

# COUNCIL

Meeting No 1478  
Monday 24 November 2008  
Notice No 13/1478  
Notice Date 20 November 2008

*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 Dr Meredith Burgmann, Irene Doutney, Chris Harris, Marcelle Hoff, Robert Kok, Shayne Mallard, John McInerney and Di Tornai.

At the commencement of business at 5.05pm, those present were:-

The Lord Mayor, Councillors Black, Burgmann, Doutney, Harris, Hoff, Mallard, McInerney and Tornai.

Councillor Kok arrived at the meeting of Council at 5.06pm at the conclusion of discussion on Item 1.

Councillor Harris left the meeting of Council at 5.07pm during discussion on Item 2 and returned at 5.09pm during discussion on Item 3.1.

Councillor Doutney left the meeting of Council at 5.52pm during Item 5, Question Time, and returned at 5.55 during discussion on Item 7.2.

Councillor Burgmann left the meeting of Council at 7.20pm during discussion on Item 10.8 and returned at 7.23pm during discussion on Item 15.1.

The Chief Executive Officer, Director Corporate Services, Director City, Community and Cultural Services, Director City Engagement, Director City Planning and Regulatory Services, Director City Projects, Director City Strategy and Design, Director Property and Acting Director City Transport and Major Projects 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 McInerney, seconded by Councillor Tornai -

That the minutes of the meeting of Council of Monday 3 November 2008, as circulated to Councillors, be confirmed.

Carried unanimously.

**ITEM 2 DISCLOSURES OF INTEREST**

**(a) Section 451 of the Local Government Act 1993**

Councillor Shayne Mallard declared a non-pecuniary interest in Item 7.8 on the agenda, in that at least two of the tendering firms are donors to the Liberal Party. Councillor Mallard took part in discussion and voting on this matter.

The Chair (the Lord Mayor) declared a non-pecuniary interest in Item 10.5 on the agenda, in that she had worked with SCEGGS on community issues over many years and the School had provided her with free use of their halls for community, electorate and State election purposes. Being aware that this development application was being considered, the Independent Team paid for use of the SCEGGS halls during the recent local council election campaign,

At a later stage of the meeting, during discussion on Item 15.2, Councillor Burgmann declared a non-pecuniary interest in that item, in that the CFMEU had donated to the Labor Party.

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

**(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008**

No disclosures were made by any members of the public at this meeting of Council.

**ITEM 3.1 INAUGURAL AUSTRALIAN COUNCIL OF LOCAL GOVERNMENTS MEETING****FILE NO:****MINUTE BY THE LORD MAYOR**To Council:

On 17-18 November 2008, I joined with Mayors and representatives from 540 Councils across Australia for the inaugural meeting of the Australian Council of Local Government in Canberra.

Speakers included the Prime Minister and the Infrastructure Minister Anthony Albanese, with discussion centred on 10 themes:

1. Improving engagement of local and federal governments, including Constitutional recognition;
2. Investing in local, regional and national infrastructure;
3. Making our major cities more liveable, productive and sustainable;
4. Working towards more efficient and sustainable local government;
5. Strengthening regional economies, including broadband and communications;
6. Adapting to our changing local environments;
7. Partnering to improve housing affordability, including more effective planning and development processes;
8. Facilitating social inclusion in our communities;
9. Improving wellbeing in our communities; and
10. Closing the gap: Indigenous engagement in local communities.

Working group sessions involving Federal Government, local government and external speakers enabled Mayors to engage in detailed discussions. I was a speaker for the session on "Making our Cities more liveable, productive and sustainable", along with the Federal Treasurer Wayne Swan and former Deputy Prime Minister Brian Howe, who was responsible for the Better Cities program in the early 1990s. The Prime Minister also attended part of this session.

In my speech to this session, I emphasised the urgent need for investment in urban infrastructure after years of neglect, and in Sydney's case, a desperate need for new public transport services. The threat of global warming, the world financial crisis, the likelihood of recession and economic restructuring make this investment crucial.

Investing in nation-building infrastructure will stimulate the economy, which is facing a possible recession following the world financial crisis, and green urban infrastructure should have priority. New green industries and businesses should be developed based around sustainable practices, products and services. Sydney could become one of the world's greenest cities, making this a point of competitive advantage.

We already have some of the world's greenest buildings under construction – new sustainable technologies are improving month by month. Australia could be leading the world in many sustainable and renewable technologies, like solar power and water recycling. Green transformers using co-and tri-generation are being introduced into major urban redevelopment sites in Sydney.

The missing link in Sydney is our public transport system. A major upgrade is needed to reduce green house gas emissions, improve economic productivity and improve public health. People should be able to get into the city easily and efficiently – and then move them around once they get there. Improvements to public transport will have a direct impact on housing affordability, if more people can easily and quickly access the city.

Cycling and walking as viable and attractive ways to get around the city, as real alternatives to driving a car, and taking pressure off public transport services. The City has put in a submission to the Federal Government to fund two inner city light rail loops and a regional cycling network.

I also participated in the session on “Improving engagement of local and federal governments, including Constitutional recognition”, which was Chaired by the Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese and the Attorney-General, Robert McClelland.

The closing address at the Council was given by the Prime Minister, Kevin Rudd. During his speech, Mr Rudd announced the launch of the Regional and Local Community Infrastructure Program which will make immediate provision of \$300 million to local governments to build local infrastructure and help support local economies and jobs during the global financial crisis.

This \$300 million will be delivered by 30 June 2009 in two programs:

- \$250 million to be shared by all councils, based on a formula that recognises need and population growth, but with a minimum allocation of \$100,000; and
- a further \$50 million to be invested in larger-scale local projects that require a larger Commonwealth contribution – \$2 million or more.

The City has access to \$660,000 under the first component of this program. Each Council will be required to meet guidelines currently being developed in order to receive their allocation. Councils will also be required to meet guidelines and go through a competitive process to have projects funded under the \$50 million component.

During his speech, the Prime Minister said that funds received through the Regional and Local Community Infrastructure Program would have to be spent by the end of September 2009. It is also suggested that funding should be for new projects, not existing budgeted projects. City officers are currently confirming the process and guidelines for allocation of these new funds.

This new fund is the most significant initiative for local government since the Better Cities program of the early 1990s.

Consistent with our Sustainable Sydney 2030 objectives, I believe the City should direct funding it receives through this program toward new green infrastructure. I hope that accelerating construction of our cycleway network will be consistent with the guidelines.

RECOMMENDATION

It is resolved that Council request the Chief Executive Officer report to Council on possible use of funds through the Regional and Local Community Infrastructure Program, including the feasibility of directing funding to the accelerated construction of the city-wide cycleway network.

COUNCILLOR CLOVER MOORE MP  
Lord Mayor

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

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

Carried unanimously.

**ITEM 4 MEMORANDA BY THE CHIEF EXECUTIVE OFFICER**

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

**ITEM 5 QUESTION TIME****QUESTIONS WITHOUT NOTICE****STREET ART AND MURALS (S063660)**

1. By Councillor Hoff

**Question**

Lord Mayor, this question relates to an article which appeared in *The Sydney Morning Herald* last Wednesday. The article was entitled "Art? Council knows what they don't like". Given that Councillors received an email from the Chief Executive Officer this afternoon responding to this article, I wonder if you could also respond to the claims made in the article. I believe it is important that this information be made public.

**Answer by the Lord Mayor**

Yes, I'm sure all Councillors were concerned about the article, because it did contain inaccuracies and it did misrepresent our approach to street art and to murals and to our very, very strong support for the creative life of our City. It did allege that the City had removed a mural from a wall adjoining the Bar Me just off Brougham Street in July/August this year, and our graffiti removal contractors had no record of removing a mural. In fact, a photograph was taken in 2004 and I understand – although it has been very hard to pin down the actual details of this mural, because no one seems to be around who was involved with it at the time – it was a South Sydney Council project and part of, I understand, a temporary street art project. I can't give you the detailed information on that; Councillor Mallard might have it in his head.

But the thing I want to stress here, what is really important, is that we are very strong supporters of the creative life of our City and the arts in our City, and we do encourage and protect legitimate aerosol art and murals. We have many street art projects underway; we are working with young local artists and the community to replace, restore or create new murals throughout the City, including current projects in Ultimo, Woolloomooloo, Glebe, Millers Point and Chippendale. All efforts are made to protect murals and legitimate street art. We don't paint over them without first talking to building owners. If they support the artwork, they are encouraged to lodge a development application which involves an established process of public consultation and assessment.

The development application is not intended to stifle artists or their creativity. What it does is ensure that the works are legitimate, that they're supported by the building owner and the local community and then our contractors know that they're to be protected. The process also helps identify genuine artworks and avoids them being removed by mistake. As custodians of public space, we're also required to investigate instances of possible graffiti vandalism – in fact, in the last financial year our contractors removed 411,000 incidents of graffiti – and protect our public domains from the unsightly tags and acts of vandalism that degrade trains, buses and walls throughout our City. Graffiti is illegal under New South Wales law; the City takes the management of removing graffiti seriously in order to protect residential, business and Council properties. We receive strong support from City communities for this work, and the service we provide removes illegal graffiti. I regret that that article did really present the City not in its true light. Thank you for that question.

**PARKING INFRINGEMENTS IN GLEBE POINT ROAD (S063659)**

2. By Councillor Harris

**Question**

Lord Mayor, a resident has complained that City of Sydney staff are issuing parking infringements in Glebe Point Road. Could you inform Councillors about why this is occurring, in a stretch of road that is already experiencing hardship as a result of our upgrade, long before we have finished the project?

**Answer by the Lord Mayor**

I might ask the Chief Executive Officer to talk about the parking fines.

**Chief Executive Officer**

I will have to take that one on notice, and provide a response in the CEO Update.

**LICENSING PROCESS FOR SMALL BARS (S063663)**

3. By Councillor McInerney

**Question**

Lord Mayor, this is also from an article in *The Sydney Morning Herald*, and that is the dilemma that people applying for a small bar license are having in having to go through a process, at least it seems, twice. In other words, they come to us for a DA and go through all the notification processes and then go back through their license application, go through the same process again; in fact it seems to be even more onerous. This seems to be working against the intentions that we had when the small bars Bill came through.

**Answer by the Lord Mayor**

I agree with you; it is something that was unexpected and did come out when the legislation was enacted in July. It was, I think, an unexpected consequence and I have raised this matter with the Minister. I believe that the City takes our responsibility in terms of community impact very seriously and is in a very good position to assess what the community impact would be, and we do that naturally through our development application process. We have an ability to do it. I don't think an applicant who wants to open a small bar is in a position to do this work effectively, and I have suggested to the Minister that he might revisit this aspect of the new laws, with a view to ensuring that councils take responsibility for this work and not the applicant in the future, so we remove the duplication and encourage people to start up new small bars.

**BOWER BIRD SCULPTURE (S063658)**

4. By Councillor Doughty

**Question**

Lord Mayor, I noticed that the Bower Bird sculpture on the corner of Redfern and Regent Streets is behind wire fences yet again. Since it opened prior to the election, it's been regularly closed off – I have photos. I was wondering if someone could explain what's going on. It's regular, it's constant, it's open for a week and then it's got barriers around it again, and now it's completely enclosed by a wire fence.

**Answer by the Lord Mayor**

I'll ask the Director City Projects to respond.

**Director City Projects**

There have been, occasionally, some paving maintenance works that have been carried out, but I'm not aware of why the whole of the sculpture would be completely boarded up at the moment. I'll certainly find that out and get back to Councillors.

**ROUTE 311 BUS SERVICE (S063656)**

5. By Councillor Black

**Question**

Lord Mayor, you're aware that Sydney Buses invited community consultation, or comment, on the bus routes, and the Council did a submission to that in August. I particularly want to ask you about the 311 bus route, and I'm wondering if there's any further information that you'd be able to provide us with on what's happening on that particular bus route.

**Answer by the Lord Mayor**

This is incredibly important for people living in 2011. The Eastern Region bus review did propose drastic changes to the route of the 311 bus service. It proposed to remove the Elizabeth Bay route, to shorten the route so that the services would run between Gresham Street and St Vincent's Hospital, not to Circular Quay and Railway Square, and direct links would be removed with public transport nodes; buses would no longer use William Street, instead they would travel along St Mary's Road and Macquarie Street and Elizabeth Street. There's been absolute alarm and consternation in that community, and those changes would really cut back public transport links with Elizabeth Bay and would seriously affect a high proportion of particularly elderly residents and many people who don't have cars living in those traditional 1930's blocks of flats. This was a project of the former Minister. I met with the new Minister last Thursday. He said he is aware of the alarm and concern in the community about this proposal and he has agreed to review the proposal and make a decision early next year. I believe that many of those changes will not go ahead, in fact, I am hoping all of those changes won't go ahead; so it was a fairly positive meeting with the new Minister.

**ABORIGINAL HOUSING COMPANY'S PEMULWUY PROJECT (S063657)**

6. By Councillor Burgmann

**Question**

Lord Mayor, have you thought about ways to help facilitate the Aboriginal Housing Company's Pemulwuy project through to its completion? Would it be possible to get advice from our newly formed Aboriginal Advisory Committee on how we can be part of helping this exciting project?

**Answer by the Lord Mayor**

I know there is a development application in with the Department of Planning. I'll ask the Director City Planning and Regulatory Services to give us an update on where that is at.

**Director City Planning and Regulatory Services**

The Part 3A proposal has been lodged with the Department of Planning. The City of Sydney made a submission about a week ago and, although we had no fundamental objections to the proposal, there were some design issues that we believe require resolution. It was circulated to Councillors about two weeks ago for their input and it has gone to the Department in the last week. The matter is now under assessment and I would expect a decision to be made in the next couple of months.

**Chief Executive Officer**

I think that that deals with the planning issues, but obviously the Aboriginal Housing Company presents us with an aboriginal housing issue. I think, given that 2030 has made a commitment to assist with looking at affordable housing, it is a project that the Council might enter into some discussions with the Department of Aboriginal Affairs, Ministers and others to see what might happen next. It is one thing to have the DA approved; it's another to fund the project and bring it to fruition, so I think it would be appropriate for the Council to look towards looking at that.

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

Also, there is a new Minister and perhaps a new approach to this whole project and the opportunity to make representations to her about it, and I certainly undertake to do that. And then, if appropriate, we can refer it to our new Aboriginal Advisory Committee.

**BLACKTOWN COUNCIL POUND (S063664)**

7. By Councillor Tornai

**Question**

Lord Mayor, in mid-October, Councillors became aware that the City was changing from the Sydney Dogs and Cats Home at Carlton to the Blacktown Pound for impounded dogs. I'm wondering what action the City has taken to ensure that as many dogs as possible continue to be returned to their owners or re-homed?

**Answer by the Lord Mayor**

This is also an issue that Councillor Mallard has raised and I know there would be interest from all Councillors about this. When the City Rangers pick up a stray animal, every effort is made, first of all, to return it to its owners. When the Rangers can't find the owners, or the owners refuse to accept their pets back, the City places the animals in the pound. It is our expectation that, where possible, the animals should be returned to their owners or re-homed. This is something I feel personally very strongly about, I have to say, and euthanasia is only used as a last resort. In the past, we have used the Sydney Dogs and Cats Home, which had a reputation for good care of pets and a high level of re-homing. Our contract with the Sydney Dogs and Cats Home did end in June 2008, and staff have told me that there had been a recent change of management and a change in management regime, which was of concern, and they have been unable to reach a satisfactory new agreement with them. As a result, the City has started to impound stray and abandoned animals at the Blacktown Pound, and it was chosen because it's the only pound accessible to the City and able to provide the service to councils.

It's a trial arrangement until December and I've asked the CEO to ensure that, as part of our contract with the Blacktown Pound, they understand that our priority is to return and re-home the pets. I have also asked the CEO to explore other options. I understand the Sutherland Pound is being expanded and may provide us with an alternative in the future. One thing that did concern me about the Sydney Dogs and Cats Home was, because of its inner city location, dogs were kept in cages for a great period of the time on their own, and one of the issues with re-homing pets is, if they haven't been able to socialise with humans and other dogs or other animals, they can demonstrate behavioural problems when they are re-homed, and then that can often lead to the pets being put down. The way they're actually looked after at the pound is really very important, particularly in terms of re-homing.

