) LOADING AND UNLOADING DURING CONSTRUCTION**
- (77) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (78) STREET NUMBERING**
- (79) USE OF MOBILE CRANES**
- (80) SURVEY CERTIFICATE AT COMPLETION**

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

Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by Department of Water and Energy are as follows:

- (1) WATER ACT (1912) regarding temporary dewatering**
 - (a) General and Administrative items
 - (i) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
 - (ii) Tailwater shall not be allowed to discharge off site (eg adjoining roads, stormwater system, sewerage system etc) without the controlling authorities' approval and/or owners consent.

- (iii) The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Department of Water and Energy or any person authorised by it, full and free access to the works(excavation or bore / borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department of Water and Energy for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- (iv) If a work is abandoned at any time the licensee shall notify the NSW Department of Water and Energy that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the Department of Water and Energy
- (v) Suitable documents are to be supplied to the NSW Department of Water and Energy of the following;
 - a. A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - b. A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250 m of any marine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - c. Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/ megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/ weeks), the amount of lowering of the watertable and the anticipated quality of the extracted water.
 - d. Descriptions of the actual volume of tailwater to be reinjected (kilolitres/ megalitres, the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/ weeks) and anticipated quality of treated tailwater to be reinjected.
 - e. Monitoring of groundwater levels (minimum of 3 weekly measurements of depth of water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

(b) Specific Conditions

- (i) The design of the structure must preclude the need for permanent dewatering.
- (ii) The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a watertable variation of at least +/- 1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- (iii) Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- (iv) Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Department of Water and Energy on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- (v) Groundwater quality testing must be conducted (and report supplied to the NSW Department of Water and Energy). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Department of Water and Energy for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (vi) Discharge of any contaminated tailwater that is not to be reinjected, must satisfy all requirements of any controlling authority (i.e the Department of Environment and Climate Change, Council and Sydney Water). The method of disposal of tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed / actual quality of tailwater is acceptable, must be presented to the NSW Department of Water and Energy and the consent authority.
- (vii) Discharge of any contaminate tailwater, if reinjection is proposed, must satisfy all requirements of the Department of Environment and Climate change and the Department of Water and Energy. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. The following must be demonstrated in writing:
- (viii) The treatment to be applied to the tailwater to remove any contamination.

- (ix) The means to be adopted to prevent redistribution of any contaminated groundwater.
- (x) The means to avoid degrading impacts on the identified beneficial use of the groundwater.
- (xi) Written advice from the Department of Environment and Climate Change indicating their approval for the methodology of handling and treating the groundwater.
- (xii) written advice be provided from the certifying Authority to the NSW Department of Water and Energy to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- (xiii) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off site impacts or damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
- (xiv) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
- (xv) Locations of settlement monitoring points, and schedules of measurement.

(2) WATER ACT (1912) – Regarding works within 40 metres of channel

- (a) Before any works are commenced within 40 metres of any watercourse on or near the site, a Part 3A Permit must be obtained from the Department of Water and Energy (the Department).
- (b) Works are to be carried out in accordance with the plans and documents presented to the Department for the subject Development Application and these conditions.
- (c) All documentation and plans and bonds required as part of these conditions must be prepared and provided to the Department prior to the issuing of the Part 3A Permit.
- (d) All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialised field. For any Vegetation Management Plan (VMP) this relates particularly to bushland rehabilitation practices and for any Works Plan (WP) this relates particularly in natural stream processes, design and rehabilitation practices. The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation or increase flood levels of Protected Waters (as defined in Section 22A of the Rivers and Foreshores (RFI) Act.

- (e) Erosion and Sedimentation Control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after the completion of the works, to prevent sediment and dirty water entering the watercourse/ foreshore environment. These control measures are to be in accordance with the requirements of Council, and best to follow relevant management practices as outlined in the Landcom manual "Managing Urban Stormwater: Soils and Construction – Volume 1" (4th ed, 2004) – the 'Blue Book' or other suitable control measures to mitigate erosion where conventional measures are not adequate (such as within bed and banks of a watercourse).
- (f) The Part 3A permit from the Department is issued for works on FREEHOLD land only and is null and void for any works on Crown Land.
- (g) Evidence of Owner's consent for all works over any lands within 40 metres of any watercourse is required prior to the issue of the Part 3 A permit.
- (h) In the event that there is an inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site and the subsequent rehabilitation and maintenance of the Site and Protected Land and Protected Waters, is to prevail. Such interpretation is to be applied in consultation with, and with the approval of the Department.
- (i) The development is to satisfy all requirements of Council in relation to flooding, drainage, stormwater detention and water quality, but in so doing, must not compromise in any way the form and function of any works, on Protected Waters and in riparian zones required by these conditions.
- (j) A licence under the Water Act (1912) or the Water Management Act (2000) may also be required from the Department if it is intended to:
 - (i) Install a pump for extraction of water from a surface and / or ground water source. The temporary extraction of water for establishment of vegetation in a VMP does not require a licence.
 - (ii) Construct a dam
 - (iii) Construct a levee
 - (iv) Divert any part of the Protected Waters
 - (v) Irrigate from any of the above
- (k) Operations shall not damage or interfere in any way with:
 - (i) Vegetation and habitat on Protected Land on the site outside the area approved.
 - (ii) The stability of adjacent or nearby bed or banks of Protected Waters

- (iii) The stability of Protected Waters and their associated environments
 - (iv) The flow of Protected Waters
 - (v) The quality of Protected Waters
 - (vi) Any pumps or structures in the vicinity (that are licensed under the Water Act 1912 or the Water Management Act 2000
- (l) No piping, for the placement of bulk earthworks (including roads) of any watercourse is allowed.
 - (m) Any Permanent constructed basin / wetlands/ flood compensatory area and their associated disturbed areas are not to be located in any riparian area in or on-line and be consistent with the Departmental guide; Constructed Wetlands (and Detention Basins) – Keep then Off-line Guideline.
 - (n) Any flood study, are to take into account the effects of the vegetation required in any VMP and any other vegetation within the flood area.
 - (o) The design of any stormwater outlets (including from roads, buildings, constructed basin/ wetlands, swales or other drainage) and their spillways must be a “soft engineering solution” and be consistent with the Departmental guide: Stormwater Outlet Structures to Streams (For pipes , culverts, drains and spillways.
 - (p) Points of constriction or any other places where scour is likely within or near any stream or any part of the riparian zones on the Site are to be suitably protected against scour using permanent rock scour protection (rip rap) or any other: soft engineering design solution”. In the event that scour protection works not described in the approved plans are proposed, approval from the Department must be obtained prior to their construction and may require a Works Plan and must be consistent with the Departmental guide; Works and Watercourse Design Guideline.
 - (q) Wire mesh structures (mattresses and baskets), concrete, spray concrete, concrete grouting, and concrete grouting between rocks comprising rip- rap scour protection crib walling, masonry, car tyres and the like are not permitted.
 - (r) Any works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse, must emulate a stable natural watercourse system that behaves as, and has the appearance of a stable natural stream system of the area (including floodplains, terraces and other typical natural features). Part of the form of the watercourse is to create meanders, suitable pool and riffle sequences, with suitable aquatic and terrestrial habitat.

- (s) The extent of the rehabilitation/ restoration of Protected Land and/or Protected Waters are to be as indicated by a Work Plan for all works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse. Rehabilitation/ restoration and watercourse form must be consistent with the Departmental guide; Works and Watercourse Design Guideline.
- (t) Following the completion of the physical works associated with any watercourse at the Site these works and all associated disturbed areas must be maintained for a period of at least three (3) years after practical completion, consistent with the Department guide: Works and Watercourse Design Guideline, particularly the maintenance and reporting criteria.
- (u) Any crossing structures, including utility crossings and associated works, must be located, designed and constructed consistent with the Departmental guides: Watercourse Crossing Design & Construction Guideline and Pipe and cable laying Across watercourses and Riparian Area Guideline. The Department may require a Work Plan depending upon the potential impact upon the watercourse and must be consistent with the Departmental guide: Works and Watercourse Design Guideline.
- (v) For any retaining walls and sea walls, their location, other than shown on the presented plans and associated documentation to the Department, design and construction must be consistent with the Departmental Guide: Works and Watercourse Design Guideline.
- (w) Any accessways being roads, tracks, cycleways, pedestrian pathways or other forms of accessway) that may be proposed for the Site, are to be normally located beyond the riparian zones, other than as shown on the presented plans and associated documentation to the Department, and be consistent with the Departmental guide: Design and Construction of paths and Cycleways and Accessways along Watercourses and Riparian Areas guideline.
- (x) A permanent physical barrier (such as a fence, pathway, road, etc), to prevent inadvertent damage to riparian zones, is to be placed at their landward extent in all locations and be consistent with the Departmental guide: How to Prepare a Vegetation Management Plan Guideline.
- (y) There is to be no permanent or temporary excavation of, or placement of material on, protected land or anything done that may detrimentally affect the flow of protected waters, and are not to be placed in any area that has existing native riparian vegetation that is identified as part of any riparian zone in any Vegetation Management Plan, other than as shown on the presented plans and associated documentation to the Department.