I'm concerned that, currently, there doesn't seem to be a solution that would probably satisfy us, and I'm really concerned about the unacceptable high number of dumped and abandoned pets. As you all know – I've mentioned this before – 60,000 pets are destroyed every year because homes can't be found for them. There are thousands saved by rescue and shelter workers; they do it on a voluntary basis, they use their own time and money to clean up the mess that's been left by the pet industry. During the Christmas period, more than 3,000 extra dogs and cats arrive at shelters; many of them are dumped on Christmas Day because they become unwanted gifts or are lost by the owners who have gone on vacation. That's why we're very pleased to again have the RSPCA as our Christmas charity, because they provide shelter to many of those dumped animals. In fact, they provide shelter to approximately 40,000 sick, injured and lost animals each year.

I also want to inform Council that I've reintroduced my Animals (Regulation of Sale) Bill into Parliament to promote responsible sale and ownership of pets. In response to concerns made by Members of the Government and Opposition, I've amended that Bill, and I'm hopeful now that they are going to support it. I have done that in order to try and stop the thousands of pets who are dumped because of impulse purchases, when their owners realise the responsibility and the cost of a pet. The Bill bans the sale of cats and dogs in pet shops and markets and regulates advertising so that only recognised breeders, rescuers and pounds can advertise the sale of cats and dogs. Other mammals will be banned from window displays.

To ensure the continuous supply of cute puppies and kittens in shop windows, animals are mass-bred in appalling conditions, and rescuers tell me that there are always many pets to re-home. Rescuers refer to their work as adopting, rather than selling, which better describes the responsibilities that they think are involved – and it's in stark contrast to pet shops and classified sales – and rescuers employ an intense vetting practice to find suitable homes for abandoned animals. I'm hopeful that my Bill will be supported in Parliament now; it will provide for informed purchases, making specific written information about needs, costs and responsibilities of a pet mandatory before sale. If that does occur, then perhaps we will not be left in a position where we're trying to re-home all the abandoned pets of the City. Thank you for that important question.

## **SEWAGE IN SYDNEY HARBOUR NEAR BEARE PARK (S063662)**

8. By Councillor Mallard

### **Question**

Lord Mayor, you would be aware of reports from the community last Thursday and Friday of raw sewage discharging into Sydney Harbour from pipes coming out of the sea wall next to the new access there into the Harbour from Beare Park, Elizabeth Bay. I went down and had a look and it was very unpleasant, I can assure you, and clearly, it posed a serious health threat to the community who, through our new park designs, are encouraged to engage in the water by going down the steps and even swim in the Harbour, which some are now doing. There are a few serious issues around this and my question is in three parts. One, why has it taken Sacha Blumen, President of the 2011 Residents' Association, to himself erect a temporary sign warning people of possible health hazards? Two, residents claim this problem has readily occurred for decades. Why was this not uncovered in the community consultation and reported to Council, when it considered the park upgrade and allowed easy access into the Harbour at that point? And three, what is Council going to do about fixing the problem immediately, as we now have an increased duty of care and responsibility to the local community?

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

This is an issue that I am aware of and I raised it with our staff, who raised it with Sydney Water during the course of our works in Beare Park over the last couple of years. I think it's absolutely extraordinary that Sydney Water can't responsibly manage a sewage problem for this densely urban area of Sydney. I think it's absolutely disgraceful that raw sewage is seeping into the Harbour, and we reported that at the time of our commencement of works. In fact, when staff have contacted Sydney Water, I'm told that they've acted promptly on those occasions, but that's not good enough – just a response on an occasion, rather than fixing the problem. City Staff also asked Sydney Water to take the opportunity to repair their infrastructure during the park upgrade, when the project was in the design phase, and requested action on the overflows problem as well as permission to screen the access hut – which was a very ugly structure there beside Boomerang – and Sydney Water did not take up this opportunity. I think it's a fairly shocking situation.

My understanding was, after we'd raised it, that the matter got addressed, but clearly it hasn't. I know that my staff did an inspection there on Saturday and the water was looking crystal clear, but it's simply an appalling situation that in any part of the Harbour – accessible and located beside dense urban residential development – that we had this situation, and I'll take the matter up urgently with the Minister for Water in Parliament this week.

In terms of the access from the stairs that we've created, the stairs in the Glebe Foreshore Park have been incredibly successful with the access down to the water and the beach. The aim of the park was also to provide access to a City beach and, if you look at low tide, it's quite wonderful and people have expressed appreciation for that. The issue is with Sydney Water, it's an urgent issue and they've got to address it.

## **RENOVATION OF QUEEN VICTORIA BUILDING (S063661)**

9. By Councillor Kok

### **Question**

Lord Mayor, my question is in relation to the Queen Victoria Building. Given the letter in a weekend paper about the Queen Victoria Building's renovations, is there any further action Council should be taking to protect this important heritage building?

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

The work in the Queen Victoria Building was approved by Council after a detailed assessment, taking into consideration the building's heritage significance as well as the important commercial role that it plays in the life of the City. The project included three main categories of work: the energy efficiency and fire services, including BCA compliance and changes to smoke exhaust through upper level skylights; safety, disabled access and security, including upgrade to the balustrades, the lifts, the stairs and the toilets; and visual changes including changes to the shop fronts, replacing the carpets, repairing and re-painting the interior. The building's restoration in the 1980s, introduced significant features that, in fact, didn't have inherent heritage value, including the colour scheme – which was more faux heritage than a genuine reflection of historical colours within the building. In December 2006, the City approved a development application and endorsed the proposed colour concept by Freedman Rembel Proprietary Limited. The new internal colour scheme is based on historic research of the tonal values of the interiors favoured in the Victorian period and determined by historic photographs. They are more vibrant than previously used and, as requested by Council, the colours were tested on site in their proposed locations to ensure they are in line with concept drawings. It is important to remember, of course, that colours are reversible and can change over time, and that was the important principle for Council in considering the aspects of this development when they supported the development application.

## **TEMPORARY USE OF DEVELOPMENT SITES FOR CULTURAL PURPOSES (S063660)**

10. By Councillor Hoff

### **Question**

Lord Mayor, given that the current economic climate may slow down development, could Council investigate how we can encourage developers and property owners to make their sites available for temporary cultural uses? For example, perhaps Council could grant an extension of time for commencement of a development, if the developers are willing to allow us to use their facilities.

**Answer by the Lord Mayor**

Your question probably relates to the work that's being undertaken currently by Frasers in Kensington Lane, where they've made buildings available, on a temporary basis, for artists' studios. Many of us visited those studios when they were opened, and they're quite fantastic and they're providing an opportunity for young artists to work there for a period of, I think, three or four months. I think that's a terrific idea and I think, given the current financial crisis, it could in fact result in some development projects being delayed – which is unfortunate, but that might be the case – and rather than letting the sites remain vacant, it would be very beneficial, I think, if we could find worthwhile temporary uses such as artists' studios. I will ask the CEO to investigate your suggestion.

**SECOND HAND SATURDAY (S063659)**

11. By Councillor Harris

**Question**

Lord Mayor, lately we've been focusing on waste and there is a hierarchy of waste that I'm sure you're aware of. There may be more than this, but I think it's three now. One is Refuse, which is the best one; Re-use and Recycle. Now, the Harris Centre has developed a Second Hand Saturday model that works very well and has been well supported by the local community, at least for the four years that I've been on Council. Is there any reason why we can't roll out Second Hand Saturdays in all areas of the City of Sydney on an annual basis and possibly even more regularly?

**Answer by the Lord Mayor**

Yes, I've attended their Second Hand Saturday and it seems a really worthwhile community project driven by that community. I'm not aware that other communities have also taken up a similar project. I know that when we did recycling week just recently with Planet Ark, the swap day went very well, and I will ask the CEO perhaps to comment now, or report in the CEO Update, about opportunities for a Second Hand Saturday or a swap party like the one in Martin Place for recycling week.

**Chief Executive Officer**

What I was going to suggest is that perhaps we should encourage other community centres to apply for grants to do those kinds of activities, because we do things like swap parties and a range of other things too. Perhaps we could talk to other community centres and our own centres and see if they would be able to introduce that as part of their programming.

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

As part of our Environment Grants, perhaps.

**IPART REVIEW OF CITYRAIL FARES (S063663)**

12. By Councillor McInerney

**Question**

Lord Mayor, in order to support public transport for Green Square, could the City make a submission on the IPART draft report on CityRail fares, requesting that the fares for all services on the City Airport line be equitably integrated into the CityRail fair structure?

**Answer by the Lord Mayor**

Yes, that's an excellent suggestion. The issue of transport is very much front of mind. It's front of mind in that community; in the discussions that the City is currently having with Landcom, in terms of the need to provide transport and it's also hopefully front of mind in Minister Albanese's Major City's Unit, where we've put in a submission seeking a light rail loop to Green Square. The light rail loop is needed, notwithstanding the heavy rail line working in a more functional way. Currently, it's the only line in the system that's not subsidised. It means the fares there are dramatically higher than any other line. For example, it can cost you \$8.50 to go from Central to Parramatta and it can cost you \$9 to go one stop from Central to Green Square, which is outrageous. The other great concern is, with the announcement that the south-west line is not to proceed, that means that the Green Square line will now have four less stops an hour than it would have had if the south-west line had proceeded.

Altogether, there's infrastructure there that is not being fully utilised and it is located in what the new Minister of Planning recently announced as the major urban renewal area – not just in Sydney, not just in New South Wales but in fact the largest urban renewal area in the whole of Australia, and yet it doesn't have any functional transport at the moment. Thousands of people are already living on the ACI site – thousands. Thousands more are moving into those development applications that keep coming to the Central Sydney Planning Committee and it is alarming. It is something that urgently needs to be addressed, both in terms of making that heavy rail functional as well as getting the light rail loop in. It would pick up all those other people who are now living in that area with all the apartment development that's gone on in Surry Hills, Redfern-Waterloo, as well as the proposed Green Square urban renewal areas. Thank you for that important question.

**FOUNTAIN IN REDFERN PARK (S063658)**

13. By Councillor Doutney

**Question**

Lord Mayor, when will the fountain be returned to Redfern Park? It was due to be returned in mid-October.

**Answer by the Lord Mayor**

It was indeed and I asked that question of staff just a week ago, so thank you for that. Is there any update on the answer I received a week ago? I can't understand why the restoration of that fountain has taken so long.

**Director City Projects**

It's still with the conservators; we've asked for an update and we still haven't received that. But we're expecting the answer to be around about Christmas time. We haven't really had a satisfactory explanation. They've been telling us that they've had difficulty with doing the intricate work that's involved. They are indicating it will be in before Christmas, but we are extremely disappointed at the same time.

**DICTIONARY OF SYDNEY TRUST (S063656)**

14. By Councillor Black

**Question**

Lord Mayor, given that you recently accepted a significant donation from the Sydney Mechanic School of Arts on behalf of the Dictionary of Sydney Trust, I'm wondering if Councillors could receive a briefing on the progress of the Dictionary of Sydney project?

**Answer by the Lord Mayor**

Yes, I will certainly ask the CEO to give Councillors a briefing. There is a degree of excitement though, with the City Historian and her team, in terms of the donation from the Sydney Mechanic School of Arts, because it's for \$75,000 and it's the first significant donation that the Dictionary has received. They made it because they're really, really impressed with the project and they wanted it to commemorate their 175<sup>th</sup> anniversary. What it's going to do is help fund a part-time researcher for that project. That will be a paid position, but already the Dictionary has hundreds of volunteers contributing. Shirley Fitzgerald, in fact, has said that they had to call a temporary halt on volunteer recruitment while the first 650,000 words, or about 8 books worth of information, is edited, illustrated and linked to the wonderful range of visual and audio material. This is a really exciting project – it's just taken off – and this donation is going to help get that part-time researcher in there to help with the project. I think we're all very excited about it and it would be very good if we could all have a briefing on it. The CEO has some more interesting information.

**Chief Executive Officer**

Just for the purposes of the new Councillors, the Council did also give \$350,000 to the project and accommodation, so we've made a substantial contribution as well, and we support the project in an ongoing way.

**GLEBE FORESHORE WALK (S063657)**

15. By Councillor Burgmann

**Question**

Following in Councillor Pooley's footsteps, I want to ask, Lord Mayor, can you tell me what the Council is doing about the considerable number of complaints from the elderly and parents with young children who now find that they can't use the Glebe Foreshore Walk without danger from unleashed dogs. It's not just fear of being bitten, but it's being tripped up or being slobbered on which, when you have small children, is an issue. Why does the Council insist on a 24/7 dogs off-leash policy on this really famous and wonderful walkway, which should be open for at least a few hours a day to human beings?

**Answer by the Lord Mayor**

The park is open to people at all times, as we all know, and we treat our pet owners in this City, Councillor Burgmann, as first class citizens, just as we treat non-dog owners as first class citizens. Everyone is made welcome to our parks. Our officers work very hard to ensure we follow a responsible pet ownership policy, whereby pet owners are reminded of their responsibilities and made to feel very welcome in our parks, just as people with children are, and people on bikes, and people playing ball, and people walking and skipping and dancing. In fact, we have new park signage that says 'welcome and enjoy and please respect other people using the parks'. If you had a particular instance where you have observed irresponsible ownership of pets, I suggest you tell the CEO so that she can contact the Director City, Community and Cultural Services and thereby our very responsible Rangers. We have a policy of not only uniformed Rangers, but also Rangers who are dressed in plain clothes, so that we can pick up any irresponsible ownership. I would say, on the whole, that the great majority of dog owners in our City are responsible and it's the minority that we need to continue to work on educating, and we take that role very responsibly and we make everyone feel welcome in our parks.

**PLANS OF MANAGEMENT FOR LICENSED PREMISES (S063664)**

16. By Councillor Tornai

**Question**

I'm a strong advocate for engaged communities, Lord Mayor. Through you, could I request that the CEO investigate ways of making Plans of Management for Licensed Premises readily accessible to the public, for example, through the City's website?

**Answer by the Lord Mayor**

I think that's a worthwhile suggestion. Mr Cirillo, my understanding is that people feel they don't have access to those Plans of Management. If they don't and they should have, could you explain that and, if we need to do something else in terms of putting it on the website, could you make suggestions about that, too?

**Director City Planning and Regulatory Services**

It's certainly something we could take on notice. There are some legal issues about making documents available from a file outside the public exhibition period. I understand our Safe City Team is also working on compiling a database of consents as well as Plans of Management. We just have to take check of the legal issues, that we're allowed to make that documentation publicly available, but we are actually working towards this database at present.

**COUNCIL PROPERTIES IN OXFORD STREET (S063662)**

17. By Councillor Mallard

**Question**

Lord Mayor, can you update the Council on the current policy and the activities regarding the redevelopment and upgrade of the Council's properties on Oxford Street? We had great visionary plans there, and now I'm concerned, as are other business and community members, that the properties are sitting empty and ad hoc leases are being offered without adherence to a strategy that we all agree on.

**Answer by the Lord Mayor**

I will ask the CEO to organise a briefing for Councillors, but my understanding is that, with the downturn in the economic situation, it wasn't a good time to proceed with that strategy. But we don't want to leave properties empty, so our new Director City Property is taking all steps to ensure that those tenancies are filled in the short term. We can revisit our strategy when there is improvement in the economic situation, but I'll see if the CEO can add to that.

**Chief Executive Officer**

Just so that I'm not inaccurate, it would be better to come back and do a briefing when we can tell you more.

**HOUSING FOR THE ELDERLY AND PEOPLE WITH DISABILITIES (S063661)**

18. By Councillor Kok

**Question**

Lord Mayor, having worked with the elderly, the frail aged and people with disabilities within the Chinese community, could I, through you, ask that the CEO investigate measures such as appropriate planning controls to adopt to help ensure that a portion of new housing meets the needs of people with disabilities, the frail and the elderly?