- (z) Documentation that demonstrates a right of access to the site for a sufficient time to enable the full implementation and maintenance of any works, including any Vegetation Management Plan and Works Plan, and inspections, is to be provided to the Department by the owner. Such documentation is to be legally binding upon the land and its present and future owners until such time as the implementation and their maintenance of the works, including any vegetation management plan and Works plan are completed, and inspected, as approved by the Department. The instrument is to be in favour of the current owner or Council.
- (aa) A riparian zone consisting of local native plant species shall be established and maintained in and adjacent to all Protected Waters, including beneath bridges, for their entirety within the Site. The extent of the riparian zones is to be measured horizontally landward from the top of the bank of the watercourse (s) and is to be of a minimum width of 7.9 metres, including beneath any crossings, for their entirety within the Site other than as shown on the presented plans and associated documentation to the Department.
- (bb) All riparian zones at the Site must be rehabilitated where they are affected by, or located adjacent to, or located within 10 metres of, any works on Protected Land that require a Part 3A permit, for the purposes of aiming at naturalised bed and bank stabilisation and giving adequate space for the natural functioning of the watercourse.
- (cc) A Vegetation Management Plan for Site rehabilitation that demonstrates protection of any remnant local native riparian vegetation at the Site and restore any riparian zones disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters system, to achieve sound naturalised watercourse and long term riparian area stabilisation and management by the enhancement/ emulation of the native vegetation communities of the subject area is to be prepared, and be consistent with the Departmental guide: How to Prepare a Vegetation Management Plan Guideline.
- (dd) Seed and propagate sources are to be from local botanical provenance (regarded as from as close as possible and from the same general habitat (same soil type, distance from watercourse, exposure etc)) is required consistent with Departmental guide; How to Prepare a Vegetation Management Plan.
- (ee) The riparian zone (and all areas and activities described in the vegetation management plan (VMP)) must be maintained for a period of at least two (2) years after final planting or when other revegetation methods are used , two years after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the VMP , and three (3) years minimum for those areas required for access and maintenance relating ton any Works Plan and being consistent with the Departmental guide; How to Prepare a vegetation management Plan Guideline, particularly the maintenance and reporting requirements.

- (ff) The Part 3A permit holder must ensure that all works and activities at the Site do not compromise the implementation of the Vegetation Management Plan in any way.
- (gg) Any requirements of bushfire assist protection zones, including fire trails, are not to compromise in any way the extent, form or function of the riparian zones. Fire reduced areas are to be located outside of riparian zones.
- (hh) Any property boundary fence should generally be located beyond the riparian zones and be consistent with the Departmental guide: How to prepare a Vegetation Management Plan Guideline.
- (ii) As a pre condition to the granting of any Part 3A permit, the applicant for a Part 3A permit will be required to provide a security deposit (bank guarantee or cash bond) The security deposit is to cover the cost, as approved by the Department, of completing selected works and activities listed in the previous GTA conditions in accordance with the conditions of the Part 3 A permit.
- (jj) Any bank guarantee is to be provided from a bank licensed pursuant to the banking Act 1959 (Cth) and is to be provided in favour of the Department and it must be drawn up in the format required by The Department.

Carried unanimously.

Speakers

Mr Simon Bennett addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.10.

ITEM 10.11

DEVELOPMENT APPLICATION: 17-19 ALBERTA STREET SYDNEY (D/2007/1523)

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007, to enable a site inspection to be undertaken of the subject site.

At the meeting of Council, it was moved by Councillor Kemmis, 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/2007/1523 dated 15 August 2007 and 'Statement of Environmental Effects' prepared by Lawton Hurley Pty Ltd, dated September 2007 and the following drawings:

Drawing Number	Architect	Date
DA 01 rev C	Lawton Hurley	October 2007
DA 02 rev C	Lawton Hurley	October 2007
DA 03 rev C	Lawton Hurley	October 2007
DA 04 rev C	Lawton Hurley	October 2007
DA 05 rev C	Lawton Hurley	October 2007

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 DETAILS

A materials sample board detailing all proposed finishes must be submitted for the approval of Council prior to a Construction Certificate being issued.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The balconies on the west facade of the building must project to a maximum of two metres.

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

(4) PRIVACY SCREENS

- (a) Details of the balcony privacy screens must be submitted to Council for approval prior to the issue of a Construction Certificate.
- (b) The approved privacy screens must be erected on the southern end of each balcony prior to the issue of an Occupation Certificate.

(5) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**(6) TRAFFIC WORKS**

(7) BICYCLE PARKING

Details must be submitted and approved by Council prior to the issue of a Construction Certificate of bicycle parking facilities to be provided in the immediate surroundings of the building. The layout, design and security of these bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

(8) NOISE - MECHANICAL PLANT**(9) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Details are to be provided with prior to the issue of a Construction Certificate to confirm that the building has been designed to minimise the embodied energy on a whole of building approach and to incorporate opportunities for improved energy efficiency being designed to achieve at least a 4½ star rating under the Department of Energy, Utilities and Sustainability's Australian Building Greenhouse Rating (ABGR) scheme.

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.

(10) 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 plans must include the deletion of the existing vehicle crossover onto Alberta Street and the reinstatement of the kerb, gutter and footway, which is to be at the cost of the developer.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

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.

- (11) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**
- (12) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (13) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (14) PHYSICAL MODELS**
- (15) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (16) FOOTPATH DAMAGE BANK GUARANTEE**
- (17) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (18) BARRICADE PERMIT**
- (19) STRATA SUBDIVISION – SEPARATE DA REQUIRED**

(20) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

(21) MECHANICAL VENTILATION

(22) INSTALLATION OF WATER EFFICIENT TAPS

(23) INSTALLATION OF DUAL-FLUSH TOILETS

(24) RECEPTACLES FOR CIGARETTE BUTTS

(25) REFLECTIVITY

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

(26) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

(27) VERIFICATION OF SUPPORT FOR NEW LOADS

(28) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)

(29) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

(30) ANNUAL FIRE SAFETY STATEMENT FORM

(31) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

(32) SPRINKLER SYSTEM

(33) EXIT DOORS OPEN OUTWARD

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(34) OCCUPATION CERTIFICATE TO BE SUBMITTED

(35) HOURS OF WORK AND NOISE – CBD

(36) SYDNEY WATER CERTIFICATE

(37) PROTECTION OF STREET TREES DURING CONSTRUCTION

(38) COVERING OF LOADS

(39) VEHICLE CLEANSING

(40) LOADING AND UNLOADING DURING CONSTRUCTION

(41) NO OBSTRUCTION OF PUBLIC WAY

(42) USE OF MOBILE CRANES**(43) SURVEY CERTIFICATE AT COMPLETION****(44) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT****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

Mr Charles Mellick addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.11.

Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor McInerney -

That the report of the Development Assessment Sub-Committee of its meeting of 3 December 2007 be received, with Item 10.19 being noted, the recommendations set out below for Items 10.12 to 10.17 and Item 10.20 being adopted, and Item 10.18 being dealt with as shown immediately following that item.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 10.12**DEVELOPMENT APPLICATION: 46–58 HOLT STREET SURRY HILLS (D2007/1669)**

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/2007/1669 dated 4 September 2007 and Statement of Environmental Effects prepared by Boston Blyth Fleming Town Planners dated August 2007 and the following drawings:

Drawing Number	Architect	Date
HSH_TP.101	Billard Leece Partnership	October 2007
HSH_TPS1.02_S	Billard Leece Partnership	August 2007
HSH_TP1.03	Billard Leece Partnership	October 2007
HSH_TP1.04	Billard Leece Partnership	August 2007
HSH_TP1.05	Billard Leece Partnership	August 2007
HSH_TP1.06	Billard Leece Partnership	October 2007
HSH_TP1.07	Billard Leece Partnership	August 2007
HSH_TP1.08	Billard Leece Partnership	August 2007
HSH_TP1.09	Billard Leece Partnership	August 2007
HSH_A.201	Billard Leece Partnership	August 2007
HSH_A.202	Billard Leece Partnership	August 2007
HSH_A.203	Billard Leece Partnership	August 2007
HSH_A.204	Billard Leece Partnership	August 2007
HSH_A.206	Billard Leece Partnership	August 2007
HSH_A.206a	Billard Leece Partnership	August 2007

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 DETAILS (MAJOR DEVELOPMENT)

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Plant room roof fence: In accordance with AS1657 – Guardrails, the height of the proposed plant room roof fence must not be less than 900mm and no greater than 1100mm in height.

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

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 65.75 (AHD) to the top of the building plant room.
- (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.

(5) SHOP FRONTS**(6) SEPARATE DA FOR FIT-OUT AND USE OF COMMERCIAL OFFICE SPACE AND RETAIL USE**

A separate DA for the fit-out and use of the commercial office space and retail use is required to be lodged with Council.

(7) SIGNS - SEPARATE DA REQUIRED**(8) NOISE - MECHANICAL PLANT****(9) INTRUDER ALARM****(10) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME****(11) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME****(12) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 42 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.

(13) ACCESSIBLE CAR PARKING SPACES

Of the required car parking spaces, at least 2 must be 3.2m x 5.5m minimum (with minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. 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. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(14) SERVICE VEHICLES

Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:

- (a) A minimum of 2 courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres.

Adequate space must be provided to allow manoeuvring and turning of the 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. Details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(15) SEALING OF CAR PARK

(16) ALLOCATION FOR VISITOR PARKING

(17) LOCATION OF VISITOR PARKING

(18) INTERCOM FOR VISITORS

(19) SIGN FOR VISITOR PARKING

(20) LOCATION OF ACCESSIBLE CAR PARKING SPACES

(21) BICYCLE PARKING

(22) SIGNS AT EGRESS

(23) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION

(24) SECURITY GATES

(25) LOADING WITHIN SITE

(26) LOADING/PARKING KEPT CLEAR

(27) LOADING VIA THE ENTRANCE

(28) ARTICULATED VEHICLES

(29) SERVICE VEHICLE SIZE LIMIT

(30) SERVICE DELIVERIES, WASTE AND RECYCLING COLLECTION

- (a) Use of loading dock area for the collection of waste, recycling and service deliveries must only occur between 7.30am and 6.00pm Monday to Saturday to avoid disruption to the surrounding areas.
- (b) Service deliveries, waste and recycling collection is only to occur wholly within the loading dock area within the confines of the site, to avoid noise disruption to the surrounding area.

(31) TRAFFIC WORKS

(32) ASSOCIATED ROADWAY COSTS

(33) CONSTRUCTION TRAFFIC MANAGEMENT

(34) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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.

(35) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(36) FURTHER ACOUSTIC REPORT

A report from a suitably qualified acoustic consultant assessing the impact of noise emissions from the proposed mechanical ventilation systems shall be submitted to Council prior to the issue of a Construction Certificate. The report should include:

- (a) The identification of noise receivers potentially affected by the proposal;
- (b) The selection of a suitable assessment criteria from an appropriate Australian Standard and/or DECC Guidelines;
- (c) Assessment of the existing acoustic environment at the receiver locations in accordance with AS1055-1997 'Acoustic – Description and Measurement of Environmental Noise' and current DECC Guidelines;
- (d) The identification of future and/or existing operations from the proposed use giving rise to the emission of noise and prediction of resultant noise at the identified receiver locations. The methods of noise prediction shall be justified and include an evaluation of prevailing atmospheric or other conditions that may promote noise propagation; and
- (e) A statement that the proposed use is capable of complying with the design criteria together with details of any necessary acoustic control measures that will be incorporated into the development or use.

(37) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(38) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(39) ELECTRICITY SUBSTATION

(40) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM

(41) ASBESTOS REMOVAL

(42) DISPOSAL OF ASBESTOS

(43) ASBESTOS REMOVAL SIGNAGE**(44) REMEDIATION****(45) REMOVAL OF UNDERGROUND STORAGE TANK / SOIL CONTAMINATION**

- (a) The site is to be remediated and validated in accordance with the report prepared by David Lane & Associates dated August 2007.
- (b) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that can not lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial hazardous or Group A liquid waste, advice should be sought from the EPA.

(46) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**(47) ENERGY EFFICIENCY OF BUILDING**

The building and its services must be designed to achieve a minimum standard under the Australian Building Greenhouse Rating Scheme (www.abgr.com.au) and must achieve:

- (a) a 3.5 Star ABGR rating for the base building and 4.5 Star ABGR rating for the tenancy services;
- (b) Notwithstanding the above standards. The applicants Energy Efficiency Report prepared by David Shreeve & Associates and dated 25 October 2007 shall be peer reviewed by an expert in the field of Sustainable Design. The peer review shall compare the proposed environmental performance of the building detailed in the report with the current best practice and shall identify additional ESD initiatives that may in the opinion of the reviewer, be reasonable to be implemented within the development to better improve its environmental performance with an aim to achieve a minimum 4.5 Star ABGR base building rating. Such recommendations shall be either implemented or the applicant shall demonstrate that the implementation of such additional initiatives is unreasonable under the circumstances. The peer review report confirmation that any additional initiatives will be implemented or justification that such initiatives are unfeasible shall be submitted to and be approved by Council prior to the issue of a Construction Certificate or within 6 months of the date of the Consent whichever is the later.

(48) INTERNAL LIGHTING SYSTEM**(49) FOOTPATH DAMAGE BANK GUARANTEE**

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

- (a) A separate application is to be made to Council for approval to erect a hoarding or scaffolding in a public place and such application is to include:-
- (i) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (iii) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (iv) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant will be responsible for meeting Council's lost revenue as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (eg Telstra) for the removal of any public telephone.
- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structure on the public way and graffiti must be removed from the hoarding within one working day.

(51) BARRICADE PERMIT**(52) 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. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

(53) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

(54) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 & AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 & AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(55) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

(56) VERIFICATION OF SUPPORT FOR NEW LOADS

(57) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)

(58) ANNUAL FIRE SAFETY STATEMENT FORM

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(59) OCCUPATION CERTIFICATE TO BE SUBMITTED

(60) SITE CONTAMINATION

Prior to issuing of an Occupation Certificate and following completion of the remediation process, a validation report prepared by a suitably qualified Environmental Consultant should be submitted to Council which clearly states that there is no risk to human health or the environment.

(61) HOURS OF WORK AND NOISE – OUTSIDE CBD

(62) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

(63) SYDNEY WATER CERTIFICATE

(64) PROTECTION OF STREET TREES DURING CONSTRUCTION**(65) COVERING OF LOADS****(66) VEHICLE CLEANSING****(67) LOADING AND UNLOADING DURING CONSTRUCTION****(68) NO OBSTRUCTION OF PUBLIC WAY****(69) USE OF MOBILE CRANES****(70) STREET NUMBERING – MAJOR DEVELOPMENT****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

Mr Phillip Zahradnik and Mr Ross Fleming addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.12.

ITEM 10.13**DEVELOPMENT APPLICATION: 110-110B ELIZABETH BAY ROAD ELIZABETH BAY (D/2007/00880)**

It is resolved that consent be refused for the following reasons:

- (1) The proposal does not comply with Clause 7(b) 'Principal objectives' of South Sydney Local Environmental Plan (LEP) 1998, in that the proposed rooftop addition results in excessive bulk and scale when viewed from adjoining land in close proximity to the premises;
- (2) The design of the proposed additions unnecessarily competes with and detracts from the setting of adjoining and surrounding heritage items, in particular the adjoining Tresco mansion, contrary to Clauses 22, 23A and 24 of South Sydney LEP 1998;
- (3) The design of the proposed additions does not enhance the streetscape, is not compatible with the scale and character of the locality, contrary to Clause 28(1)(b), (c) and (d) of South Sydney LEP 1998; and
- (4) The proposal is non compliant with the height and FSR limits specified under Part E - Environmental Design criteria of South Sydney Development Control Plan 1997.

Carried unanimously.

Speakers

Mr Andrew Woodhouse, Mr David Waterhouse and Mr Richard Goodwin addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.13.

ITEM 10.14**DEVELOPMENT APPLICATION: 245-247 RILEY STREET SURRY HILLS (D/2007/1166)**

It is resolved that consent be refused for the following reasons:

- (1) The application does not comply with Clause 23 (a) of the South Sydney Local Environmental Plan 1998 by reason that the proposed rear dwelling does not have a positive relationship with the nearby contributory buildings in terms of bulk, mass, scale, and detailing.
- (2) The proposed development is an overdevelopment of the site and does not comply with the following performance criteria and controls of the South Sydney Urban Design Development Control Plan (DCP) 1997:
 - (a) The application does not comply with the minimum site area requirements of the DCP (135m² required, 57m² – 106.5m² proposed);
 - (b) The application exceeds the maximum site coverage permitted by the DCP (66% permitted, 72.2% proposed for the existing dwellings);
 - (c) The application provides inadequate open space for the existing dwellings at 245 and 247 Riley Street (45m² required, 13.2m² provided);
 - (d) The application does not comply with the minimum separation distance required between new and existing dwellings (12m required, 9m proposed);
 - (e) The application does not comply with the car parking requirements for development on rear lanes, which requires the retention of car parking attached to existing dwellings, and the provision of 1 additional bay/new dwelling created (2 bays proposed for new dwelling, none proposed for the existing dwellings).
- (3) The proposed development does not comply with Part 10 of the City of Sydney Heritage Development Control Plan 2006, which requires development on rear lanes to be subsidiary in scale to development fronting the main street, and not exceed 3 storeys in height.
- (4) The proposed development will result in adverse impacts to the existing Box Brush Tree at 245 Riley Street.

Carried unanimously.

ITEM 10.15**DEVELOPMENT APPLICATION: 77 GERARD STREET ALEXANDRIA (D2007/905)**

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/2007/905 dated 23/5/2007 and Statement of Environmental Effects prepared by Steele Associates Architects, dated May 2007 and the following drawings:

Drawing Number	Architect	Date
05.01.02 A	Steele Associates Architects	16/5/2007
05.01.03 A	Steele Associates Architects	16/5/2007
05.01.04 A	Steele Associates Architects	16/5/2007
05.01.05 B	Steele Associates Architects	8/8/2007
05.02.01 B	Steele Associates Architects	8/8/2007
05.02.02 B	Steele Associates Architects	8/8/2007
05.02.01 A	Steele Associates Architects	16/5/2007
05.03.01 B	Steele Associates Architects	8/8/2007

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 MODIFICATIONS

The design of the building must be modified as follows:

- (a) The mezzanine bathroom between the first floor and attic is to be deleted. In deleting the mezzanine bathroom, subsequent internal design modifications are permitted whereby a bathroom is provided within the attic level.
- (b) Rear dormer to be redesigned to be set back a minimum of 200mm from the wall (measured along the roof slope from the outer face of the wall).

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

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.

- (3) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (4) WASTE AND RECYCLING MANAGEMENT - MINOR**
- (5) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**
- (6) BARRICADE PERMIT**
- (7) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**
- (8) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**
- (9) GLAZING – COMPLIANCE WITH AUSTRALIAN STANDARD**
- (10) VERIFICATION OF SUPPORT FOR NEW LOADS**
- (11) BCA - NEW BUILDING WORKS CLASS 1 & 10 BUILDINGS**
- (12) SPECIAL CONDITION (Class 1a only)**

Walls, and portions of external walls located within 900mm of the side boundaries are to be protected by construction having a minimum FRL of 60/60/60, and details shall be submitted to the certifying authority (Council or accredited private certifier) prior to the issue of a Construction Certificate.