**Answer by the Lord Mayor**

That's a really important issue and I'll ask the CEO to follow up on that.

**ITEM 6     MATTERS FOR TABLING**

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 unanimously.

**ITEM 7 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 17 NOVEMBER 2008**

PRESENT

The Deputy Lord Mayor Councillor Marcelle Hoff  
(Acting Chair)

Councillor Robert Kok  
(Deputy Chair)

Councillors Phillip Black, The Hon Dr Meredith Burgmann, Irene Doutney, Chris Harris, Shayne Mallard, John McInerney and Di Tornai.

At the commencement of business at 1.05pm those present were -

Councillors Burgmann, Doutney, Harris, Hoff, Kok, McInerney and Tornai.

Councillor Black arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 1.07pm during discussion on Item 7.2.

Councillor Mallard arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 1.10pm during discussion on Item 7.2.

Councillor Mallard left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.07pm during discussion on Item 7.9 and returned at 3.20pm during discussion on Item 7.13.

**Apologies**

The Lord Mayor (Councillor Clover Moore MP) extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

Moved by Councillor Hoff, seconded by Councillor McInerney -

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried unanimously.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 3.29pm.

Report of the Committee

Moved by Councillor Kok, seconded by Councillor Hoff -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 17 November 2008 be received, and the recommendations set out below for Items 7.2 to 7.4 and 7.6 to 7.13 inclusive be adopted, with Item 7.1 being noted, and Items 7.5 and 7.14 being dealt with as shown immediately following those items.

Carried unanimously.

**ITEM 7.1****DISCLOSURES OF INTEREST**

At a later stage of the meeting, prior to discussion on Item 7.3, Councillor Shayne Mallard declared a non-pecuniary interest in Item 7.8 on the agenda, in that at least two of the tendering firms are donors to the Liberal Party. Councillor Mallard took part in discussion and voting on this matter.

At a later stage of the meeting, prior to discussion on Item 7.13, Councillor John McInerney declared a non-pecuniary interest in that item, in that he is Chair of the Sandstone and Trachyte Sub-Committee.

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

The Committee recommended the following:

**ITEM 7.2****2008/09 QUARTER 1 REVIEW - CORPORATE PLAN 2009-2012 (S063897)**

It is resolved that Council:

- (A) note the financial and operational performance of Council for the Quarter ending 30 September 2008;
- (B) note the full year forecast Net Surplus of \$69.3M, which is in line with budget;
- (C) note the Quarter 1 Capital Works expenditure of \$37.6M and the revised full year forecast of \$154.0M;
- (D) approve the transfer of \$2.2M from the Capital Works Contingency to fund a number of Capital Works projects as itemised in paragraph 14 of the subject report;
- (E) note the Quarter 1 Plant and Asset net expenditure of \$2.4M against the revised full year forecast of \$26.9M;
- (F) note the Quarter 1 Property and Acquisition expenditure of \$4.1M against the revised full year forecast of \$28.5M; and
- (G) note the performance indicators and Quarter 1 achievements against the Corporate Plan objectives as detailed in Attachment C to the subject report.

Carried unanimously.

**ITEM 7.3****INVESTMENTS HELD AS AT 31 OCTOBER 2008 (S034147)**

It is resolved that the Investment Report as at 31 October 2008 be received and noted.

Carried unanimously.

**ITEM 7.4****PUBLIC PRESENTATION OF THE 2007/08 ANNUAL FINANCIAL REPORTS AND AUDITOR'S REPORTS (S061874)**

It is resolved that Council:

- (A) present the 2007/08 Annual Financial Reports and auditor's reports to the public; and
- (B) adopt the 2007/08 Annual Financial Reports, subject to the receipt of any submissions over the ensuing 7 day period.

Carried unanimously.

**ITEM 7.5****SYDNEY TOWN HALL - PHASE 1 ESSENTIAL SERVICES UPGRADE – OCTOBER 2008 REPORT (S052971)**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 24 November 2008.

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

It is resolved that:

- (A) the subject report be received and noted;
- (B) combined solar power panel location options 1, 2, and 3 as detailed in paragraph 15 of the subject report, and in Attachment C to the subject report, be approved in principle subject to a detailed heritage assessment being undertaken and a development application being prepared for consideration by the Sydney Town Hall Advisory Committee prior to lodgement;
- (C) the estimated total costs (allowing for design, fees, supervision and project contingency) of approximately \$635,000 be financed from the Capital Works Contingency; and
- (D) authority be granted to continue the engagement of the Project Manager from Blue Visions Pty Ltd for the duration of the project at an estimated cost of up to \$324,000.

Carried unanimously.

**ITEM 7.6****SPONSORSHIP - EARTH HOUR 2009 (S052148)**

It is resolved that:

- (A) Council approve a sponsorship of \$20,000 cash (excluding GST) to WWF-Australia for Earth Hour 2009;

- (B) Council provide 276 banner sites without hire charge for the two weeks before Earth Hour at an estimated value in kind of \$8,280 (excluding GST) as well as paying costs to install and dismantle banners at a cost of \$10,331 (excluding GST); and
- (C) authority be delegated to the Chief Executive Officer to enter into an agreement with WWF-Australia as required.

Carried unanimously.

## **ITEM 7.7**

### **SPONSORSHIP – SHUTTLE BUS SERVICE (S046152-02)**

It is resolved that:

- (A) Council approve a sponsorship of \$84,095 (excluding GST) to South Sydney Community Transport to continue the Redfern to Glebe and Woolloomooloo to Redfern 'Village to Village' shuttle bus services for a further 12 months;
- (B) authority be delegated to the Chief Executive Officer to enter into an agreement with South Sydney Community Transport to operate the services; and
- (C) the Chief Executive Officer be requested to provide a report on opportunities and strategies, including sponsorship, for community transport in the City of Sydney area.

Carried unanimously.

### **Speaker**

Ms Jane Rogers addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 7.7.

## **ITEM 7.8**

### **TENDER - PROVISION OF LEGAL SERVICES (S059591)**

It is resolved that:

- (A) Council accept the tender offer, for a period of three years, with the option of a further two (2) x one (1) year extensions of:
  - (i) Tenderers A, B, C, D, E and F for the General Legal Panel;
  - (ii) Tenderers L, D, P, H and J for the Employment Panel; and
  - (iii) Tenderers H, M and P for the Insurances Panel; 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 unanimously.

**ITEM 7.9****TENDER - WATER FEATURE MAINTENANCE SERVICES (S055146)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'B' for Water Feature Maintenance Services for the City's thirty two (32) Water Features; and
- (B) Tender Evaluation Summary, Attachment B to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried unanimously.

**ITEM 7.10****TENDER - SIGNPOSTING SERVICES (S066544)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the provision of signposting services for a period of two (2) years and, subject to satisfactory performance, an option to extend for a further 12 months; 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 unanimously.

**ITEM 7.11****TENDER – MAIN ELECTRICAL SWITCHBOARD UPGRADE – 307 PITT STREET (S065333)**

It is resolved that:

- (A) Council accept the tender from Tenderer 'A' for the Main Electrical Switchboard Upgrade – 307 Pitt Street;
- (B) Council approve the additional funding required as detailed in Confidential Attachment A; and
- (C) 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 unanimously.

**ITEM 7.12**

**TENDER – ROSE TERRACE CONSTRUCTION (S050562)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Rose Terrace, Paddington; 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 unanimously.

**Speaker**

Ms Leonie Morrison addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 7.12.

**ITEM 7.13**

**TENDER - YORK STREET UPGRADE – BETWEEN KING AND MARKET STREETS (S066580)**

It is resolved that:

- (A) Council accept the tender submitted by Tenderer 'A' for construction of the York Street Upgrade, between King Street and Market Street; and
- (B) Tender Evaluation Summary, Attachment B to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

Carried unanimously.

**ITEM 7.14**

**TENDER – ORPHAN SCHOOL CREEK PARK IMPROVEMENTS (S051959)**

It is resolved that:

- (A) Council accept the lump sum tender offer of Tenderer 'C' for the construction of the Orphan School Creek park improvements;
- (B) Council approve an increase in project budget for the current financial year from the Capital Works Contingency, as detailed in confidential Attachment C, to allow the full scope of works to be completed; and
- (C) Tender Evaluation Summary, Attachment C 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 Kok, seconded by Councillor McInerney –

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

Variation. At the request of Councillor Hoff, and by consent, the motion was varied by the addition of clauses (D) and (E) as follows -

(D) Council note:

- (i) that several Councillors and City staff met with local residents to hear their concerns about work underway on the site, and specific requests for modifications; and
- (ii) City staff are investigating which of these requests can be incorporated without modification to the existing development consent, which Council unanimously approved in August 2007;

(E) Council request the Chief Executive Officer to consult with interested Councillors and report back through the CEO Update on the outcome of these investigations.

Variation. At the request of Councillor Harris, and by consent, the motion was further varied by the addition, in clause (D)(ii), after the word "requests", of the words "including the request to eliminate the stairs and footways in the sloped area and to reduce the size of the play area".

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

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

It is resolved that:

- (A) Council accept the lump sum tender offer of Tenderer 'C' for the construction of the Orphan School Creek park improvements;
- (B) Council approve an increase in project budget for the current financial year from the Capital Works Contingency, as detailed in confidential Attachment C, to allow the full scope of works to be completed;
- (C) Tender Evaluation Summary, Attachment C to the subject report, remain confidential in accordance with Section 10A(2)(D) of the Local Government Act 1993;
- (D) Council note:
  - (i) that several Councillors and City staff met with local residents to hear their concerns about work underway on the site, and specific requests for modifications; and
  - (ii) City staff are investigating which of these requests, including the request to eliminate the stairs and footways in the sloped area and to reduce the size of the play area, can be incorporated without modification to the existing development consent, which Council unanimously approved in August 2007; and
- (E) Council request the Chief Executive Officer to consult with interested Councillors and report back through the CEO Update on the outcome of these investigations.

**Speaker**

Mr Ian Kolln addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 7.14.

**ITEM 8 REPORT OF THE ENVIRONMENT AND HERITAGE COMMITTEE – 17 NOVEMBER 2008**

## PRESENT

The Deputy Lord Mayor Councillor Marcelle Hoff  
(Acting Chair)

Councillor Phillip Black  
(Deputy Chair)

Councillors The Hon Dr Meredith Burgmann, Irene Doutney, Chris Harris, Robert Kok, Shayne Mallard, John McInerney and Di Tornai.

At the commencement of business at 3.28pm those present were -

Councillors Black, Burgmann, Harris, Hoff, Kok, McInerney and Tornai.

Councillor Doutney arrived at the meeting of the Environment and Heritage Committee at 3.40pm at the conclusion of discussion on Item 8.2.

Councillor Mallard arrived at the meeting of the Environment and Heritage Committee at 3.43pm during discussion on Item 8.3.

**Apologies**

The Lord Mayor (Councillor Clover Moore MP) extended her apologies for her inability to attend the meeting of the Environment and Heritage Committee.

Moved by Councillor Black, seconded by Councillor Hoff -

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Environment and Heritage Committee concluded at 4.01pm.

**Report of the Committee**

Moved by Councillor Black, seconded by Councillor Kok -

That the Report of the Environment and Heritage Committee of its meeting of 17 November 2008 be received, and the recommendations set out below for Items 8.2 to 8.5 inclusive be adopted, with Item 8.1 being noted.

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**

**WATER POLICE SITE PARK DRAFT PLAN OF MANAGEMENT – PUBLIC EXHIBITION (S048491)**

It is resolved that Council approve:

- (A) the public exhibition of the draft Plan of Management, as shown at Attachment A to the subject report; and
- (B) the lodgement of a Section 96 Application to delete Condition No 6 in Development Applications (D/2006/1903) and (D2007/2368).

Carried unanimously.

**ITEM 8.3**

**WOOLLOOMOOLOO PUBLIC DOMAIN IMPROVEMENTS – WALLAMULLA AND BOURKE STREET PARK UPGRADE – SCOPING (S049669)**

It is resolved that Council:

- (A) endorse the design principles and scope for the upgrade of Wallamulla Park and Bourke Street Park; and
- (B) proceed with the detailed design and quantity surveying.

Carried unanimously.

**ITEM 8.4**

**UPDATE ON COMMUNITY GARDENS, FAIR TRADE AND SUSTAINABLE FOOD INITIATIVES (S049778)**

It is resolved that Council:

- (A) note the project plan for the development of community gardens and the opportunities for access to fresh food, sustainable and fair trade produce through the increase of markets in the city;
- (B) include community gardens, volunteering and fair trade based projects as a new priority in the 2009/10 Matching, Community and Environmental Grants Programs;

- (C) commence the process of becoming a Fair Trade community; and
- (D) develop a new “Fair Trade” award in the City of Sydney Business Awards.

Carried unanimously.

#### **ITEM 8.5**

##### **CLINTON GLOBAL INITIATIVE – HONG KONG – DECEMBER 2008 (S050647)**

It is resolved that Council endorse the Lord Mayor with the CEO and two staff members attending the Clinton Global Initiative in Hong Kong on 2-3 December 2008.

Carried unanimously.

**ITEM 9 REPORT OF THE CULTURAL AND COMMUNITY SERVICES COMMITTEE – 17 NOVEMBER 2008**

PRESENT

The Deputy Lord Mayor Councillor Marcelle Hoff  
(Chair)

Councillors Phillip Black, The Hon Dr Meredith Burgmann, Irene Doutney, Chris Harris, Robert Kok, Shayne Mallard, John McInerney and Di Tornai.

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

Councillors Black, Burgmann, Doutney, Harris, Hoff, Kok, Mallard, McInerney and Tornai.

Councillor Mallard left the meeting of the Cultural and Community Services Committee at 4.11pm during discussion on Item 9.3 and did not return.

**Apologies**

The Lord Mayor (Councillor Clover Moore 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 Black -

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Cultural and Community Services Committee concluded at 4.16pm.

**Report of the Committee**

Moved by Councillor Hoff, seconded by Tornai -

That the Report of the Cultural and Community Services Committee of its meeting of 17 November 2008 be received, and the recommendation set out below for Item 9.2 be adopted, with Item 9.1 being noted, and Item 9.3 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**

#### **WATERLOO YOUTH FACILITY REFURBISHMENT – CONCEPT DESIGN ENDORSEMENT (S064998)**

It is resolved that Council endorse the preferred design (Scheme A) by Collins and Turner Architects for the Waterloo Youth Facility refurbishment works as described in the subject report and proceed with design development and lodgement of a Development Application.

Carried unanimously.

### **ITEM 9.3**

#### **SPONSORSHIP – MY PLACE TELEVISION SERIES (S063965)**

The Cultural and Community Services Committee decided that consideration of this matter be deferred to the meeting of Council on 24 November 2008.

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

It is resolved that:

- (A) Council approve a sponsorship of \$20,000 cash (excluding GST) and value-in-kind of \$10,000 for venue hire to Chapman Pictures for the development of *My Place*;
- (B) such sponsorship be conditional on Chapman Pictures involving the City's Lights Camera Action Program as far as is practicable in the development, casting, production and post-production of *My Place*, so as to:
  - (i) provide young Indigenous people living in the City of Sydney with the chance to develop existing skills and gain new skills; and
  - (ii) increase pathways to employment for young Indigenous people; and
- (C) authority be delegated to the Chief Executive Officer to enter into an agreement with Chapman Pictures.

Carried unanimously.

#### **Speaker**

Ms Penny Chapman addressed the meeting of the Cultural and Community Services Committee on Item 9.3.

**ITEM 10 REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 17 NOVEMBER 2008**

PRESENT

The Deputy Lord Mayor Councillor Marcelle Hoff  
(Acting Chair)

Councillors Phillip Black, The Hon. Dr Meredith Burgmann, Irene Doutney, Chris Harris, Robert Kok, Shayne Mallard, John McInerney and Di Tornai.

At the commencement of business at 4.36pm those present were:

Councillors Black, Harris, Hoff, Kok, Mallard, McInerney and Tornai.

Councillor Burgmann and Councillor Doutney arrived at the meeting of the Planning Development and Transport Committee at 4.37pm, during Item 10.1, Disclosures of Interest.

**Apologies**

The Lord Mayor (Councillor Clover Moore 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 Hoff –

That the apology from the Lord Mayor be accepted and leave of absence from the meeting be granted.

Carried.

**Adjournment**

At 5.36pm, it was moved by Councillor McInerney, seconded by Councillor Black -

That the meeting of the Planning Development and Transport Committee be adjourned until 6.00pm to enable consideration of items by the Major Development Assessment Sub-Committee and the Development Assessment Sub-Committee, such items not to be considered prior to 6.00pm.

Carried.

At the resumption of the meeting of the Planning Development and Transport Committee at 6.05pm, those present were:

Councillors Burgmann, Doutney, Hoff, Mallard, McInerney and Tornai.

Councillor Harris returned to the meeting of the Planning Development and Transport Committee at 6.06pm, during discussion on Item 10.6, which had been brought forward.

Councillor Black and Councillor Kok returned to the meeting of the Planning Development and Transport Committee at 6.07pm, also during discussion on Item 10.6.

**Sub-Committees**

Meetings of the following Sub-Committees of the Planning Development and Transport Committee commenced at the times shown below.

The Planning Policy Sub-Committee, with Councillor McInerney as Deputy Chair, commenced at 4.38pm.

The Major Development Assessment Sub-Committee, with Councillor Tornai as Deputy Chair, commenced at 6.05pm.

The Development Assessment Sub-Committee, with Councillor Black as Deputy Chair, commenced at 6.49pm.

**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
2. Distribution of Printed Matter and Other Materials on Footways
3. Status Report – 108-120 Pitt Street Sydney – Commonwealth Bank Money Box
4. General Business
6. Development Application: 131-135 Bathurst Street Sydney
7. Development Application: Redevelopment of UNSW College of Fine Arts – COFA – Campus Paddington
5. Development Application: 165-215 Forbes Street Darlinghurst – SCEGGS – Joan Freeman Science and Technology Centre
8. Development Application: Green Square Town Centre Essential Infrastructure – Zetland-Alexandria
9. Development Application: Green Square Town Centre Public Domain – Zetland-Alexandria

The meeting of the Planning Development and Transport Committee and all its Sub-Committees concluded at 7.02pm.

**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 Hoff -

That the report of the Planning Policy Sub-Committee of its meeting of 17 November 2008 be received, with Items 10.1 and 10.4 being noted, and Items 10.2 and 10.3 being dealt with as shown immediately following those items.

Carried.

The Planning Policy Sub-Committee recommended the following:

**ITEM 10.2**

**DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS (S034077)**

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 24 November 2008.

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

It is resolved that Council:

- (A) note that Council is unable to require approval for distribution activities under Section 68 of the Local Government Act 1993, as per the advice of the Department of Local Government;
- (B) adopt the amended Policy for the Distribution of Printed Matter and Other Materials on Footways, as shown at Attachment A to the memo dated 20 November 2008 from the Director City Strategy and Design, circulated to Councillors prior to the meeting of Council;
- (C) endorse the approval requirements for distribution activities as described in Attachment E to the subject report, for inclusion in the City Plan Local Environmental Plan;
- (D) note that the relevant sections of the Policy for the Distribution of Printed Matter and Other Materials on Footways will be incorporated in the City Plan Development Control Plan;
- (E) give public notice in accordance with S.610F of the Local Government Act 1993 of changes to the Schedule of Fees and Charges for distribution activities and associated structures, which include deleting existing fees and charges relating to the 'Distribution of Printed Matter' and 'Temporary Promotions by Pamphlet, Leaflet or Other Materials', and inserting the schedule of fees and charges, as shown at Attachment F to the subject report;
- (F) not endorse the installation of public newsracks on City streets; and
- (G) note the information provided in the memo from the Director City Strategy and Design dated 20 November 2008, in response to issues raised at the Planning Development and Transport Committee meeting on 17 November 2008.

Amendment. Moved by Councillor Mallard, seconded by Councillor Harris –

That the motion be amended by the deletion, in clause (F), of the word “not”.

**Point of Order**

Councillor Hoff raised a Point of Order in that the amendment moved by Councillor Mallard was unlawful.

The Chair (the Lord Mayor) upheld the Point of Order.

Amendment. Moved by Councillor Mallard, seconded by Councillor Harris –

That the motion be amended by the deletion of clause (F).

At this stage of the meeting, Councillor Mallard foreshadowed that, if his amendment were successful, he would move a further amendment to enable the trial of newsracks for a period of 12 months in four locations in the City.

The amendment was lost on the following show of hands -

Ayes (4) Councillors Burgmann, Doutney, Harris and Mallard

Noes (6) The Lord Mayor, Councillors Black, Hoff, Kok, McInerney and Tornai.

The motion was carried on the following show of hands -

Ayes (6) The Lord Mayor, Councillors Black, Hoff, Kok, McInerney and Tornai

Noes (4) Councillors Burgmann, Doutney, Harris and Mallard.

Motion carried.

The Policy for the Distribution of Printed Matter and Other Materials on Footways, as adopted by Council, is as follows:

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

### **1. Introduction**

The City may permit the use of the public footway for the distribution of publications, other like printed matter, and other materials of a promotional nature as being consistent with the public nature of roadways provided:

- (i) the convenient, safe and efficient operation of the footway for pedestrian movement is maintained as its primary function;
- (ii) the distribution activity does not involve any sale (except where Council considers the exchange of money to be a contribution or donation for a not-for-profit social welfare, charitable, political or community-based activity); and
- (iii) the procedures listed in Schedule 1 are followed.

The City will also allow certain structures in conjunction with this use provided additional criteria as listed in Schedule 1 are met.

#### 1.1 Citation

This Policy is known as the City of Sydney Policy for the Distribution of Printed Matter & Other Material on Footways.

#### 1.2 Land to which this Policy applies

This Policy applies to all land within the City of Sydney (see Figure 1).

#### 1.3 Objectives

The objectives of this Policy are to:

- (i) allow the use of the public roadway for activities associated with freedom of speech and community welfare as long as these do not compromise the effectiveness and amenity of footways as thoroughfares;
- (ii) set out the need or otherwise to obtain approval from the Council for the distribution of publications, other like printed matter, and other materials of a promotional nature on Council's footway; and
- (iii) establish criteria to ensure that distribution activity:
  - (a) is secondary to maintaining the effectiveness of the footway for pedestrian movement;
  - (b) maintains sufficient footpath area for pedestrian movement; including the needs of pedestrians with disabilities;
  - (c) causes minimum interruption to other street activities;
  - (d) maintains the general amenity and ambience of localities;
  - (e) does not restrict access to adjacent premises; and
  - (f) maintains an environment that is clean and safe.

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

### 1.4 Relationship to other plans, policies and documents

- This Policy should be read in conjunction with the relevant Local Environmental Plan applying to the land.
- Separate policy documents exist in respect to the establishment, on the footpath, of seating related to restaurant activity, and the display of goods related to adjoining shops and advertising and signage structures not associated with distribution activities.

### 1.5 Date of adoption and commencement

Date of adoption: 24 November 2008

Date of commencement:

### 1.6 Application of provisions

- These provisions apply to new proposals and to existing operations which do not have approval and as such may need to apply for approval.
- These provisions apply to distribution activities on land which is public roadway.
- These provisions may also be used to assess proposals on other land for which Council has responsibility such as community land or Crown Reserve.

### 1.7 Permitted activities

- The activity is limited to the distribution, by hand and without sale, of:
  - (i) publications or other like printed matter; and
  - (ii) other materials of a promotional nature.
- Notwithstanding the above Council will allow the exchange of money as a contribution or donation where it is associated with a distribution activity for the purpose of a not-for-profit social welfare, charitable, community-based or political activity or organisation.
- The distribution activity is not to involve direct approaches to the annoyance of pedestrians.
- Small structures, as nominated in this Policy, can be used in conjunction with distribution activities
- Permitted distribution activities are to operate in accordance with the provisions of this Policy.

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

### 1.8 Required approvals

- Depending on circumstance, approval may be required under the Environmental Planning and Assessment Act 1979.
- If a structure is proposed, an additional approval under the Roads Act 1993 is required unless already specifically given by this Policy.
- Schedule 1 lists the circumstances under which approval is required.

### 1.9 Handbills

For the purposes of this Policy, a handbill:

- (i) can be of any size, content and number of pages provided the exemption criteria stated above are achieved, and can include material commonly known as a newsletter or news-sheet; and
- (ii) does not include material commonly known as a newspaper.

### 1.10 Concurrent consideration and issue of approvals

- If more than one approval is required, the Council may consider each required application and may issue any consent and/or approval concurrently.

### 1.11 Fees to occupy the public road

- The Council may charge a fee for the use of the footway.
- The fee will be as determined by the Council from time to time in its Schedule of Fees and Charges.
- This Schedule may provide for a nil fee where an activity is carried out for a not-for-profit social welfare, charitable, political or community-based activity.
- This Schedule also includes the cost of any short-term 'Hirer's Liability' insurance cover if required to be obtained from Council to meet the requirement that public liability insurance must be held where a structure is proposed in conjunction with Category 'A' distribution activities.

### 1.12 Distribution of food or drink samples

- Applicants wishing to distribute material containing food or beverages are advised to contact the Council's Health Unit in respect to any applicable health regulations.

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

### **2. Provisions**

#### **2.1 Distribution limited to footpath area**

- Distribution activities are to be limited to the public footway (ie, the footpath, not on the carriageway of the road).

#### **2.2 Making an application**

- Applications are to include, as applicable depending on the nature and the scale of the proposal:
  - (i) nomination of the location(s) of the proposed activity. Generally this should include a plan, at scale and also include the location of:
    - (a) other physical features in the immediate area; and
    - (b) any other activities on the footway as approved by the Council, such as other distribution locations, outdoor dining facilities, and the display of goods (based on information available from the Council);
  - (ii) the days and times within which the activity is to take place;
  - (iii) the number of distributors proposed at each location;
  - (iv) the type, size and intended number of materials to be distributed;
  - (v) the design of any associated structure;
  - (vi) the design of any associated signage; and
  - (vii) details of how the distribution point is to be serviced and how other requirements nominated in this Policy are to be achieved and maintained.

#### **2.3 Maintaining the effectiveness of the public footway**

- All distribution activity is to be secondary to maintaining the effectiveness of the footway for pedestrian movement.
- A minimum of two (2) metres width is to be maintained for pedestrians clear of all other obstructions.
- Where an existing clear line of passage is available along the building line, this is to be maintained by establishing the two (2) metres clear width from that line.
- In areas where there is a large volume of pedestrians, a greater clear width for pedestrians may be required and/or it may be appropriate to not allocate any area to the proposed distribution activity.
- Potential impact is to be minimised by:
  - (i) locating the activity as far as possible in 'shadow' areas of columns, furniture etc where pedestrian flow is least; and

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

(ii) reducing the area required for the activity to the bare minimum.

### 2.4 Maintaining the general amenity of the public footway

- Notwithstanding any dimensional and other physical locational requirements, the activity is to be consistent with the general public amenity and ambience of the immediate area. For example, a distribution location may not be appropriate near public seating, near outdoor seating related to a restaurant, and/or in a ceremonial area.

### 2.5 Maintaining the amenity of adjacent premises

- The distribution activity is not to hinder, physically or otherwise, access from the footpath to adjacent shops or other premises.

### 2.6 General cleanliness

- The distributor is to be generally responsible for ensuring the distributed material does not become litter, which is an offence under the Protection of the Environment Operations Act 1997.
- The distributor is to collect all distributed material that has been discarded within a radius of 15 metres from the distribution point.
- Printed matter consisting of multiple sheets must be stapled or otherwise bound to prevent the possibility of separate pages creating additional litter problems.

### 2.7 Minimisation of waste and sustainable use of resources

- All material is to be protected from spoiling from the weather or other circumstance.
- Un-used material and collected discarded material is to be re-cycled.

### 2.8 Facilities and servicing

- The activity is not to involve any structure that is permanent.
- Preference will be given to activities that do not involve any structure.
- Where a structure is proposed to assist the distribution activity:
  - (i) it is to be small-scale;
  - (ii) it can only be present for the duration of the activity and is to be stored away from the road at the completion of the activity; and
  - (iii) it is to be positioned and/or designed such that they are stable, including in wind gusts, and will minimise injury if hit by a pedestrian.

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

- The applicant is to demonstrate that all servicing, including the removal of temporary structures, can be carried out in a legal manner.
- Structures are to be located so that:
  - (i) a clear 2m pedestrian path of travel is maintained adjacent to the building line at all times;
  - (ii) pedestrians are not forced onto the roadway; and
  - (iii) they do not impede sight distance for vehicles exiting driveways, around bends, at intersections or any other location where visibility could be restricted for pedestrians and vehicles within the road reserve.

### 2.9 Advertising material

- There is to be no free-standing advertising.
- Any advertising associated with the activity is to be limited to:
  - (i) signage relating to the distributed material and placed on any approved structure provided to assist the distribution activity; and
  - (ii) signage incorporated as an integral part of the clothing of distributors.
- There is to be no third-party advertising.

### 2.10 Cumulative impacts

- When considering an application, the Council will assess the cumulative impact of the proposal on the functioning of the footway from:
  - (i) the proposal; and
  - (ii) any other existing and/or proposed footway activity.

### 2.11 Competitive applications/proposals

- It may occur that the City will receive more than one application to carry out a similar or different type of footway activity in the same position or locality, and
  - (i) individually those applications are potentially acceptable in terms of these provisions, but
  - (ii) it would not be possible to carry out each proposal due to cumulative impact or because use of the same footway area is being sought.
- In such situations the City:
  - (i) may not issue a permit or give development consent to any of the applications; and
  - (ii) will offer applicants the opportunity to put forward amended proposals that would address any conflict or overlap or cumulative impact.

## **POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS**

### 2.12 Time-limited consents and approvals

- In order to ensure the appropriateness of any consent and/or approval for long-term distribution of printed matter or other material is regularly reviewed, consents and/or approvals will be limited in duration to a period of 18 months.
- The operators of any consent and/or approval may lodge new applications for consideration by the Council.
- Where these applications coincide with applications for similar proposals by others, the process of dealing with competitive applications/proposals as detailed in Section 2.11 will apply.

### 2.13 Protection of Council-owned property

- The activity, including any associated structures and servicing arrangements is not to damage the surface of the footway or any other Council property.

### 2.14 Public liability insurance

- Operators of distribution activities involving a structure are to maintain a Public Liability Insurance policy to a minimum value of \$10 million.
- Where a structure is proposed in conjunction with the distribution of handbills and the distributor does not hold their own public liability insurance, a short-term 'Hirer's Liability' cover may be able to be obtained from Council (on the basis of a fee as established in Council's Schedule of Fees and Charges).

### 2.15 Termination of permits

- Any approval under the Roads Act 1993 may be terminated at any time if the City considers the distribution operation generates excessive disruption or waste.
- This is notwithstanding that an activity may have a valid development consent, or may not require development consent because it is 'exempt development'.

## **3. Obligation to maintain the public safety and convenience of the roadway.**

### 3.1 The Roads (General) Regulation 2000 provides (amongst other matters) that a person must not:

- (i) place on a road anything that is likely to injure any person or damage any vehicle; or
- (ii) place on a road anything that is likely to restrict or endanger the use of a road by the public or interfere with public convenience; or
- (iii) allow to escape onto a road any liquid or any loose or waste material.

## POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS ON FOOTWAYS

3.2 The Summary Offences Act 1988 provides (amongst other matters) that a person shall not, without reasonable excuse (proof of which lies on the person), wilfully prevent the free passage of a person or vehicle in a public place.