- (13) FLASHINGS TO BOUNDARY WALLS**

SCHEDULE 1C**During Construction/Prior to Occupation/Completion**

- (14) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (15) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (16) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (17) COVERING OF LOADS**
- (18) VEHICLE CLEANSING**
- (19) NO OBSTRUCTION OF PUBLIC WAY**
- (20) LOADING AND UNLOADING DURING CONSTRUCTION**
- (21) SURVEY CERTIFICATE AT COMPLETION**

SCHEDULE 2

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

(22) The prescribed conditions are as follows:

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

(23) In the case of residential building work for which the Home Building Act 1989 requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Carried unanimously.

ITEM 10.16

**DEVELOPMENT APPLICATION: 11 MACKEY STREET SURRY HILLS
(D2007/01372)**

It is resolved that consent be refused for the following reasons:

- (1) The proposed development will create two lots that do not comply with the minimum site area requirements of the South Sydney Development Control Plan 1997 (135 sq.m. required, 56.4 and 52.5 sq.m. proposed).
- (2) The proposed development does not provide the minimum level of open space required by the South Sydney Development Control Plan 1997 (45 sq.m. required per dwelling, 26.35 and 24.25 sq.m. proposed).
- (3) The proposed development exceeds the maximum Floor Space Ratio permitted in the South Sydney Development Control Plan 1997 (maximum permitted 1:1, 2.09:1 and 2.2:1 proposed).
- (4) The proposed development includes removal of the healthy, mature Lemon scented gum tree which has a safe life expectancy of up to 40 years. This does not comply with the South Sydney Development Control Plan 1997 which requires existing landscape elements, including trees, to be preserved and the City of Sydney Heritage Development Control Plan 2006 which specifies that significant features of a site, including trees, should not be adversely impacted by boundary changes.
- (5) The rear setback of the development does not respond to that of the adjacent terrace as required by the South Sydney Development Control Plan 1997 and subsequently impacts upon the quality of the rear ground level open space of the subject site and adjacent terrace site.

Carried unanimously.

Speakers

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

ITEM 10.17

DEVELOPMENT APPLICATION: 182 ST JOHNS ROAD GLEBE - ROXBURY HOTEL (D/2007/1512)

It is resolved that consent be granted, subject to the conditions as detailed in the subject report, subject to the amendment of Condition (3) such that it reads as follows:

(3) OPERATIONAL CONTROLS

- (a) The maximum number of people permitted to use the outdoor terraces at any one time is restricted to 14 people on the ground floor terrace and 11 people on the first floor terrace.
- (b) Access to and from the ground and first floor terraces shall be provided via airlock doors that are fitted with self-closing device and kept in a closed position at all times and in particular when amplified music or live entertainment is playing.
- (c) No entertainment, amplified music or consumption of alcohol or food is permitted on the outdoor terraces or any other outdoor areas.

- (d) No tables or chairs are permitted in the outdoor terraces.
- (e) Signs are to be placed at egress points reminding patrons of nearby residents and to be mindful of noise when occupying the outdoor courtyards.
- (f) Security officers shall move-on any persons intoxicated or drinking alcohol or behaving inappropriately in the outdoor terraces, or in front of the premises so as to prevent noise emission and from impacting on the adjoining neighbouring residents in the area.

Carried unanimously.

The motion, as adopted by Council, is as follows:

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. 2007/1512 dated 13 August 2007 and Statement of Environmental Effects prepared by John Greenwood & Associates Pty Ltd dated 6 August 2007 and drawing numbers DA.01 to DA.05 (inclusive) issue A all prepared by John Greenwood + Associates Pty Ltd, dated 6 August 2007 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 – OUTDOOR AREAS

Use of the ground and first floor outdoor terraces are restricted to between 8.00am and 12midnight, 7 days a week.

(3) OPERATIONAL CONTROLS

- (a) The maximum number of people permitted to use the outdoor terraces at any one time is restricted to 14 people on the ground floor terrace and 11 people on the first floor terrace.
- (b) Access to and from the ground and first floor terraces shall be provided via airlock doors that are fitted with self-closing device and kept in a closed position at all times and in particular when amplified music or live entertainment is playing.
- (c) No entertainment, amplified music or consumption of alcohol or food is permitted on the outdoor terraces or any other outdoor areas.

- (d) No tables or chairs are permitted in the outdoor terraces.
- (e) Signs are to be placed at egress points reminding patrons of nearby residents and to be mindful of noise when occupying the outdoor courtyards.
- (f) Security officers shall move-on any persons intoxicated or drinking alcohol or behaving inappropriately in the outdoor terraces, or in front of the premises so as to prevent noise emission and from impacting on the adjoining neighbouring residents in the area.

(4) REGISTER OF COMPLAINTS

The licensee and security personnel shall respond to resident complaints made in respect of noise emitted from the premises and a register of all complaints and responses with actions taken is to be kept and made available to Council upon request.

(5) COMPLAINTS

Should noise complaints be received by Council from a place of different occupancy (including commercial premises) and the complaint is substantiated by a Council Officer, the use of the ground and first floor terraces shall cease operation until "attenuation works" are carried out so that the premises complies with condition 6 – Noise Management of this consent.

(6) COMPLIANCE WITH ACOUSTIC REPORTS/ENTERTAINMENT

All recommendations contained in the Acoustic Report prepared by The Acoustic Group, dated 2 August 2007, must be implemented during construction and use of the premises, including the following:

- (a) A minimum of 50% of the solid walls for each terrace shall have acoustic absorption in the form of rigid fibreglass (density 48kg/m³) fixed to the wall and covered by perforated metal, slotted timber or similar and having a minimum open area of 23%.
- (b) For the terrace on the ground floor a fixed glazing to the interior walls shall be installed achieving a minimum thickness of 7.6mm laminated glass and for the first floor terrace minimum thickness of 12.76mm laminated glass.
- (c) The aluminium framing and glazing shall have acoustic seals on access doors to each terrace and to be fixed to the aluminium frame.
- (d) An airlock shall be provided for each terrace as indicated on the drawing numbers DA.01 and DA.02 issue A dated 6 August 2007 and prepared by John Greenwood and Associates Pty Ltd. The ceiling and the southern wall of the airlock shall have acoustic absorption.

(7) NOISE – MANAGEMENT

- (a) The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (d) The L_{10} noise level emitted from the use must not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) at any time when assessed indoors at any affected commercial premises.
- (e) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

(8) NOISE LIMITERS

- (a) All amplification equipment used at the premises must 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 or their nominee.
- (b) All on-stage and front of house sound equipment must be connected in such a manner to the one system so that the noise levels produced can be effectively controlled by the noise limiter referred to above and the house mixer/sound engine.

(9) MECHANICAL PLANT AND EQUIPMENT

Noise associated with mechanical plant and equipment 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 affected receiver.
- (b) A sound pressure level at any affected receiver that exceeds the background (LA_{90} , 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
- (c) **Note:** The method of measurement of vibration being carried out in accordance with “assessing Vibration; Technical Guidelines” – DEC (EPA) AS1055 for sound level measurements.

(10) CERTIFICATE OF COMPLIANCE

A Certificate of Compliance must be submitted to Council prior to the issue of an Occupation Certificate, from an accredited acoustic consultant certifying that the recommendations in page numbers 6 to 9 (inclusive) in the acoustic assessment dated 2 August 2007 prepared by the Acoustic Group have been implemented.

(11) NEIGHBOURHOOD AMENITY**(12) NO SPEAKERS OR MUSIC OUTSIDE****(13) REMOVAL OF GLASS****(14) NOISE FROM GLASS REMOVAL****(15) SMOKE-FREE ENVIRONMENT LEGISLATION****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.

(16) WASTE AND RECYCLING MANAGEMENT - MINOR**(17) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE****(18) BARRICADE PERMIT****(19) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT****(20) MECHANICAL VENTILATION****(21) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 2-9****(22) VERIFICATION OF SUPPORT FOR NEW LOADS****(23) 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) Smoke Hazard Management – Part E2;

a. A system of Smoke Hazard Management must be provided throughout the whole building to comply with the requirements of Part E2 and NSW Table E2.2b of the BCA;

- b. Any air-handling system (other than non-ducted individual room units with a capacity <10001/s and miscellaneous exhaust air systems installed in accordance with Section 5 and 11 of AS/NZS 1668.1) which does not form part of the smoke hazard management system, must automatically shutdown on activation of smoke detectors installed as per Specification E2.2a and any other alarm system including a sprinkler system;
 - c. An automatic smoke detection and alarm system complying with Specification E2.2a of the Building Code of Australia shall be installed throughout the whole building to allow for sufficient occupant warning in the event of fire and to compensate for the single exit stair on the first floor level.
- (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.

(24) BCA – NEW BUILDING WORK

(25) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

(26) ANNUAL FIRE SAFETY STATEMENT FORM

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(27) OCCUPATION CERTIFICATE TO BE SUBMITTED

(28) HOURS OF WORK AND NOISE – OUTSIDE CBD

(29) COVERING OF LOADS

(30) VEHICLE CLEANSING

(31) LOADING AND UNLOADING DURING CONSTRUCTION

(32) NO OBSTRUCTION OF PUBLIC WAY

Carried unanimously.

Speakers

Mr Hamilton Becher and Ms Ranika Chaudhary addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.17.