### Schedule 1: Categories of distribution activity and required conditions of operation and approval.

	Distribution activity (no associated structure)		* Where a structure is also proposed	
	Conditions of operation	Application required	Additional conditions	Application required
<p>Category 'A'</p> <p>Random distribution of handbills.</p> <p>(Throughout the Local Government Area)</p>	<ul style="list-style-type: none"> <li>• Nothing placed on the roadway without approval (if required) *</li> <li>• No selling</li> <li>• No third-party advertising</li> <li>• Any advertising to be part of person's clothing</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> </ul>	<ul style="list-style-type: none"> <li>• One A-frame board and/or table only</li> <li>• For election or community-based activity only (not commercial activity)</li> <li>• Not in the CBD (except for election and pre-polling days)</li> <li>• For &lt; 40 days over a year.</li> <li>• Complies with section 2.8 of this Policy</li> <li>• Public risk insurance for \$10 million held.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> <li>• <i>Roads Act 1993</i> – NO</li> </ul> <p>[Note an application is required if a structure does not meet the 'conditions of operation'].</p>
<p>Category 'B'</p> <p>Distribution of newspapers, other printed matter (not in other categories) and other materials.</p> <p>(Sydney Central Business District – see Figure 2)</p>	<ul style="list-style-type: none"> <li>• Nothing placed on the roadway without approval *</li> <li>• No selling</li> <li>• No third-party advertising</li> <li>• Any advertising to be part of person's clothing</li> <li>• No harassment of individuals by direct approach</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> –</li> <li>(i) NO, if &lt; 40 days over a year (ie. is a 'temporary use')</li> <li>(ii) YES, if &gt; 40 days over a year (ie. is not a 'temporary use', but 'normal' development)</li> </ul>	<ul style="list-style-type: none"> <li>• Design and placement to be acceptable to Council (assessed as part of approval process)</li> <li>• To be temporary only</li> <li>• Accompanied by an attendant at all times</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Roads Act 1993</i> - YES</li> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO, if for &lt; 40 days over a year.</li> </ul>
<p>Category 'C'</p> <p>Distribution of newspapers, other printed matter (not in other categories) and other materials.</p> <p>(Throughout the Local Government Area, excluding the Sydney CBD)</p>	<ul style="list-style-type: none"> <li>• Nothing placed on the roadway without approval *</li> <li>• No selling</li> <li>• No third-party advertising</li> <li>• Any advertising to be part of person's clothing</li> <li>• No harassment of individuals by direct approach</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> </ul>	<ul style="list-style-type: none"> <li>• Design and placement to be acceptable to Council (assessed as part of approval process)</li> <li>• To be temporary only</li> <li>• Accompanied by an attendant at all times</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Roads Act 1993</i> - YES</li> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO, if for &lt; 40 days over a year.</li> </ul>

**POLICY FOR THE DISTRIBUTION OF PRINTED MATTER AND OTHER MATERIALS  
ON FOOTWAYS**

	Distribution activity (no associated structure)		* Where a structure is also proposed	
	Conditions of operation	Application required	Additional conditions	Application required
Category 'D' Distribution activities where also comprising a not-for-profit social welfare, charitable, political or community-based activity (Throughout the Local Government Area)	<ul style="list-style-type: none"> <li>• Nothing placed on the roadway without approval *</li> <li>• No third-party advertising</li> <li>• Any advertising to be part of person's clothing</li> <li>• No harassment of individuals by direct approach</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> </ul>	<ul style="list-style-type: none"> <li>• Design and placement to be acceptable to Council (assessed as part of approval process)</li> <li>• To be temporary only</li> <li>• Accompanied by an attendant at all times</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Roads Act 1993</i> - YES</li> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> – NO.</li> </ul>

The maps shown at Figures 1 and 2, as referred to in the Policy, can be found on File No. S034077.

**Point of Order**

During discussion on this matter, Councillor Harris raised a Point of Order in that Councillor McInerney was speaking on the motion for a second time.

The Chair (the Lord Mayor) overruled the Point of Order in that Councillor McInerney, as mover of the motion, was speaking in reply and seeking clarification on a matter.

**Speakers**

Mr Michael Wilkins, Ms Diane Fieldes, Mr Lawrence Gibbons, Mr Phillip Roberts and Mr Andrew Woodhouse addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.2.

**ITEM 10.3****STATUS REPORT - 108-120 PITT STREET SYDNEY - COMMONWEALTH BANK MONEY BOX (S063506)**

It is resolved that:

- (A) the proponent be advised that should an LEP Amendment Request be submitted that this be accompanied by a justification report that addresses the matters raised in the subject report and the criteria in the Department of Planning Circular No. PS 06-015 - Spot Rezoning and that the justification report be supported by a Heritage Impact Assessment Report and an Urban Design Assessment Report;
- (B) prior to Council considering a request to amend Sydney Local Environmental Plan 2005, it is requested that Development Application: 108-120 Pitt Street Sydney - Commonwealth Bank 'Money Box' (S2008/520) be withdrawn; and
- (C) any future development application for the site could be considered in parallel if a rezoning was supported.

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

That the recommendation of the Planning Development and Transport Committee be adopted.

Amendment. Moved by Councillor Harris –

That the motion be amended by the addition of the following clause –

- (D) notwithstanding clauses (A), (B) and (C), the City of Sydney does not support spot rezonings, and requests that applicants submit development applications that conform with LEP controls.

The Chair (the Lord Mayor) ruled Councillor Harris's amendment to be unlawful.

The motion was carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Black, Hoff, Kok, Mallard, McInerney and Tornai

Noes (3) Councillors Burgmann, Doutney and Harris.

Motion carried.

#### **ITEM 10.4**

##### **GENERAL BUSINESS (S054963)**

###### **(a) Use of Kerbsides for Car Pooling**

Councillor Harris suggested that:

- there may be a demand, within the City of Sydney, for a scheme whereby dedicated sections of kerbsides are signposted with specific car pool destinations; and
- similar schemes operating in other cities be investigated.

###### **(b) Promotion of Car Pooling on City's Website**

Councillor Tornai requested that consideration be given to the City endorsing, on its website, the car pooling website – [www.carpooling.com.au](http://www.carpooling.com.au)

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

Moved by Councillor Tornai, seconded by Councillor McInerney -

That the report of the Major Development Assessment Sub-Committee of its meeting of 17 November be received, with the recommendations set out below for Items 10.5 to 10.7 inclusive being adopted.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

#### **ITEM 10.5**

##### **DEVELOPMENT APPLICATION: 165-215 FORBES STREET DARLINGHURST – SCEGGS – JOAN FREEMAN SCIENCE AND TECHNOLOGY CENTRE (D/2008/994)**

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/2008/994 dated 17 June 2008 and Statement of Environmental Effects prepared by Urbis, dated 12 June 2008 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
AR.DA.0000 B	Tanner Architects	September 2008
AR.DA.2000 B	Tanner Architects	September 2008
AR.DA.2001 B	Tanner Architects	September 2008
AR.DA.2002 B	Tanner Architects	September 2008
AR.DA.2003 B	Tanner Architects	September 2008
AR.DA.2004 B	Tanner Architects	September 2008
AR.DA.2005 B	Tanner Architects	September 2008
AR.DA.2006 B	Tanner Architects	September 2008
AR.DA.2007 B	Tanner Architects	September 2008
AR.DA.2008 B	Tanner Architects	September 2008
AR.DA.3001 B	Tanner Architects	September 2008
AR.DA.3002 B	Tanner Architects	September 2008
AR.DA.3101 B	Tanner Architects	September 2008
AR.DA.3102 B	Tanner Architects	September 2008
AR.DA.3103 B	Tanner Architects	September 2008
AR.DA.3104 B	Tanner Architects	September 2008
AR.DA.3201 B	Tanner Architects	September 2008
AR.DA.4001 B	Tanner Architects	September 2008

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) STAGING OF DEVELOPMENT**

- (a) The approved development may be staged in four parts to allow a potential break in works if required. The stages are as illustrated in drawing AR.DA4001 dated September 2008 prepared by Tanner Architects generally comprise the following:
- (i) Stage 1 – Demolition of existing hall and construction of the new building which contains car parking spaces; lecture theatre; canteen; 4 teaching spaces; the dark room; 3 staff rooms, the science prep room/chem. store and a number of store rooms,
  - (ii) Stage 2 – Excavation and construction of the remainder of the new car park,
  - (iii) Stage 3 - Construction of new building fronting St Peters Street and remaining levels above car park,
  - (iv) Stage 4 – Works to St Peters Street.
- (b) A final Occupation Certificate may be issued for Stage 1 and Stage 2.
- (c) Stage 3 and Stage 4 are to be completed sequentially. A Final Occupation Certificate is not to be issued for Stage 3 until Stage 4 is completed.

**(3) DESIGN MODIFICATIONS**

- (a) A display panel is to be incorporated into the northern facade of the new building adjacent to the car park entrance. The panel may display notices of school events, art works or other information associated with the school. The panel must not contain commercial advertising.
- (b) The proposed car park ventilation grills on the northern side of the building are to be redesigned to relate to the sandstone and masonry facade of the building.

The amendments are to be submitted and approved by Council prior to the issue of a Construction Certificate.

**(4) STUDENT NUMBERS**

- (a) Student numbers are to be regulated by the SCEGGS Masterplan 1999 endorsed by the South Sydney Council 8 September 1999, at a rate of one student per 15.2 sqm.
- (b) Notwithstanding the above, the desired maximum student population proposed by SCEGGS in the 1999 Masterplan shall not be achieved until all existing school facilities are brought into line with DPWS and DSE guidelines for classroom and facility size.

**(5) DEMOUNTABLE CLASSROOMS**

- (a) The existing demountable buildings located adjacent to Wilkinson House may be retained until the new Joan Freeman Science and Technology Centre is completed.

- (b) Structural Certification demonstrating the ongoing stability of the demountable buildings is to be submitted to the Principle Certifying Authority and Council the prior to the issue of a Construction Certificate.
- (c) Notwithstanding the above the demountable buildings are to be removed from the site within three years from the date of this consent.

**(6) USE OF CARPARK ROOF – BUFFER ZONE**

The proposed landscaped carpark roof top adjacent to the Bourke Street terraces is to be accessed for maintenance only and may not be used for any other purpose.

**(7) CERTIFICATION OF SUSTAINABILITY WORKS**

Prior to the issue of a Final Occupation Certificate certification is to be provided from a qualified auditor that all works contained within the Environmental Sustainability Design Report prepared by Medland Metropolis dated 12 June 2008. A copy of the certification is to be submitted to Council.

**(8) BICYCLE PARKING FOR STAFF AND VISITORS**

Ten (10) bicycle parking spaces are to be provided for staff and visitors within the basement area.

**(9) BICYCLE PARKING**

**(10) BICYCLE FACILITIES**

A bicycle facilities room must be provided close to staff / employee bicycle parking and include personal lockers. Showers / change rooms must also be provide in proximity to the parking area or in an accessible location elsewhere within the new building.

**(11) DESIGN DETAILS (MAJOR DEVELOPMENT)**

**(12) APPROVED DESIGN ROOF-TOP PLANT**

**(13) SIGN ILLUMINATION**

**(14) SIGNS/GOODS IN THE PUBLIC WAY**

**(15) SIGNS - SEPARATE DA REQUIRED**

**(16) REMOVAL OF GRAFFITI**

**(17) CARE OF BUILDING SURROUNDS**

**(18) PLACE OF PUBLIC ENTERTAINMENT**

**(19) PLACE OF PUBLIC ENTERTAINMENT - PLAN OF MANAGEMENT**

**(20) PLACE OF PUBLIC ENTERTAINMENT - CONSENT TO LAPSE**

The period during which the theatre is approved to operate is restricted to 2 years from the date of Occupation Certificate relating to the theatre. The use for entertainment purposes must cease after that time. A further development application may be lodged before the expiration date for Council's consideration of the continuation of the use.

Note: Council's consideration of this further application will take into account the compliance of the use in terms of: conditions of consent, number and nature of substantiated complaints regarding the operation of the premises.

**(21) PERMITTED OCCUPANCY IN ENTERTAINMENT AREA**

- (a) The seated occupancy capacity for the theatre shall not exceed 254 persons,
- (b) An occupancy capacity sign in lettering not less than 25mm in height shall be fixed in a conspicuous location within the entrance foyer adjacent the theatre entrance as follows;

**“Maximum Number Of Persons Permitted - 254 Persons”**

**(22) NOISE****(23) MECHANICAL PLANT AND EQUIPMENT****(24) NOISE FROM GLASS REMOVAL**

Glass bottles associated with the canteen must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.

**(25) NO SPEAKERS OR MUSIC OUTSIDE**

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the theatre including the public domain.

**(26) COMPLAINTS**

If, during the on-going use of the premises complaints of breaches of noise conditions occur and are substantiated to the satisfaction of Council, the applicant must:

- (a) arrange for acoustic testing to be undertaken by a suitably qualified acoustic consultant; and
- (b) immediately implement any recommendations made by the consultant to ensure the premises complies with the noise levels specified in the “Noise-Use” condition above.

**(27) INTRUDER ALARM**

**(28) CAR PARKING SPACES AND DIMENSIONS**

Up to a maximum of 83 off-street car parking spaces can 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 Stage 2 Construction Certificate being issued.

**(29) SEALING OF CAR PARK****(30) SECURITY GATES****(31) SIGNS AT EGRESS****(32) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION****(33) LOCATION OF VISITOR PARKING****(34) INTERCOM FOR VISITORS****(35) SIGN FOR VISITOR PARKING****(36) ACCESSIBLE CAR PARKING SPACES****(37) LOCATION OF ACCESSIBLE CAR PARKING SPACES****(38) LOADING/PARKING KEPT CLEAR****(39) ARTICULATED VEHICLES****(40) TRAFFIC WORKS****(41) ASSOCIATED ROADWAY COSTS****(42) COST OF TRAFFIC MANAGEMENT****(43) REFLECTIVITY**

The Principal Certifying Authority must ensure that the visible light reflectivity of building materials used on the facade do not produce excessive reflection.

**(44) AWNING MAINTENANCE****(45) ALCOVE LIGHTING**

The proposed alcove(s) on the St Peter Street facade shall be fitted with a sensor-activated security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area.

**SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building**

**Note:** Prior to the issue of a 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.

**(46) GENERAL HERITAGE**

- (a) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to Wilkinson House.
- (b) The face brick work to the Wilkinson House must not be rendered, painted or coated.
- (c) The awnings above the emergency access to the walkway/link fronting Forbes Street are to be deleted, as they are unnecessary, and as agreed to on site with the School's Business Manager and the architect.
- (d) Impact on significant heritage fabric of Wilkinson House is to be minimised with the connection of the new building. In particular, connection of the new wall should be kept to a minimum all existing windows should be retained in situ.

**(47) PROTECTION OF MORETON BAY FIGS**

The line of excavation proposed is to be clear of the base and root system of the significant Moreton Bay figs and Kauri pine so as not to disturb them. Appropriate care is to be undertaken when implementing the new development to ensure the protection of the significant trees such that they are not damaged or harmed in any way. Details are to be submitted and approved by Council prior to the issue of a Construction Certificate.

**(48) MATERIALS AND FINISHES TO MATCH EXISTING**

All new external materials, finishes and works for making good to Wilkinson House must match the existing original work.

**(49) COLOUR SCHEME**

The external colour scheme is to comprise predominantly earthy tones in keeping with the overall character of the heritage buildings within the school site and within the conservation area. A schedule of colours is to be submitted to Council's satisfaction prior to the release of the any Construction Certificate.

**(50) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

Prior to a Construction Certificate being issued, an archival photographic recording of the Barbara Chisholm Assembly Hall is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared 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) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (f) A digital based recording is to include:
  - (i) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks.
  - (ii) CD or DVD containing the report in PDF format and the electronic images saved as JPEG or TIFF files and cross referenced to the catalogue sheets.
- (g) A film based recording is to include:
  - (i) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

**(51) ARCHAEOLOGICAL INVESTIGATION**

**(52) COMMEMORATIVE PLAQUE**

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

**(53) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

(a) A Waste Management Plan is to be approved by the Principal Certifying Authority prior to commencement of work. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

**UPON COMPLETION OF THE DEVELOPMENT**

(b) Prior to an Occupation Certificate being issued, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

**(54) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)****(55) WASTE AND RECYCLING COLLECTION****(56) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE****(57) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM****(58) ASBESTOS REMOVAL****(59) PROHIBITION OF ASBESTOS RE-USE****(60) CLASSIFICATION OF WASTE****(61) DISPOSAL OF ASBESTOS****(62) ASBESTOS REMOVAL SIGNAGE****(63) SIGNAGE LOCATION AND DETAILS****(64) SKIPS AND BINS****(65) NOTIFICATION OF ASBESTOS REMOVAL****(66) CONTAMINATION****(67) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES****(68) INSTALLATION OF DUAL-FLUSH TOILETS**

**(69) INSTALLATION OF WATER EFFICIENT TAPS****(70) INSTALLATION OF WATER EFFICIENT URINALS****(71) INTERNAL LIGHTING SYSTEM****(72) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION****(73) LOT CONSOLIDATION**

All land titles within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to a final Occupation Certificate being issued.

**(74) FOOTPATH DAMAGE BANK GUARANTEE****(75) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE****(76) BARRICADE PERMIT****(77) 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 for the above ground building work. 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 and is to include all works associated with St Peters Street. 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.

**Note** a security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted standard fees and charges. Contact Council to determine deposit amount prior to payment.

The public domain upgrade works that are included in Stage 4 are to be carried out sequentially with Stage 3 and must be completed prior to the issue of a Final Occupation Certificate for Stage 3.

**(78) ALIGNMENT LEVELS****(79) LANDSCAPING OF THE SITE**

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

(i) Location of existing and proposed structures on the site including existing trees (if applicable);

- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems,
- (vi) If *Erigeron karvinskianus* is to be planted the selected cultivar is to be non-invasive;
- (vii) The minimum soil depth for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for turf, over and above all drainage materials. Reduced planting depth may be acceptable pending approval of planterbed width, depth and tree species selection by Council,

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

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

**(80) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

**(81) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

**(82) NOTIFY NSW FOOD AUTHORITY**

**(83) FOOD PREMISES DATA BASE**

**(84) EMISSIONS**

**(85) MECHANICAL VENTILATION**

**(86) CAR PARK VENTILATION**

**(87) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

**(88) EMERGENCY EVACUATION PLAN DURING CONSTRUCTION**

- (a) The applicant shall submit a construction method statement which specifies access and egress to the occupants of the building and evacuation plans during construction. The plan shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of work. The plan shall include, but is not limited to, details of how the following measures are to be maintained and used for the occupants of the building:
  - (i) The fire stair being controlled by a fire warden during construction;

- (ii) Exit signs and emergency lighting to the fire stairs including the entry and exit points at level(s).

**(89) CERTIFICATION OF GEOTECHNICAL INSPECTION**

**(90) GEOTECHNICAL REPORT AND CERTIFICATION**

**(91) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**

**(92) GENERAL EGRESS REQUIREMENTS**

**(93) DISABILITIES**

**(94) CONSTRUCTION**

- (a) Foyer space must be provided in the place of public entertainment on the basis of at least 0.25m<sup>2</sup> for each person that the auditorium accommodates as required by NSW H101.3 of the BCA.
- (b) Openings in construction that is required to separate the Place of Public Entertainment from other area under NSW H101.2 must be protected in accordance with C3.4 of the BCA.
- (c) The place of public entertainment must be separated from other parts of the building by construction having a FRL of not less than 60/60/60 as required by Clause NSW H101.2 of the BCA.
- (d) Storerooms must be separated from other parts of the building by construction having a FRL of not less than 60/60/60 in accordance with NSW H101.16 of the BCA.

**(95) PROJECTION SCREEN**

A cinematograph screen in a place of public entertainment must comply with the requirements of NSW Specification C1.10 clause 4(d) of the BCA.

**(96) FIRE HAZARD PROPERTIES**

- (a) In a Place of Public Entertainment, any material or component must comply with the fire hazard properties requirements of Specification C1.10 of the BCA. Evidence of compliance in the form of test certificates and photographs of materials must be obtained.
- (b) Any curtain or blind or similar decor must have a flammability index and must be fitted with a label in accordance with the requirements of NSW Specification C1.10 clause 4(d) of the BCA. Evidence of compliance in the form of test certificates and photographs of materials must be obtained.

**(97) SEATING AND GUARDRAILS**

- (a) Seating arranged in rows must comply with the requirements of NSW H101.11.1 of the BCA.
- (b) Chairs used for seating in rows must comply with the requirements of NSW H101.11.2 of the BCA.

- (c) Chairs for seating in rows in an auditorium must be securely fastened to a sloping floor, or stepped or included platforms, as required by NSW H101.11.4.
- (d) Aisles and cross-overs for seating in rows must comply with the requirements of NSW H101.11.6 of the BCA.
- (e) Platforms and steps for aisles for seating in rows must comply with the requirements of NSW H101.11.7.
- (f) Guardrails must be provided in accordance with the requirements of NSW H101.13.2 and NSW H101.13.3 of the BCA.

#### **(98) ELECTRICITY SUPPLY**

- (a) The electrical supply to the entertainment area must be constructed and installed in accordance with the requirements of NSW H101.19 of the BCA.
- (b) The switchboard containing the main isolation switch must be located in a position that is readily accessible to authorised persons, and to the Fire Brigade in the case of any emergency and be enclosed by construction having a FRL not less than 60/60/60 as required by NSW H101.19.1 of the BCA.
- (c) All final sub-circuits originating at a switchboard or distribution board must be protected by means of circuit breakers as required by NSW H101.19.2 of the BCA.
- (d) Any mains supply in common with that of another building or where it is a part of a building must be served by a separate and independent sub-main from the main switchboard; and each such sub-main, the consumer's main and the supply authority's conductors within the building must be protected in accordance with the requirements of NSW H101.19.3 of the BCA.

#### **(99) LIGHTING**

- (a) Lighting used in the place of public entertainment must comply with the requirements of NSW H101.20 of the BCA.
- (b) Any switch controlling the lighting system must not be accessible to the members of the public in accordance with the requirements of NSW H101.20.1(a) of the BCA.
- (c) General lighting that may be dimmed or switched off must be provided with an override switch to switch on all general lighting instantaneously and must be installed in the auditorium in a position accessible to management in accordance with the requirements of NSW H101.20.1 of the BCA.
- (d) Where general lighting is to be dimmed or extinguished and where the floor is stepped or inclined at more than 1 in 12, aisle lights must be provided to illuminate the length of each aisle and the tread of each step therein as required by NSW H101.20.3 of the BCA.

- (e) Any aisle lighting installed in a seat frame must be supplied at a voltage of not more than 32 volts AC or 115 volts DC in accordance with NSW H101.20.4 of the BCA.
- (f) Aisle lighting must be provided with an alternative electricity supply that:-
  - (i) is capable of being automatically energised in the event of failure of the primary lighting electricity supply; and
  - (ii) complies with the provisions applying to emergency lighting in accordance with the requirements of NSW H101.20.5 of the BCA.

**(100) HEALTH AND AMENITY**

**(101) FIRE SERVICES**

**(102) SPRINKLER SYSTEM**

**(103) ANNUAL FIRE SAFETY STATEMENT FORM**

**(104) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

**(105) STORMWATER RETENTION/RAINWATER TANKS**

Details of any proposal for the provision of stormwater retention / rainwater harvesting system, is to be provided to and approved by Council prior to the issue of a Construction Certificate.

**SCHEDULE 1C**

**During Construction/Prior to Occupation/Completion**

**(106) OCCUPATION CERTIFICATE TO BE SUBMITTED**

**(107) HOURS OF WORK AND NOISE – OUTSIDE CBD**

**(108) SYDNEY WATER CERTIFICATE**

**(109) HAZARDOUS AND INDUSTRIAL WASTE**

**(110) COVERING OF LOADS**

**(111) VEHICLE CLEANSING**

**(112) EROSION AND SEDIMENT CONTROL**

**(113) LOADING AND UNLOADING DURING CONSTRUCTION**

**(114) NO OBSTRUCTION OF PUBLIC WAY**

**(115) USE OF MOBILE CRANES**

**(116) SURVEY CERTIFICATE AT COMPLETION**

**(117) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

**(118) PROTECTION OF STREET TREES DURING CONSTRUCTION**

**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 Tom Ferguson, Ms Sue Pynenburg and Mr Robert Denton addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.5.

**ITEM 10.6**

**DEVELOPMENT APPLICATION: 131-135 BATHURST STREET SYDNEY (D/2008/1248)**

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the application when RailCorp concurrence is received; and
- (B) in determining the application, the Chief Executive Officer consider the draft conditions as detailed in the subject report and any conditions recommended by RailCorp and the Roads and Traffic Authority.

Carried unanimously.

**Speakers**

Mr Angelo Candalepas addressed the meeting of the Planning Development and Transport

**ITEM 10.7****DEVELOPMENT APPLICATION: REDEVELOPMENT OF UNSW COLLEGE OF FINE ARTS – COFA – CAMPUS PADDINGTON (R/2008/19 (MP08\_104))**

It is resolved that the recommendation to the Minister for Planning for approval of the subject proposal, subject to deferred commencement conditions and the conditions of consent shown at Appendix B to the Assessment Report, shown at Attachment B to the subject report, be endorsed, subject to the amendment of Condition (4), such that it read as follows:

**(4) HOURS OF ACCESS – SELWYN STREET**

The hours of pedestrian access to the campus from Selwyn Street are restricted to between 8am and 9pm Mondays to Fridays inclusive and 8am and 4pm on Saturdays. Only emergency vehicles are permitted to access the campus through the Selwyn Street gates.

Carried unanimously.

Report of the Development Assessment Sub-Committee

Moved by Councillor Black, seconded by Councillor Tornai -

That the report of the Development Assessment Sub-Committee of its meeting of 17 November 2008 be received, with the recommendations set out below for Items 10.8 and 10.9 being adopted.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

**ITEM 10.8****DEVELOPMENT APPLICATION: GREEN SQUARE TOWN CENTRE ESSENTIAL INFRASTRUCTURE – ZETLAND-ALEXANDRIA (D/2008/1195)**

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:
  - (A1) approval (both from the landowner and from Council as consent authority) must be obtained for proposed drainage works in properties to the east of Joynton Avenue;
  - (A2) Sydney Water must approve the proposed work to the existing trunk drainage system, and a copy of such approval be submitted to the Council; and
  - (A3) Sydney Water must agree to accept ownership of the new trunk drainage system, and a copy of that acceptance be submitted to the Council;

- (B) the consent shall not operate until the applicant has provided details responding to the above matters, which shall be approved in writing by the Manager Planning Assessments; and
- (C) within 12 months of the date of this resolution and upon compliance 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 the matters specified in clause (A):

## SCHEDULE 1A

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

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2008/1195 dated 17 July 2008 and Statement of Environmental Effects – Green Square Town Centre (Essential Infrastructure) prepared by SJB Planning Pty Ltd, dated 17 July 2008, and the following drawings:

Drawing Number	Revision	Prepared by	Date
CL-002	02	Connell Wagner	23 June 2008
CL-003	01	Connell Wagner	23 June 2008
CL-005 and 006, 010, 020 to 025	02	Connell Wagner	23 June 2008
CL-026	01	Connell Wagner	3 Sep 2007
CL-027 to 030	02	Connell Wagner	23 June 2008
CL-031 and 032	02	Connell Wagner	28 June 2008
CL-033, 035 to 040, 050 to 053, 055, 150 to 154, 200 to 206	02	Connell Wagner	23 June 2008
CL-207	03	Connell Wagner	23 June 2008
CL-208	02	Connell Wagner	23 June 2008
CL-209	03	Connell Wagner	11 August 2008
CL-210	02	Connell Wagner	23 June 2008
CL-211	03	Connell Wagner	23 June 2008
CL-212 and 213	02	Connell Wagner	23 June 2008
CL-215	03	Connell Wagner	23 June 2008
CL-216 and 217	02	Connell Wagner	23 June 2008
CL-218	03	Connell Wagner	23 June 2008
CL-219 and 220	02	Connell Wagner	23 June 2008
CL-240	03	Connell Wagner	23 June 2008
CL-241 to 243	02	Connell Wagner	23 June 2008
CL-247	01	Connell Wagner	23 June 2008
CL-250 to 252	02	Connell Wagner	23 June 2008
CL-253 and 254	01	Connell Wagner	23 June 2008

<b>Drawing Number</b>	<b>Revision</b>	<b>Prepared by</b>	<b>Date</b>
CL-255 and 260	02	Connell Wagner	23 June 2008
CL-265 to 268	01	Connell Wagner	23 June 2008
CL-270	02	Connell Wagner	23 June 2008
CL-275 and 276	01	Connell Wagner	23 June 2008
CL-280	02	Connell Wagner	23 June 2008
CL-285 to 288	01	Connell Wagner	23 June 2008
CL-290	02	Connell Wagner	23 June 2008
CL-295 to 297	01	Connell Wagner	23 June 2008
CL-300	02	Connell Wagner	23 June 2008
CL-305 to 307	01	Connell Wagner	23 June 2008
CL-310	02	Connell Wagner	23 June 2008
CL-311, 315 to 317, 320, 325, 330, 335, 340, 345 to 346, 380 to 385	01	Connell Wagner	23 June 2008
CL-390 to 391	02	Connell Wagner	23 June 2008
CL-392	01	Connell Wagner	23 June 2008
CL-393	02	Connell Wagner	23 June 2008
CL-400 to 403, 405 to 408	03	Connell Wagner	23 June 2008
CL-410 to 413, 420 to 428	01	Connell Wagner	23 June 2008
CL-450	02	Connell Wagner	23 June 2008
CL-457	01	Connell Wagner	23 June 2008
CL-460 to 463, 465 to 466, 495 to 498, 500 to 505	02	Connell Wagner	23 June 2008
CL-506	01	Connell Wagner	Undated
CL-507 to 509, 511 to 513	02	Connell Wagner	23 June 2008
CL-514	01	Connell Wagner	Undated
CL-515 to 520, 530	02	Connell Wagner	23 June 2008
L 06628 0000	G	Context	26 June 2008
L 06628 0500	B	Context	27 June 2008
L 06628 1000	B	Context	26 June 2008
L 06628 1001	E	Context	26 June 2008
L 06628 3001 to 3010, and 3012 to 3013	H	Context	26 June 2008
L 06628 6001 to 6003	D	Context	26 June 2008

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) NO APPROVAL FOR WORKS ON SPECIFIED LOTS**

No approval is given for any works located in Stratum Lot 1 DP1015633, Stratum Lot 5 DP1100267 and Stratum Lot 5 DP1015619 and in Lot X DP 447410. Any works to be located within these lots shall be the subject of separate Development Applications to Council and shall be accompanied by the relevant owners consent.

**(3) SUBMISSION OF AMENDED PLANS**

Following the resolution of all the matters of detailed design which are the subject of conditions below, the applicant is to prepare and submit to Council new plans to reflect the amended designs of the proposed works prior to a Construction Certificate being issued.

**(4) DESIGN AMENDMENT**

The following design amendments are required. The amendments are to be submitted to and approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued.