ITEM 10.18**DEVELOPMENT APPLICATION: 138 PITT STREET SYDNEY (D2007/816)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 10 December 2007, 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 Lee -

It is resolved that:

(A) A deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to the following conditions and the details being met to the written satisfaction of the Director of City Planning and Regulatory Services within six months:

- (1) The proposed fire isolated exit/egress through the loading dock that discharges into Lees Court cannot be relied on as this site does not form part of the development site and it does not ensure safe egress as the terms of the easement do not provide for it. The existing emergency egress stair within the building that discharges onto Pitt Street is to be retained and upgraded to ensure adequate fire egress in accordance with the Building Code of Australia and taking account of the heritage significance of the building. As a result of this requirement, the proposed shop 1 is not approved and shall also be deleted from the plans.

Note: Any proposed emergency egress via Lee's Court or an alternative requires a separate development application to be submitted and approved by Council and must demonstrate that an unobstructed path of egress can be provided to ensure the safety of occupants and the public, as signed off by a certified and practising fire engineer.

- (2) The existing vertically projecting illuminated sign above the awning on the King Street elevation must be removed.
- (3) A detailed acoustic report must be prepared and certified by a suitably qualified acoustic consultant assessing the impact of noise emissions from the operation and use of the premises at the terrace floor. All people noise, air conditioning equipment and any other equipment to be installed shall be considered. The effects of all noise shall be assessed with regard to any potential receivers including the residential tenancy below and at 106 King Street. The report should contain, but not be limited to, the following:
 - (a) The maximum number of patrons to occupy the rooftop terrace café.
 - (b) The identification of noise receivers potentially affected by the proposal.
 - (c) The selection of a suitable assessment criteria from an appropriate Australian Standard, NSW DEC guideline or similar document recognised by the acoustic consultants' profession.

- (d) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with the relevant Australian Standards and current NSW DEC guidelines).
 - (e) The identification of all noise that is likely to emanate from the premise and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premise. The method of noise prediction shall be justified and include an evaluation of prevailing atmospheric or other conditions.
 - (f) Details of any necessary acoustic control measures that will be incorporated into the development or use. Should these measures constitute a substantial change to this application then a separate application may be required to be made to Council.
 - (g) A statement certifying that the development or proposed use is capable of complying with the design criteria and operating without causing a nuisance, once any modifications are made, be submitted the Principle Certifying Authority prior to Occupation Certificate being issued.
- (B) Upon completion with the requirements of clause (A), a full development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act, 1979 be issued, subject to the following conditions and any other additional conditions reasonably arising from the consideration of 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/2007/816 dated 11 May 2007,
- (b) Conservation Management Plan and Heritage Impact Statement dated April 2007 prepared by Graham Brookes and Associates Pty Ltd,
- (c) Letter addressed to City of Sydney dated 16 August 2007 prepared by Paul Di Cristo, Cerno Management Pty Ltd,
- (d) Letter addressed to City of Sydney dated 15 August 2007 prepared by Paul Di Cristo from Cerno Management Pty Ltd,
- (e) BCA letter to Joshua Farkash dated 13 April 2007 from Lee Kippax, Mackenzie Group Consulting Pty Ltd,
- (f) Fire Engineering Brief (Issue A, Job number 86314/00) dated 10 September 2007 prepared by ArupFire,

- (g) Statement of Environmental Effects prepared by Mersonn Pty Ltd, dated May 2007 and the following drawings:

Drawing Number	Architect	Date
06-16477, DA 00 (A)	Joshua Farkash & Associates Pty Ltd	5/8/2007
06-16477, DA 01 (A)	Joshua Farkash & Associates Pty Ltd	08/05/2007
06-16477, DA 02 (A)	Joshua Farkash & Associates Pty Ltd	08/05/2007
06-16477, DA 03 (A)	Joshua Farkash & Associates Pty Ltd	5/8/2007
06-16477, DA 04 (A)	Joshua Farkash & Associates Pty Ltd	08/05/2007
06-16477, DA 05 (A)	Joshua Farkash & Associates Pty Ltd	08/05/2007
06-16477, DA 06 (A)	Joshua Farkash & Associates Pty Ltd	5/9/2007
06-16477, DA 07 (A)	Joshua Farkash & Associates Pty Ltd	5/8/2007
06-16477, DA 08 (A)	Joshua Farkash & Associates Pty Ltd	5/8/2007
06-16477, DA 09 (A)	Joshua Farkash & Associates Pty Ltd	5/8/2007

and as amended by the conditions of this consent:

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

(2) SIGNAGE STRATEGY

An amended signage strategy is to be submitted and approved by Council prior to the issue of a Construction Certificate. The Strategy must provide drawings to scale and information on the location, type, materials, construction and total number of signs that are appropriate for the site. The amended signage strategy is to be consistent with the provisions of the City of Sydney Signage and Advertising Structures Development Control Plan (DCP) 2005 and the conditions forming part of this consent, including but not limited to:-

- (a) Deferred commencement condition (A)(2).

- (b) The quantum of signage locations shown on the plans 06-16477, DA 07 – 08 (A) is excessive and should be modified to comply with the DCP.
- (c) The two hamper signs on the King Street elevation are excessive in size and should be modified to comply with the DCP.
- (d) Any under-awning signs along the King Street elevation must have a minimum clearance distance of 2.7m between the bottom edge of the under-awning sign and the street level.
- (e) No further window mounted graphics on the windows above the awning.
- (f) The building name sign on the eastern elevation must be a wall painted sign, consistent with the DCP.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The installation of all linings and finishes must provide for ease of regular inspection of timber structural elements.
- (b) The setback of the proposed glass balustrade on the rooftop should be increased to reduce visual impact on the building and to readily facilitate cleaning.
- (c) The panel lift door proposed at ground floor level should be deleted and replaced with a pivoted frameless glass door.
- (d) All glazing must be clear. The proposed frosted glazing to the passage of the rooftop terrace should be amended to be clear.
- (e) The roofing of the new rooftop terrace addition should be pre-weathered zinc or copper.
- (f) The air-conditioning plant located on the rooftop is to be appropriately screened such that the visual impact to the offices of 124 – 136 Pitt Street is minimised.

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

(4) SEPARATE APPLICATION FOR SPECIFIC USES

- (a) Separate development applications must be submitted at the appropriate time for the specific fitout and use of the individual retail tenancies, the residential use on the third floor and the rooftop terrace cafe.
- (b) The rooftop terrace café development application shall include (but not be limited to) a Statement of Environmental Effects and a Plan of Management (including patron access/egress, security management, acoustic measures).

(5) HOURS OF OPERATION – ROOFTOP CAFÉ

The hours of operation of the rooftop café must be restricted to between 8.00am and 12.00pm, seven days a week.

(6) NO PUBLIC ENTERTAINMENT**(7) PROTECTION OF HERITAGE SIGNIFICANCE**

The following is required to ensure the protection of heritage significance of the site:

- (a) The works outlined in the Schedule of Conservation Works, included in the Conservation Management Plan by Graham Brooks and Associates, April 2007, and submitted as part of this application, must be undertaken as part of the works, and on completion, approved by Council prior to the issue of the Occupation Certificate. Specifications and construction details, required to satisfactorily undertake the works, must be submitted for approval prior to the issue of the Construction Certificate.
- (b) In addition to the works in (a) above, the conservation works are to include the reinstatement of all double hung timber framed windows to all window openings above the awning level, to match the original.

(8) DESIGN DETAILS (MINOR DEVELOPMENT)

The following details must be submitted for the approval of Council prior to a Construction Certificate being issued:

- (a) Detail sections of the glass balustrade at roof level.
- (b) The proposed cladding of the lift shaft overrun. The cladding and/or colour of the cladding should be visually recessive.
- (c) Details of the eastern elevation, both existing and proposed, of the roof terrace level.
- (d) Details of the air conditioning plant to be located on the roof terrace level.
- (e) Details of the external lighting.

(9) SAMPLE BOARD**(10) FLOOR SPACE RATIO - CENTRAL SYDNEY**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 5.4:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of the Floor Space Ratio, the Floor Space Area of the development is 142.4 sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(11) AWARD OF HERITAGE FLOOR SPACE

The owner of the site may be awarded 484 sqm 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 and in accordance with Conservation Management Plan prepared by Graham Brooks and Associates dated April 2007, 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 142.4 sqm.
- (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 484 sqm 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.

(12) SIGNS - SEPARATE DA REQUIRED

(13) WASTE AND RECYLCING - STORAGE

All waste and recycling bins and containers must be stored on the property (eg, inside the loading dock) and not on the public way.

(14) WASTE AND RECYCLING COLLECTION

(15) NOISE FROM GLASS REMOVAL

(16) NO SPRUICKING/AMPLIFIED NOISE

(17) NO SPEAKERS OR MUSIC OUTSIDE

(18) CARE OF BUILDING SURROUNDS

(19) NEIGHBOURHOOD AMENITY**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) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**(21) GENERAL HERITAGE****(22) HERITAGE MAINTENANCE PLAN**

- (a) A Heritage Maintenance Plan must be prepared for the building, and submitted to Council for approval prior to the issue of an Occupation Certificate. (The Plan should be in addition to the Cyclic Maintenance Plan included in the Conservation Management Plan by Graham Brooks and Associates April 2007, submitted as part of this application.) The plan should follow NSW Heritage Office guidelines and must be a practical guide for future owners and tenants to ensure the long term conservation of significant fabric.
- (b) The Plan must include the history of the site as contained within the Heritage Impact Statement by Graham Brooks and Associates, recommendations and policies for conservation management of the heritage components of the property, outline Specification notes, references to NSW Heritage Office publications on maintenance, conservation and repairs to heritage fabric, and the Cyclic Maintenance Schedule.
- (c) The Plan should provide for regular inspection of the timber structure for termites.

(23) HERITAGE INTERPRETATION STRATEGY**(24) USE OF CONSERVATION ARCHITECT****(25) MATERIALS AND FINISHES TO MATCH EXISTING****(26) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MINOR WORKS**

Prior to a Construction Certificate being issued, an archival photographic film-based recording and/or digital recording of the entire site and the buildings is to be prepared to Council's satisfaction, in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) A4 format
- (b) Placed in an appropriate archival folder
- (c) The Development Application number is to be noted on the front of the folder and in the report.
- (d) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (e) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (f) Written confirmation that the Council is granted the perpetual right to use the photographs for its own purposes, for genuine research purposes and for transferring onto Council's record keeping systems

A film based recording is to include the use of black and white archival quality 35mm photographic film, archivally processed and numbered negatives stored in archival sheets or envelopes, archivally processed proof (contact) sheets, labelled and cross referenced to the catalogue sheets, colour transparencies numbered, labelled and cross referenced to catalogue sheets and base plans and stored in archival slide sheets.

A digital based recording is to include thumbnail image sheets with reference numbers cross referenced to catalogue sheets and processed on A4 size archival photographic paper using archivally stable inks, a CD or DVD containing electronic images saved as JPEG files with associated metadata and cross referenced to catalogue sheets.

(27) CONSERVATION OF PAVEMENT LIGHTS

(28) EXTERNAL LIGHTING

(29) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

(30) VERIFICATION OF SUPPORT FOR NEW LOADS

(31) STRUCTURAL CERTIFICATION FOR PARTY WALLS

(32) DILAPIDATION REPORT – MINOR

A dilapidation report of 104 King Street and 138 – 140 Pitt Street is to be prepared by an appropriately qualified structural engineer and submitted for the approval of the Principal Certifying Authority:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

A copy of the PCA approved report shall be submitted to Council for its records. Such report is to certify the structural integrity of the party wall adjacent to the lift installation, and confirming that the lift installation has had no adverse impact upon the adjacent property.

(33) LIFT INSTALLATION

The proposed lift installation must comply with the provisions of "AS1735 Lift, Escalators and Moving Walkways". Prior to issue of an Occupation Certificate, a certificate of compliance is to be provided to the PCA and to Council, where Council is not the PCA.

(34) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**(35) FIRE SAFETY CERTIFICATE TO BE SUBMITTED****(36) FLASHINGS TO BOUNDARY WALLS****(37) EMISSIONS****(38) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 & AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 & AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. For the kitchen exhaust ventilation discharge to be located closer than 6 metres to the boundary then the air flow velocity expelled from the exhaust duct must be less than 1000 litres per second.

(39) ASBESTOS REMOVAL**(40) PROHIBITION OF ASBESTOS RE-USE****(41) CLASSIFICATION OF WASTE****(42) DISPOSAL OF ASBESTOS****(43) ASBESTOS REMOVAL SIGNAGE****(44) SIGNAGE LOCATION AND DETAILS****(45) SKIPS AND BINS****(46) NOTIFICATION OF ASBESTOS REMOVAL****(47) NOISE – LICENSED PREMISES**

- (a) The L_{A10} noise level emitted from the use must not exceed the background noise level (LA_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.

- (b) The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (d) The L_{10} noise level emitted from the use must not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.
- (e) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

(48) NOISE - GENERAL

- (a) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed 5dB above the background (L_{90}) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
- (b) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed the background (L_{90}) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
- (c) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

(49) NOISE – MECHANICAL PLANT AND EQUIPMENT

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

- (a) Transmission “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15minutes}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

(50) INSTALLATION OF DUAL-FLUSH TOILETS

- (51) INSTALLATION OF WATER EFFICIENT TAPS**
- (52) WASTE AND RECYCLING MANAGEMENT - MINOR**
- (53) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (54) BARRICADE PERMIT**
- (55) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (56) HOURS OF WORK AND NOISE – CBD**
- (57) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (58) VEHICLE CLEANSING**
- (59) LOADING AND UNLOADING DURING CONSTRUCTION**
- (60) NO OBSTRUCTION OF PUBLIC WAY**
- (61) 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.

ITEM 10.19

DEVELOPMENT APPLICATION: 8-14 BROADWAY CHIPPENDALE (D/2007/1454)

Note – At the request of the applicant, by email dated 3 December 2007 from the applicant's architect, Grant Simmons Architects Pty Ltd, this development application was withdrawn, and was not considered by the Planning Development and Transport Committee.

ITEM 10.20

DEVELOPMENT APPLICATION: 2 MACLEAY STREET POTTS POINT - JENNER HOUSE (D2007/00318)

It is resolved that:

- (A) consideration of the application be deferred to enable amended plans to be submitted in accordance with the following design principles:

- (1) The 'garden dwelling' and related structures east of Jenner house shall be deleted in their entirety;
- (2) Landscaping as depicted on landscaping plan is required to be revised. The formal eastern garden and front garden shall be preserved and restored. The pedestrian path / driveway adjacent to the southern boundary and all three swimming pools shall be deleted. Revised landscaping details including details on boundary fencing and a strategy for sustainable water management within the site to ensure maximum capture and recycling of rainwater shall be submitted to the satisfaction of Council;
- (3) The existing 'servant's wing' building attached to the northern side of the main Jenner residence shall be retained and restored. The additions to the 'servant's wing' shall be redesigned as follows:
 - (a) The footprint of the additions towards Macleay Street shall be located only on the site of the original stable block and store, garbage room and shed along the northern boundary (as per Figure 29 appendix C of the Conservation Management Plan February 2007). Documentary evidence shall be submitted as an overlay to show how the new work falls generally within the same footprint. The 'Plant Room 3' and 'Billiards Room' within the basement floor plan are acceptable only on the provision that the extent of excavation and associated shoring does not compromise the structural integrity of the existing servant's wing. Such works shall be certified by a suitably qualified structural engineer;
 - (b) Where the additions meet the existing building, the additions shall be pulled away from the main house by inserting a neutral building material such as glass or a recessed masonry element, preferably recessed, to visually separate the existing and proposed building elements.
 - (c) The height of the additions shall also be of a similar scale, form and envelope of the original stables block and store, garbage room and shed. The additions are to avoid obstruction to the existing openings on the third floor of the 'servant's wing' and by a roof pitch, configuration and materials that remain subservient to the existing building. There shall be no balconies or additional floor space above ground level beyond the existing western facade of the servant's wing;
 - (d) Part of the existing garden wall to the front of the house to Macleay Street is a remnant of the original stable wall and should be retained. Any additions immediately to the rear of this wall should not be visible above the wall.
 - (e) The architectural style and pallet of materials of the new additions shall be designed in a sympathetic manner to the house.
 - (f) Any windows along the northern facade and placement of open space shall be appropriately designed to minimise overlooking to the northern adjoining premises.
- (4) Notwithstanding clause 3(a), (b) and (c) above, the additions may extend beyond the eastern elevation of the servant's wing but limited as follows:

- (a) Additions are allowed at the basement and ground floor levels only. The external face of the additions on the basement and ground floor plans shall not extend beyond 3 metres of the existing masonry facade (so as to match the eastern facade of the main residence on the southern side of the central bay window element). No additional floor space or balconies shall be provided on the eastern elevation of levels 1 and 2. The existing external facade of servant's wing at both of these levels shall be preserved, restored and remain visible;
 - (b) Balconies attached to the eastern elevation shall only be provided on the basement and ground floors and shall project no more than 2 metres beyond the facade as specified under clause 4(a) above. Existing open space beyond the new balconies shall be preserved and restored and form part of the open space for the main Jenner House residence;
 - (c) New floor space housing stairs that provide access between each floor of the servant's wing may protrude beyond the northern elevation of the existing building only. The external appearance of the new work shall be architecturally designed in a sympathetic manner;
- (5) The underground car stacker shall be deleted and the provision of off-street car parking limited to a maximum of four (4) spaces located at ground level to avoid disturbance to the significant entrance to the building. Details of the off-street car parking shall be submitted in conjunction with the revised landscaping plans.
- (6) The proposed timber fence along the Macleay Street boundary shall be deleted and the former picket fence and swing gates reinstated as per the policy recommendation in the Conservation Management Plan for the site prepared by Peter Freeman in October 2001.
- (B) once the amended plans are received generally in accordance with the above design principles, the plans shall be exhibited in accordance with City of Sydney Notification of Planning and Development Applications Development Control Plan (DCP).
- (C) a separate application under Section 60 of the Heritage Act 1977 shall be made to the New South Wales Heritage Office; and
- (D) upon compliance with the abovementioned requirements the matter be referred back to Planning Development and Transport Committee for determination.

Carried unanimously.

Speakers

Mr Andrew Woodhouse, Dr Peter Sheridan, Mr George Deutsch, Ms Cynthia Deutsch, Ms Kate Mason, Mr Prudence Harper and Mr Phillip Bartlett addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.20.

ITEM 11 INVESTMENTS HELD AS AT 30 NOVEMBER 2007 (S034147)

Moved by Councillor Mallard, seconded by Councillor Kemmis -

It is resolved that the Investment Report as at 30 November 2007 be received and noted.

Carried unanimously.