- (a) Planting along the northern side of the East West Boulevard is to be amended or deleted as follows:
  - (i) delete planting adjacent to the roadway to provide improved access to parking bays adjacent to the park;
  - (ii) delete planting adjacent to the property boundary to improve access to adjacent private properties; and
  - (iii) adjust the random tree planting along the property boundary so as to enhance the grand boulevard theme.
- (b) An amended design for Plaza A and Plaza B, designed in accordance with the City of Sydney's Access DCP 2004 and Access Policy 2004 and traffic requirements for shared zones.
- (c) An amended design for Town Square Street at the junction with the Plaza to ensure pedestrian safety and traffic requirements are met.
- (d) An amended street configuration design for Dunning Avenue between New Cross Street and the neighbourhood Plaza as follows:
  - (i) provide the minimum footway width as outlined in South Sydney DCP 1997 – Amendment H: Green Square Town Centre;
  - (ii) provide street tree planting; and
  - (iii) locate bus shelter.

**(5) 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/Compliance Certificate is issued.

**(6) ALIGNMENT LEVELS**

Footpath alignment levels must meet City Standards. These alignment levels are then to be incorporated into the plans submitted with the application for a Construction Certificate.

**(7) PAVING MATERIALS**

- (a) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".
- (b) The paving for streetscapes must be in accordance with the City's 'Sydney Streets Design Code'.
- (c) Split faced 'rough' cobblestone setts are not to be used in pedestrian areas.
- (d) Kerb stone material is to have a visual contrast to the footway and road surface materials in accordance with AS1428.
- (e) Changes in the paving material and set out is to occur perpendicular to the direction of vehicle travel (not align with building facades or others).
- (f) A street / area hierarchy is to be established, with paving selection.
- (g) Paving material selection, details and specification is to be submitted to and approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued.

**(8) FOOTWAY WIDTH**

Minimum footway widths as detailed in South Sydney DCP 1997 – Amendment H: Green Square Town Centre are to be maintained. Where kerb and gutter alignments need to be adjusted to accommodate vehicle turning circles, appropriate adjustment to future property boundaries may need to occur. All adjustments are to be submitted to Council for approval.

**(9) STREETScape FURNITURE**

- (a) The streetscape furniture and lighting must be in accordance with the City's 'Sydney Streets Design Code' and 'Sydney Lights Design Code'.
- (b) An approach to street furniture location and numbers is to be established.
- (c) A reduction and rationalisation of proposed street furniture is required to reduce streetscape clutter.
- (d) Seating is to be sited at key locations to provide a network of resting places. Consider nearby traffic levels and noise, available shade, lighting, safety and surveillance, adjoining facilities, bus stops etc.
- (e) Street furniture locations and specification details are to be submitted to and approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued.

**(10) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

- (a) The public domain must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and the City of Sydney Access DCP 2004 and Access Policy 2004.
- (b) Full details of any handrails, tactile ground surface indicators (TSGIs) or the like are to be designed in accordance with Council's policies and submitted to Council for comment.
- (c) If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued.

**(11) LANDSCAPE MAINTENANCE PLAN**

- (a) Details of the maintenance plan are to be submitted to Council for approval prior to Construction Certificate being issued (to be lodged with the Public Domain Section).
- (b) The approved Landscape Maintenance Plan is to be complied with during occupation of the site.

**(12) DESIGN CAPACITY FOR DRAINAGE SYSTEM**

Prior to the release of the Construction Certificate the applicant must submit for Councils' approval the design capacity for the proposed trunk drainage system to accommodate events up to and including the one in twenty year ARI event, including:

- (a) Detailed engineering drawings both for all new drainage infrastructure and retained sections of existing drainage infrastructure;

- (b) Hydrologic and hydraulic calculations, including (but not limited to) allowances for the affects of climate change, HGL levels, pit losses, inlet losses, bend losses, junctions losses and appropriate pit blockage factors;
- (c) Calculations of downstream affects beyond the scope of the current DA including, but not limited to, the hydraulic losses associated with the retained sections of the existing trunk line, any required upgrade of local drainage systems associated with the realignment of the Bourke Road/O’Riordan Street/Botany Road intersection and any downstream hydraulic controls.

**(13) SUBMISSION OF FLOOD REPORT AND PLAN**

Final versions of the “Flood Mitigation Options Report” and “Flood Risk Management Plan” must be submitted to the Council for approval before the release of any Construction Certificate. The report and plan must include and address the calculations detailing the required total flood refuge area needed throughout the Town Centre and the proposed distribution amongst individual development sites.

**(14) CONFIRMATION FROM UTILITY PROVIDERS**

Prior to issue of any Construction Certificate, Letters of approval must be submitted to the Council from all utility service providers consenting to the proposed decommissioning and/or alterations to their assets and including a statement that the proposed new infrastructure meets their respective requirements for their future servicing of the fully developed Town Centre.

**(15) SYDNEY WATER APPROVAL – DOWNSTREAM SYSTEM**

Sydney Water must approve to the proposed work to the existing trunk drainage system downstream of Joynton Avenue, and a copy of such approval submitted to the Council.

**(16) SYDNEY WATER APPROVAL – NEW SYSTEM**

Sydney Water must agree to accept ownership of the new trunk drainage system downstream of Joynton Avenue, and a copy of that acceptance submitted to the Council.

**(17) EASEMENT FOR STORMWATER**

An Easement for stormwater purposes to the benefit of Sydney Water must be registered on title for all relocated sections of its trunk drainage system.

**(18) CREATION OF DRAINAGE EASEMENT RIGHTS**

Creation of Drainage Easement rights in favour of the City for any parts of the proposed local drainage system within private property.

**(19) SUBMISSION OF SUBDIVISION APPLICATION**

A separate subdivision application shall be submitted to and approved by the City for the creation of the proposed roads and public reserves, including all easements reasonably necessary to recognise and support any infrastructure.

**(20) TEMPORARY DRAINAGE DIVERSIONS**

At all times during the construction/reconstruction of the trunk drainage system adequate temporary diversions are to be installed and maintained to ensure that the design 20 year capacity of the drainage system is retained at all times.

**(21) BOTANY ROAD CONSTRUCTION**

All permanent construction adjoining Botany Road shall be designed in accordance with the requirements of the Roads and Traffic Authority's road widening order.

**(22) KERB LINTEL MATERIAL**

All kerb lintel units shall be of the same material as the kerb - which is subject to separate agreement from the City. NOTE: If stone is the adopted material there is a limited length of lintel that can be manufactured which in turn limits the hydraulic capacity of individual inlet pits and will necessitate the construction of additional pits and associated drainage pipes to accommodate design discharges.

**(23) SUBMISSION OF FINAL DESIGN DRAWINGS**

Final design drawings shall be submitted for all infrastructure works.

**(24) ROAD PAVEMENT MATERIALS**

Road pavement materials (sub-base and base courses) are not to contain any cementitious binder.

**(25) GENERAL TECHNICAL SERVICES REQUIREMENTS**

- (a) If the Project is to be staged, then for each stage of the project a staging plan is to be submitted and approved by Council. This plan will detail all matters relating to the staging of the work including any necessary head-works, or off-site infrastructure works, needed to enable the stage to operate self sufficiently.
- (b) The applicant's attention is drawn to the need to obtain Council's separate approval for the "Public Domain Matters" and the "Roads Act Matters" as listed below. This condition is to be satisfied prior to the issue of any Construction Certificate:
  - (i) Public Domain Matters:
    - a. Road Surface materials.
    - b. Kerb Surface materials.
    - c. Footway Surface materials.

- d. Cycleway Surface materials.
  - e. Street Tree Bay Configuration planting details.
  - f. Street Furniture.
- (ii) Roads Act (Section 138) & Local Government Act Matters for the Roads & Drainage works on new and existing Public Roads including :
- a. Earthworks
  - b. Road Pavements and Carriageway construction.
  - c. All underground services
  - d. Local Stormwater Drainage Plan for Public Roads and Footways.
  - e. Trunk Drainage Plan to be endorsed by Sydney Water.
  - f. All Water Sensitive Urban Design Elements under Public Roads and Footways.
  - g. Sufficient Water Sensitive Urban Design Elements to allow the Public Roads and footways to fully operate from a WSUD perspective.
  - h. Street Sign Plan.
  - i. Kerbside Parking Sign Plan.
  - j. Road line marking Plan.
  - k. Street Lighting Plan.
  - l. Signals Plan where new signals are required.
  - m. Road Opening Permits including any necessary Traffic Control Plans.

## **(26) SERVICES**

The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy Australia
- (c) Natural Gas Company
- (d) Relevant local telecommunications carriers including Telstra and Optus

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved Construction plans attached to the Construction Certificate should be submitted to and approved by Sydney Water or their agent that the proposed Construction Plans comply with the Sydney Water requirements.

## **(27) DESIGN DETAILS**

- (a) Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

- (b) Any Engineering Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by "Scope of Engineering Works" and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require engineering approval pursuant to the Roads Act 1993.
- (c) Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing and proposed public roads as nominated in "Scope of Engineering Works" Condition and other relevant sections of this consent. The application for this Engineering Approval is to include detailed design plans and specifications prepared by a Chartered Professional Engineer.

## **(28) DESIGN AND WORKS SPECIFICATION**

- (a) All engineering works required by the condition headed "Scope of Engineering Works" and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:
  - (i) City of Sydney Development Specification Civil Works – Design
  - (ii) City of Sydney Development Specification Civil Works – Construction

Design plans, calculations and other supporting documentation prepared in accordance with the above requirements MUST be submitted to Council with any application for Construction Certificate.
- (b) It is Council's intention that the construction inspections will be undertaken by a private organisation with Council inspecting various hold points with the Private Certifier.
- (c) Principal Certifying Authority – Council of the City of Sydney will allow a private PCA to issue the relevant Certificates upon compliance with the conditions of this consent provided:
  - (i) Inspections at each of the Council Nominated Hold Points are made by Council's Representative as indicated elsewhere in this consent.
  - (ii) The Council approvals required for that stage must be obtained by the PCA prior to that final approval being issued.
- (d) No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

**(29) REMOVAL OF TREES ON THE SITE**

The following requirements apply:

- (a) All trees, including the three Poplar trees adjacent to Portman Street, shall be retained and protected *in situ* for as long as possible during excavation, earthwork, and construction, and where possible, retained until further development on the site is approved and commenced.
- (b) Where possible, and within the context of this Development Consent, the design of the Essential Infrastructure must be modified with variations to the landscape setbacks for the purpose of retaining the Portman Street Poplar trees and Botany Road Eucalypts.
- (c) Given the likely staged construction of the Essential Infrastructure, details of tree protection measures to be implemented during construction and development on site shall be provided to Council's Tree Management Team for approval prior to commencement of work for the respective stages. These details shall include:
  - (i) Any soil level changes and construction methods,
  - (ii) Details of the protective fencing to be installed (location / materials / duration),
  - (iii) Details on the trunk protection (method / materials/ duration); and
  - (iv) Any other works that must be prohibited throughout construction and development on site.
- (d) The local community shall be regularly informed of the removal of trees, including any staged removal. This may be in the form of regular neighbourhood newsletters and/or community information sessions and/or the like.

**(30) TREE PROTECTION ZONES**

- (a) Before the commencement of works, the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below.
- (b) **TPZ Schedule**

Tree No	Species Name	Location	Radius (m) from Trunk
Group 1	Poplar trees	Portman Street (at rear of 97-115 Botany Rd)	8 metres
Group 2	Eucalypt trees	Frontage of 377-497 Botany Road	8 metres
Group 3	Eucalypt trees	Northern side of Waverly Depot	8 metres

- (c) Each TPZ must be:

- (i) Enclosed as outlined above with a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be destroyed during the establishment or maintenance of the fencing.
  - (ii) Kept free of weed and grass and mulch maintained to a depth of 75mm for the duration of works.
  - (iii) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site.
- (d) The following works shall be excluded from within all TPZs:
- (i) Soil cut or fill including excavation and trenching;
  - (ii) Soil cultivation, disturbance or compaction;
  - (iii) Removal or pruning of trees, except where consent has been given;
  - (iv) Stockpiling, storage or mixing of materials;
  - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
  - (vi) The disposal of liquids and refuelling;
  - (vii) The disposal of building materials;
  - (viii) The siting of offices or sheds; and
  - (ix) Any action leading to the impact on tree health or structure.
- (e) All work undertaken within or above the TPZ must be:
- (i) Carried out in accordance with a work methodology statement prepared by the Consultant Arborist and approved by Council's Tree Management Officer before its implementation (including, without limitation, handling and pedestrian/ machinery access).
  - (f) Any root/s over 50mm in diameter must be pruned by the Arborist. The Site Arborist must also detail all root pruning undertaken in report form to Council within 1 month of the excavation being undertaken.

**(31) REMOVAL OF TREES ON 'DEVELOPMENT SITES' TO BE SUBJECT OF SEPARATE DEVELOPMENT APPLICATIONS**

- (a) Besides tree removal related to the provision of the essential infrastructure approved as part of this development, the removal of any other trees on the 'Development Sites' identified in South Sydney LEP 1998 - Green Square Town Centre shall be considered as part of the future Development Applications for the respective sites. Where possible, the future building and landscape designs shall retain healthy trees.

- (b) Setbacks, including allowances for the full height of buildings, shall be considered with all future development applications to allow existing healthy trees to be retained.
- (c) All trees shall remain on private development sites in the short term and their retention will be assessed and considered in relation to each development application. Overall, any tree that is permitted for removal shall be kept on site for as long as possible, prior to the physical commencement of building works.

**(32) ADDITIONAL LANDSCAPING DETAILS TO BE PROVIDED**

The following issues must be addressed in the final stages of design documentation and must be to the satisfaction of the City's Tree Management Team prior to the release of the Construction Certificate:

- (a) Details of the proposed tree / plant species. This shall include both botanical and common names, quantities of species, pot sizes, height at maturity, and the like.
- (b) The selection of species shall have regard to the adopted Council Street Tree Masterplan policy at the time, the suitability of the respective species having regard to site constraints, and the overarching vision for the Green Square Town Centre as reflected in South Sydney LEP 1998 and DCP 1997 (as may be amended).
- (c) Details of the planting and maintenance methodologies, including pit details, soil preparation methods, soil depths, stock sizes and the like. It should be noted that the use of advance stock is preferred that are a minimum pot size of 100 litres.
- (d) That designs provide details of deep soil plantings on development sites and are in accordance with the standards specified in the DCP.

All development sites, where appropriate, shall include a provision within the designs / landscape plans, for at least one tree to be planted that will reach a minimum mature height of 8 metres. The species selection must be appropriate for the site, and should firstly consider the use of native and drought tolerant species.

**(33) TREE SPECIES ADJACENT TO CLASSIFIED STATE ROAD TO BE REVIEWED**

The tree species proposed within the clear zone of the classified state road (ie: within 3m of the face of kerb for a 60km/h zone) shall be reviewed having regard to potential hazard to motorists. In particular, the review shall consider:

- (a) Trunk diameter on maturity. It is noted that trunk diameters that grow to more than 100mm at maturity are considered by the RTA to be hazardous.
- (b) Motorist line of sight, based on the trees planted and their specific location.

- (c) Height of any tree overhang into the road carriageway and the affect on buses, trucks etc. It is noted that the RTA recommends that any overhang should not occur below a height of 4.6m (min) or 5.3m (desirable) above the road carriageway.

**(34) STREET INTERSECTIONS TO BE REVIEWED**

The following intersections shall be reviewed:

- (a) Dunning Street North and Dunning Street South at their intersections with New Cross Street; and
- (b) Portman Street and East West Boulevard.
- (c) Such review shall consider the possible realignment of Dunning Street and the New Cross Street (within the constraints of South Sydney LEP 1998 – Green Square Town Centre), and appropriate intersection controls for both sets of intersection.

**(35) TRAFFIC SIGNAL TO BE DESIGNED TO RTA REQUIREMENTS**

The proposed traffic signals at the intersection of Botany Road and New Cross Street shall be designed to meet the RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the traffic signal 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, signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. If required, please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed traffic signal design plans.

**(36) PUBLIC UTILITY ADJUSTMENT/RELOCATION**

The applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

**(37) WORKS AND REGULATORY SIGN POSTING**

All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.