ITEM 12 PARTIAL ROAD CLOSURE - JONES STREET ULTIMO (S048082)

Moved by Councillor McInerney, seconded by Councillor Kemmis -

It is resolved that Council:

- (A) approve the partial road closure of Jones Street, Ultimo, between Broadway and Thomas Street, as shown in the Interim Traffic Management Plan at Attachment A to the subject report; and
- (B) endorse in-principle the long term vision, subject to a detailed investigation of servicing needs, for a full closure of Jones Street, between Broadway and Thomas Street.

Carried unanimously.

ITEM 13 QUESTIONS ON NOTICE

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

ITEM 14 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

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

Question without Notice – Council 29 October 2007

REPAIR WORKS - McELHONE STREET, WOOLLOOMOOLOO (S044441)

11. By Councillor Lee

Question

Lord Mayor, are you aware that part of McElhone Street, north of William Street in Woolloomooloo has been closed since a rock fall six months or more ago. Is the Council intending to carry out repair works and, if so, when will the road be re-opened?

Answer by the Lord Mayor

I am aware of that and I have just forgotten what the detail is so I might ask the Director City, Community and Cultural Services to respond.

Director City, Community and Cultural Services

That road was closed some months ago because of the rock fall. We are working with the Risk Management Section who have suggested that the property not be opened until remedial works have been undertaken. I can come back to you through the CEO Update on a timing for that.

Supplementary Answer

Council staff inspected the collapsed wall located at the rear of the property 147-151 Brougham Street, Woolloomooloo in June 2007. The inspection revealed that two further properties, located at 141-143 Brougham Street and 153-165 Brougham Street, also posed a potential threat to public safety. The City erected barricades to prevent motor vehicle access to the affected areas.

The City issued a Notice of Intention to Issue an Order to the property owners, requesting that engineers report on the works required and carry out those works. Following delays in the commencement of the works, Council issued an Order to each owner. Private landowners are responsible for all of the repair works.

While the main rock fall at 147-151 Brougham Street received the most attention, the street closure was principally caused by the defective sandstone block wall located at rear of 153-165 Brougham Street. Council officers have been working with the owners of that property in an effort to have the work at 153–165 Brougham Street completed to allow the street to be partially reopened. Staff have been advised that the contract has been signed and the work is expected to start shortly and be completed in late December 2007.

Works related to the main rock fall will last several months longer, but will not prevent the street being partially reopened.

Question without Notice – Council 27 August 2007

GLEBE GARDENS, WIGRAM LANE (S044446)

5. By Councillor Firth

Question

I was recently approached by a resident of Glebe asking for some playground equipment and a community garden to be installed at Glebe Gardens in Wigram Lane. One of my staff members has met with the resident on site and believes that there is plenty of room to install playground equipment, while leaving room for open space.

Would it be possible for a report to come to Council on the cost and feasibility of setting up a community garden with seating on this site, as well as some small playground equipment which will greatly benefit the 30 or so children who live in the immediate vicinity of the Gardens?

Answer by the Lord Mayor

Yes.

Supplementary Answer

Playground Equipment

City staff have been contacted by residents of Glebe Gardens, to discuss the opportunities to install playground equipment and to establish a community garden.

There are currently 87 playgrounds in the City's local government area, most of these owned and maintained by the City. The City's Open Space and Recreation Needs Study, adopted in April 2007, recommends that playgrounds be located within 500 metres or 5-10 minutes walk from most residential areas.

Glebe Gardens is located 250 metres from the Kirsova Playground in Wigram Lane which was recently upgraded, and within 500 metres of Glebe Gardens there are four other playgrounds with a fifth to be built on the Wood Street site. Of the existing four playgrounds, the HJ Foley Reserve and St James Park are scheduled for an upgrade in the next 12-18 months. The playground locations are shown in the attached map.

Glebe Gardens has good access to public playgrounds and current resources are allocated to upgrading playgrounds to current standards in other Council areas where access and the standard of facilities is not as good. This information was provided to the resident who seemed happy with the outcome.

Community Gardens

The Local Action Plan community engagement process identified a high level of interest in developing new community gardens. Currently there are 10 community gardens in the City's local government area which operate with varying degrees of success. The City's role has primarily been to assist the community to manage the gardens themselves.

An additional small community garden can be trialled in the Arthur "Paddy" Gray Reserve, next to Glebe Gardens, to determine if there is sufficient resident interest to participate in, and develop, the garden. Discussions will be held with the residents to advise them of the guidelines for operating a community garden, and the ongoing commitment and resources required.

A report on the cost and feasibility of establishing community gardens will be submitted to Council in 2008 as part of the Corporate Planning and Budget process.

Question without Notice – Council 29 October 2007

COMMUNITY OPEN DAY - PETER FORSYTH AUDITORIUM (S044444)

4. By Councillor Kemmis

Question

Lord Mayor, safety and security is an ongoing concern in Glebe. There has been a recent spike in crimes, as my colleagues would know and many residents believe that much of this concern could be addressed by encouraging greater interaction in the community, particularly with young people and with new residents.

One suggestion made by the Glebe Community Action Group is a community day to mark the completion of the new basketball court at the Peter Forsyth Centre which would be open to local residents, and also to involve local police, security guards and other staff from the Broadway Centre and Council staff.

I would like to support the Group's proposal, and as the City will be taking responsibility for this area could we work with the Glebe Youth Service, the Glebe Basketball Association, the Broadway Centre, the Police and local community groups to hold a community event which would bring together young people and residents?

Answer by the Lord Mayor

That is an excellent suggestion. It is about partnership, it is about working properly together, and it is about solving what is a serious issue in Glebe, and I do commend the Glebe Community Action Group for their involvement and their work in this area. I will certainly see if the City can support that proposal and ask the CEO to explore it further.

Supplementary Answer

Council has received a number of complaints in relation to crime and safety issues in the Glebe area. Leichhardt Police held a community forum on the issue last month and a further meeting was held today with various stakeholders and the parents of some of the alleged offenders.

Council's Safe City staff have convened two meetings with representatives from Leichhardt Police, Broadway Shopping Centre, Department of Housing, Glebe Youth Services, Glebe Chamber of Commerce and Glebe Community Action Group with a view to holding a community event to bring all sections of the community together around the theme of "Glebe Pride".

The Glebe Pride event will take place from 2pm - 6pm on Sunday 2 December 2007 in the forecourt of the Peter Forsyth Auditorium and adjacent Minogue Reserve.

The day will include a barbeque, a basketball event involving the Police for all comers and a community art project asking participants to either illustrate or write something down on the theme of Glebe Pride. The day will also incorporate an information stall on Safe City's range of initiatives, face painting, photographic exhibition and live music.

The Glebe Pride event is one of a number of initiatives being undertaken by the City including:

- A Bizsafe Forum which provided safety and security advice for over 60 local businesses on 13 November 2007 at Broadway Shopping Centre
- Redistribution of the Steal from Motor vehicle fact sheet throughout the area
- A Glebe Basketball team being invited to attend Midnight Basketball at Alexandria Basketball Stadium from 7.30pm – 12 Midnight on Saturday nights until 15 December 2007
- Revitalisation of Glebe Point Road including traffic calming, pedestrian safety, cycle access, new footpaths, safety and security upgrades, undergrounding of overhead cables and public art
- An Aboriginal Employment Strategy which has placed 3 local Indigenous people in to jobs as part of the Glebe Point Road upgrade
- Foley Park and Glebe Foreshore Promenade upgrades
- Upgraded and improved street lighting program
- Support for Glebe PCYC's On The Move Program for 10-14 year olds through Council's Community Grants Program
- Cash support to Glebe Youth Services' After Dark Program on Friday and Saturday nights and
- Recruitment of a part time Aboriginal Sports Skills Development Officer who will have a focus on the Glebe area.

Other sections of the community have been holding discussions with the local state member to investigate a range of options to further improve responses to safety and security in the area including expanding the Pilot Case Co-ordination model to provide intensive support to identified families in the Glebe area and using the powers of the Department of Housing in relation to families who continue to commit offences.

Leichhardt Police and local community workers report that many of the offenders are failing to make a successful transition from Glebe Public School to the Balmain and Leichhardt campuses of Sydney Secondary College since the Blackwattle Bay Campus (formerly Glebe High School) was reduced to years 11 and 12 exclusively.

Question without Notice – Council 20 October 2007**COMMUNITY SERVICES AND THE CHINESE COMMUNITY IN THE CITY OF SYDNEY (S044446)**

13. By Councillor Firth

Question

Lord Mayor, I have recently met with a Dr Ven Tan who runs a GP practice in Goulburn Street in the City, whose client base is predominantly Chinese speaking. He is also involved with Australian Chinese doctors who do a number of charitable overseas visits. One they just recently came back from was doing cataract operations in Outer Mongolia, so he is a very interesting doctor. He also runs functions and social groups on a charitable basis for elderly members of the Chinese community so that they can socialise and meet other people. Dr Tan informs me that these functions are run from his practice but have become so popular that he can no longer accommodate the number of people who want to attend.

So my question really is just an information seeking question, what community services do we provide specifically tailored to the Chinese community, in particular the elderly Chinese community? Is it possible for officers to contact Dr Tan and perhaps open up a dialogue with him and perhaps offer assistance to help him find another community venue so that he can continue to offer this important service to the Chinese community in the City. If that is not possible, then ways to work together to offer such a service if one is not already provided?

Answer by the Lord Mayor

I am sure our Community Living Section can investigate that and tell us. You will be pleased to know that part of my Lord Mayoral salary is going towards a Chinese seniors activity for a group that was not getting funding. They come together and have social interaction and activities and that has been very productive and is happening right now. I will ask the CEO to respond.

Chief Executive Officer

We have the Haymarket Library which, of course, is very popular with the Chinese community. We are doing an awful lot more translations into Chinese Mandarin for that community because it is such a big community. At the Ultimo Community Centre we have the seniors groups and there are many other activities, and it is really very simple for us to contact Dr Tan and see which of the community facilities he would like to use. Of course we have that free use and we also - just on a slight tangent - have Kiersten Fishburn who now looks after our libraries and who has been doing some work in the libraries during the weekend to learn how the libraries work. She recently worked at the Haymarket Library and welcomed everyone by saying 'hello' in Chinese. Apparently, one of the customers said to the manager "The new girl is very friendly but she speaks terrible Chinese." So I hope that is just a demonstration of the things we are doing to reach out further to that community.

Supplementary Answer

Staff met with Dr Tan on 22 November to discuss opportunities for support from the City in providing services for Chinese communities. Dr Tan was introduced to a range of resources and facilities the City provides to the community for activities and programs, including the Local Action Plan Matching Grant Program, community venues for casual hire and the Super V Multicultural Volunteer Program.

Dr Tan has agreed to register to become a volunteer under Super V Multicultural Volunteer program - an initiative aimed at supporting community members to provide services and support for their own community. Dr Tan was also encouraged to apply for further support through the Local Action Plan Matching Grant Program and staff will provide advice and assistance regarding the application process if needed.

Summary of City services and programs for Chinese Communities

The City provides a range of services, programs, information and support for the Chinese speaking communities including:

Community Services

The City's Ultimo Community Centre supports and facilitates English language classes, Chinese Senior arts group, *Karaoke for Friends*, Chinese Seniors performance group and Mandarin Speaking senior's group. On average, 220 people attend the Centre's group programs. Ultimo Seniors Activity Centre has over 400 Chinese speaking members.

The Centre also works closely with other local community organisations such as Harris Community Centre, Australia Nursing Home Foundation and Chinese Australian Services Society to organise information sessions to provide health, community information for Chinese Speaking Communities; they also work in partnership in celebrating Chinese New Year (February to March) and Moon Festival (August and September). The Centre also has two Chinese-English Speaking bilingual workers in reception and the Seniors activity centre to provide services to the communities.

Council's Aged and Disability Services are currently expanding the programs for Chinese people at Ron William Activity Centre at Redfern. The current programs include bus outings, Karaoke group and English conversation group.

Library Service

The City of Sydney Library established its Chinese language collection at the Haymarket Library in 1974. Since this time the collection has developed into the largest Chinese language collection in any Australian public library with 23,974 items. Chinese language resources are also held at Ultimo Library and are available at all of the City's libraries.

Grants and Sponsorships Program

Through the City's Grant and Sponsorship program, the City supports community organisations and groups to provide services and support for Chinese speaking communities. Current grants include:

the Chinese Australian Services Society for volunteer training and Chinese Families Day Care carer (over \$10,000);

Chinese New Year's Celebration for Harris Community Centre (\$5000); and

Chinese cultural activities for Australian Artists association and Chinese Poetry Association (\$5000).

Chinese Cultural Celebrations

The City's Chinese New Year celebration is one of the largest celebrations of the Lunar New Year outside Asia. The City's living in Harmony Program also involves Chinese communities in its programs and events such as cross cultural tours, workshops and performances.

Multicultural Development Officer

The City's Multicultural Development Officer provides information, referrals, and links Chinese specific organisations and groups. The Multicultural Development Officer also provides support to multicultural communities in accessing Council's services and resources, assists community groups and organisations in identifying their needs, and developing grant applications to the City.

Information in Chinese

In partnership with May Murray Neighbourhood Centre, the City developed community settlement directories for ten language groups in the City of Sydney which include Chinese, Spanish, Russian, Vietnamese, Greek, Italian, Indonesian, Thai, Arabic and English.

The City provided support to Inner and Eastern Sydney Interagency to develop an information card to educate the community about their availability of the Telephone Interpreter service in 16 languages.

The City also has a multilingual section on its website including an overview of Council's services in ten languages including Chinese. It's envisaged that more translated information will be on the City's website in the future.

Venue Hire and Community Bus

The City also provides a range of community facilities and buses for casual hire for events and gatherings/meetings.

ITEM 15 NOTICES OF MOTION**SHFA PURCHASE OF 1 BANK STREET (S044430)**

1. Moved by Councillor Hoff, seconded by Councillor McInerney -

That Council:

1. congratulate the Sydney Harbour Foreshore Authority (SHFA) on its acquisition of 1 Bank Street, Pyrmont;
2. note that this land has been reserved by NSW Government as significant regional open space which will contribute to the development of a continuous Harbour Foreshore walk from Rushcutters Bay to Rozelle Bay; and
3. request that SHFA and the NSW Government ensure that Council and the community are actively involved in developing future plans for this land.

Carried unanimously.

REVIEW OF THE GAMING MACHINES ACT 2001 (S044431)

2. By Councillor Harris

The City of Sydney Council requests:

1. That all submissions to the statutory review of the Gaming Machines Act 2001 in the possession, custody or control of the Minister for Gaming and Racing or the NSW Office of Liquor, Gaming and Racing be placed on the Department's website for public exhibition.
2. That Premier Iemma convene a gambling summit before the Government acts on the review of the Gaming Machines Act 2001

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Harris by the addition of a clause 3. Subsequently, it was –

Moved by Councillor Harris, seconded by Councillor McInerney –

The City of Sydney Council requests:

1. That all submissions to the statutory review of the Gaming Machines Act 2001 in the possession, custody or control of the Minister for Gaming and Racing or the NSW Office of Liquor, Gaming and Racing be placed on the Department's website for public exhibition.
2. That Premier Iemma convene a gambling summit before the Government acts on the review of the Gaming Machines Act 2001; and
3. That the Lord Mayor write to the Premier conveying the above resolution.

Carried unanimously.

DESALINATION PIPELINE PLANS FOR SYDNEY PARK (S044435)

3. Moved by Councillor Kemmis, seconded by Councillor Black -

That Council:

- (A) Notes with concern that Sydney Water is considering plans to construct a pipeline for its Desalination Plant through Sydney Park, and that:
- (i) the plans include a 4m wide open trench construction to lay a 1800m diameter pipe, which would require a construction zone approximately 12m wide;
 - (ii) Sydney Water intends to begin construction in March 2008, for at least 9 months, and would require exclusive use of Sydney Park car park and a large area of the Park off Euston Road, for a site office and storage, during the construction period;
 - (iii) construction would require removal of a number of significant trees, including the some of the oldest in the park; and
 - (iv) Sydney Water could require a permanent easement over the section of park containing the pipeline, and trees could not be replanted over the pipeline;
- (B) Strongly opposes this destruction of Sydney Park, and the loss of any trees;
- (C) Notes that Sydney Park is the City's biggest park, which has been transformed from an industrial landfill site into an important regional facility, which is well used for active and passive recreation by people throughout the City, and especially the fast growing southern areas of the City;
- (D) Notes the City's commitment to the park, including spending more than \$9.9 million since the park's creation and planned expenditure totalling \$5.3 million by 2010 on the Sydney Park Master Plan works;
- (E) Commits to working with Sydney Water, park users and City ratepayers to achieve a better outcome for Sydney Park by:
- (i) requesting that Sydney Water proceed with the pipeline route described in its publicly exhibited Environmental Impact Statement, under Euston Road;
 - (ii) considering alternate pipeline routes with reduced impacts on the park which Sydney Water may propose, including the existing RTA easement along Euston Road at the park boundary;
 - (iii) ensuring the City of Sydney is adequately compensated for any alienation or damage to the park, whether temporary or permanent; and
 - (iv) ensuring that any works permitted in Sydney Park improve the park in the long term, and comply with the Sydney Park Master Plan.

At this stage of the meeting, Councillor Pooley foreshadowed that, should Councillor Kemmis' motion be lost, he would move an alternative motion.

Following discussion, Councillor Kemmis, with the concurrence of the seconder of the motion, withdrew her motion.

Councillor Pooley then moved his foreshadowed motion as follows, seconded by Councillor Kemmis -

That Council:

- (A) Notes that Sydney Park is the City's biggest park, which has been transformed from an industrial landfill site into an important regional facility, which is well used for active and passive recreation by people throughout the City, and especially the fast growing southern areas of the City;
- (B) Notes the City's commitment to the park, including spending more than \$9.9 million since the park's creation and planned expenditure totalling \$5.3 million by 2010 on the Sydney Park Master Plan works;
- (C) Commits to working with Sydney Water, park users and City ratepayers to achieve a better outcome for Sydney Park by:
 - (i) considering alternate pipeline routes with reduced impacts on the park which Sydney Water may propose, including the existing RTA easement along Euston Road at the park boundary;
 - (ii) ensuring the City of Sydney is adequately compensated for any alienation or damage to the park, whether temporary or permanent; and
 - (iii) ensuring that any works permitted in Sydney Park improve the park in the long term, and comply with the Sydney Park Master Plan.

Carried.

Closed Meeting

At 8.30pm, it was -

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

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 16 on the agenda as this matter comprised information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Carried.

Item 16 was then dealt with by Council while the meeting was closed to the public.

ITEM 16 DOMAIN CAR PARK – END OF LEASE SETTLEMENT (CONFIDENTIAL) (S054904)

Note – in view of the confidential nature of the subject matter, the Council determined that the Resolution on this matter remain confidential until the Deed of Settlement has been finalised.

At 8.40pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 18 February 2008 at which
meeting the signature herein was subscribed.