**(38) STORMWATER DISCHARGE INTO RTA DRAINAGE SYSTEM**

Post development stormwater discharge from the subject site into the RTA drainage system shall not exceed the pre-development discharge.

**(39) CHANGES TO RTA STORMWATER DRAINAGE SYSTEM REQUIRE RTA APPROVAL**

Detailed design plans and hydraulic calculations of any changes to the RTA stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works

Details should be forwarded to:

The Sydney Asset Management  
Roads and Traffic Authority  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

**(40) REMOVAL OF INDENTED BUS BAYS**

All bus stops within the development site must not remove buses from the traffic lane.

**(41) BUS ISLAND**

All bus islands must be a minimum of 3.0m wide and be designed in accordance with the City's Access Policy. The design must be approved by the City Traffic Operations Unit.

**(42) PARKING RESTRICTIONS PLAN**

The applicant is required to make a separate application to the Traffic Operations Unit to provide a parking restrictions plan. The plan must include the location and chainage of every parking restriction sign and associated stem. All time restriction parking must be for short-stay parking and to eliminate the use of the area by long term commuters unrestricted parking spaces must not be provided. The applicant should also consider the inclusion of Taxi Zones, Car Share Spaces, Motorcycle Parking and No Parking zones, to be used as drop off/pick up areas. This plan will need to be approved by the Sydney Traffic Committee prior to the road being opened.

**(43) REMOVAL OF ON STREET PARKING FOR DISABLED**

The on street parking for the disabled is not approved. Any future provision of on street parking for disabled shall be based on a demonstrative demand existing and shall be the subject of a separate application to the City's Traffic Operations Unit.

**(44) ALL CROSSINGS TO BE RAISED CROSSINGS**

All pedestrian crossings, including those over the separated bicycle paths, shall be raised crossings to provide pedestrian amenity and priority and to reduce traffic speed.

**(45) EAST WEST BOULEVARD PEDESTRIAN CROSSING**

The proposed mid block pedestrian crossing along the western section of East West Boulevard must be adjacent to the through site link that joins Portman Street with East West Boulevard. Any resulting loss in on street parking as a result is acceptable.

**(46) DUNNING AVENUE**

- (a) Dunning Avenue between Hansard and New Cross Street shall be constructed with a bi-directional separated cycleway along the western side of the road.
- (b) Dunning Avenue between the East West Boulevard and Bourke Street must be constructed with a bi-directional separated cycleway along the western side of the road.
- (c) This may result in alteration to travel lane, parking lane and footway widths, and may result in changes to the proposed layout of on street parking. The design needs to be approved by the City's Traffic Operations, Transport Strategy and Public Domain Units prior to the Construction Certificate being issued.

**(47) EAST WEST BOULEVARD**

- (a) A bi-directional separated cycleway shall be provided on the northern side of the road. This cycleway will link to the plaza. This will replace the need for the off road separated bicycle path on the southern footway.
- (b) This may result in alteration to travel lane, parking lane and footway widths, and may result in changes to the proposed layout of on street parking. The design needs to be approved by the City's Traffic Operations, Transport Strategy and Public Domain Units prior to the Construction Certificate being issued.

**(48) PORTMAN STREET**

- (a) A bi-directional separated cycleway should be provided western side of the road.
- (b) This may result in alteration to travel lane, parking lane and footway widths, and may result in changes to the proposed layout of on street parking. The design needs to be approved by the City's Traffic Operations, Transport Strategy and Public Domain Units prior to the Construction Certificate being issued.

**(49) NEW CROSS STREET**

- (a) A bi-directional separated cycleway should be provided on the southern side of New Cross Street.

- (b) This may result in alteration to travel lane, parking lane and footway widths, and may result in changes to the proposed layout of on street parking. The design needs to be approved by the City's Traffic Operations, Transport Strategy and Public Domain Units prior to the Construction Certificate being issued.

**(50) CYCLING INTERSECTION FACILITIES**

All bicycle intersection facilities are to be approved by the City's Transport Strategy Unit prior to the Construction Certificate being issued.

**(51) PEDESTRIAN AND CYCLIST FACILITIES ALONG BOURKE STREET AND BOTANY ROAD**

- (a) A shared path shall be provided along the eastern side of Bourke Street and Botany Road.
- (b) A Bend out cycleway crossing and a raised pedestrian crossing should be provided for cyclists and pedestrians travelling north/south on Bourke Street across Dunning Avenue.
- (c) Shared path and cycleway sign posting and line marking on Bourke Street and Botany Road must comply with the NSW Bicycle Guidelines.

**(52) SHARED ZONES**

Merton Street access way and Access Way, also known as Plaza A and B, must be designed and constructed as shared zones, and must meet RTA shared zone criteria prior to dedication.

**(53) MEDIAN ON BOURKE STREET**

The median along Bourke Street at the intersection of Bourke Street and Dunning Avenue North must be extended as shown in the plans, to create a left in left out turning restriction at Dunning Avenue.

**(54) 40KM/H SPEED LIMIT**

All the roads within the development site must be designed as 40km/h roads. All speed limit signage must be adjusted to show the area as a 40 km/h. The road designs must be such that the 40 km/h speed limit is self enforcing and is agreed to by the Roads and Traffic Authority.

**(55) JOYNTON AVENUE / EAST WEST BOULEVARD INTERSECTION**

The intersection of Joynton Avenue and East West Boulevard was identified as requiring traffic signals in the Zetland Area Traffic Study and this is supported by the City of Sydney. The study required all arms of the intersection to have pedestrian crossings and bicycle lanterns where appropriate. The concurrence of the signal design must be sought from the RTA prior to construction.

**(56) DUNNING AVENUE / EAST WEST BOULEVARD INTERSECTION**

The applicant has not fully shown:

- (a) How priority for buses at the intersection will be achieved.
- (b) How pedestrian safety will be addressed at the pedestrian crossing on the southern approach to the intersection.
- (c) How the pedestrian flows over the proposed zebra crossing will impact on the operation of the intersection.
- (d) How safe pedestrian crossings can be provided on the eastern and northern approaches.

The applicant must address these issues and resubmit a plan of the intersection to the Traffic Operations Unit for approval prior to Construction Certificate being issued.

**(57) PORTMAN AVENUE / EAST WEST BOULEVARD INTERSECTION**

The applicant has not fully shown:

- (a) How priority for buses at the intersection will be achieved.
- (b) How pedestrian safety will be addressed at all approaches to the intersection.
- (c) How the intersection will operate safely given the two intersecting on road cycle facilities.

The applicant must address these issues and resubmit a plan of the intersection to the Traffic Operations Unit for approval prior to Construction Certificate being issued.

**(58) DUNNING AVENUE / NEW CROSS STREET INTERSECTION ALIGNMENT**

- (a) The applicant must provide an updated detailed design of the intersection of Dunning Avenue and New Cross Street. The new design must include an improved alignment for the intersection and must include turning movements for the largest size buses that can pass each other. The design must be submitted to the City for the consideration of the Sydney Traffic Committee.
- (b) The alternative intersection design shall ensure that the "development sites" shown in South Sydney LEP 1998 (Amendment No. 17) – Green Square Town Centre are not adversely affected.

**(59) TOWN SQUARE STREET**

- (a) Town Square Street is not to be constructed as a shared zone in the section adjacent to the Civic and Neighbourhood Plazas.
- (b) The formation of Town Square Street shall comply with RTA requirements for visual distinction between a footway and roadway, and must be constructed with a kerb and gutter.

- (c) The pedestrian priority, safety and amenity of this link adjacent to the plazas has not been fully addressed. The applicant must submit updated plans of this link for approval by the Traffic Operations Unit prior to Construction Certificate being issued.

**(60) REQUIREMENTS FOR ANY FUTURE THROUGH PLAZA VEHICLE LINK**

Besides alterations resulting from compliance with the above conditions, any significant alterations to the public domain and public road networks shown in the approved drawings, including provision of a through plaza vehicle link, shall be subject to the separate approval of Council. In particular, a through plaza vehicle link shall include details of how the link interacts with Botany Road, Town Square Street and Dunning Avenue, and the balance of the Civic and Neighbourhood Plazas.

**(61) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, shall be designed in accordance with RTA Technical Directives and shall be referred to the Sydney Traffic Committee for approval prior to any work commencing on site.

**(62) ASSOCIATED ROADWAY COSTS**

The developer is responsible for all costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system, and footway. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

**(63) COST OF SIGNPOSTING**

All cost of signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(64) CONSTRUCTION TRAFFIC MANAGEMENT**

The developer shall submit a Construction Traffic Management Plan for approval, before the issuing of the Construction Certificate.

**(65) PROPERTY & TITLE SEARCH AND SURVEY**

Prior to the commencement of works, the Applicant shall provide an accurate survey locating the proposed development or works with respect to the rail boundary, easements and stratum, and rail infrastructure (including the rail tunnel). This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp.

**(66) SERVICES SEARCHES**

Prior to the commencement of works, the Applicant shall request service searches from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the Applicant must discuss and agree with RailCorp how these services are to be accommodated or relocated.

**(67) STRAY CURRENTS AND ELECTROLYSIS FROM RAIL OPERATIONS**

Prior to the installation of any metal pipes or services that contain metal reinforcing, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

**(68) GEOTECHNICAL AND STRUCTURAL STABILITY AND INTEGRITY**

- (a) Where infrastructure works that are deeper than 2m in depth and within 25 metres or above the rail corridor/station, the applicant is required to submit a geotechnical report to RailCorp for its endorsement. To determine the location of the rail corridor the applicant is requested to consult the survey plans for Stratum Lot 1 DP1015633, Stratum Lot 5 DP1100267 and Stratum Lot 5 DP1015619 and easements benefiting RailCorp located under Bourke Street.
- (b) The Applicant is required to contact RailCorp's Rail Corridor Management Group to obtain the document titled "Brief for review of Geotechnical & Structural Design for developments adjacent to or above the rail corridor for external third party works performed under the NSW State Environmental Planning Policy (Infrastructure) 2007(Contact Chris Bailey on 9224 3905)
- (c) The applicant will also be required to submit structural drawings and report detailing how the structural load on the tunnel or station is to be mitigated.

**(69) CONTROLLED ACTIVITY APPROVAL REQUIRED**

The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

**(70) SELECTION OF TREE SPECIES AND IMPACT ON BELOW GROUND PIPES**

The selection of tree species shall include consideration of the root system having regard to the potential for cracking and/or blockage of below ground pipes. Further information on 'problem species' may be obtained from Sydney Water.

**(71) FLOOD MANAGEMENT STRATEGY**

The applicant must undertake a 5, 10, 20 and 100 year ARI run of the flood modelling to demonstrate that there are no adverse upstream or downstream impacts on the flood behaviour. The computer models must be reviewed by an independent flood modelling specialist engaged by the applicant and selection agreed to by Sydney Water and the City of Sydney. The flood modelling specialist must deem the models fit for purpose. The results of this modelling must be reviewed and approved in writing by Sydney Water and the City of Sydney before a Construction Certificate will be issued.

**(72) SITE REMEDIATION AND VALIDATION**

The site is to be remediated and validated in accordance with the Remediation Action Plans reviewed by the Auditor. Prior to the execution of infrastructure works associated with the (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.

**(73) SITE AUDIT STATEMENT CONDITIONS**

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

**(74) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal to subdivide the site will require separate applications to Council to obtain Development Consent and subsequent approval of the final Plan(s) of Subdivision and endorsement of the Subdivision Certificate(s) in accordance with Part 4A of the Environmental Planning and Assessment Act 1979.

**(75) PUBLIC DOMAIN DEDICATION**

Any proposal for future dedication of the public domain, including dedication of roads, road widenings or cycleways to the public and/or the creation of Public Reserve vested in Council's ownership, will require that all associated design, specifications, materials and construction procedures be approved by Council and all such works including road and drainage formation and structures, services installation and landscaping are to be completed in accordance with the requirements and to the satisfaction of Council.

Prior to the acceptance by Council of any public domain dedication, the affected part(s) of the site are to be fully remediated and fit for the purpose of use by the public, in accordance with the provisions of State Environmental Planning Policy No.55. Capping and ongoing environmental management as the only form of remediation will not be accepted.

**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.

**(76) LIGHTING**

Lighting on existing and new (a) public roads and (b) public footways, (c) public shared zones and (d) [where relevant] public plazas; are to be designed and constructed to comply with Energy Australia's network supply specifications and to AS1158.1.1 for the following categories:

- (a) Botany Road . . . . : Category V1
- (b) Bourke Street . . . . : Category V3
- (c) Joynton Ave . . . . : Category V3
- (d) New Cross St . . . . : Category V3
- (e) Portman St. . . . . : Category V3
- (f) East West Boulevarde . . . . : Category V3
- (g) Dunning Ave . . . . : Category V3
- (h) Town Square Centre . . . . : Category V3
- (i) Shared Zones. . . . . : Category V3
- (j) Lighting on footpaths along all public streets Category P2.

Lighting designs, supported by luminance calculations and illuminance plots, are to be prepared by an approved lighting engineer and submitted to Council Prior to issue of the Construction Certificate for any Road of Footpath works

#### **(77) FEES**

The payment of the following fees to Council's One Stop Shop pursuant to Section 608 and 609 of the Local Government Act 1993 and / or Section 223 of the Roads Act 1993. The fees are subject to periodic review and may vary at the actual time of payment:

- (a) Review of Application under the Section 138 Roads Act approval and any other necessary approval. The fees are to be paid prior to the approval issuing.
- (b) Engineering Inspection Fee for Civil Works – Equivalent to the “Public Domain Inspections” fee as set out in the City’s adopted Fees and Charges.

This inspection fee is to be paid for each and every inspection undertaken with the inspection fee being paid prior to the inspection occurring. The Applicant must produce the relevant receipt to the Council inspector at the time of inspection.

- (c) Public Domain Inspections - \$196.00. (Current for the 2008 – 2009 financial year).

Prior to the Inspection fee being paid the applicant shall propose a package of inspections to Council including the number of inspections required to adequately inspect the work. This package is to be approved by Council before the Fee is paid.

The fees are to be paid prior to commencement of Construction and the issue of any Certificate or approval.

**(78) BONDS**

- (a) A Maintenance bond of 5 % of the Value of the Works will be held by Council to secure damage to existing roads. The bond is to be paid prior to commencement of Construction.
- (b) The Road Maintenance Bond is required to cover the cost of (a) any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works, and (b) any works needed to make safe the works during Construction, where the contractor is unable to do so, as reasonably decided by Council.
- (c) The bond (less an administration fee as stipulated in Council's fees and charges), will be refunded at time of completion of the all matters on the Defects List, (after the completion of the development), should there be no damage to Council's assets.

**(79) SERVICES/UTILITIES**

- (a) The following documentary evidence shall accompany any Construction Certificate.
  - (i) A Section 73 Certificate issued by the Sydney Water Corporation Limited or other evidence from the Urban Development Branch at the relevant Sydney Water Business Centre indicating that the Corporation does not object to the commencement of work on the basis of service availability.
  - (ii) A written clearance from Energy Australia, stating that suitable arrangements have been entered into including provision of suitable underground conduits to allow for the full future provision of electrical services for all development lots, without the need to dig up any new roads.
- (b) Separate documentary evidence from Energy Australia shall be provided stating that the requirements of that Authority have been met.
- (c) All roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge. This condition is advisory and the details should accompany the application for Construction Certificate.
- (d) Any required retaining wall(s) and/or other effective method to retain excavated or filled ground, together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

**(80) ROAD-WORKS**

Road pavements are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Development Specification Civil Works – Design as detailed elsewhere in this consent and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to issue of the Engineering Construction Certificate.

**(81) EASEMENTS**

Easements for support may be required where batters, in particular temporary batters, steeper than 1: 5 are required. Where this is proposed the easement is to be (a) noted on the drawing for the Engineering Construction Certificate and (b) the appropriate easement is to be created prior to the issue of the Occupation Certificate.

All development shall be kept clear of any existing drainage easement on the land, and no alteration to the existing surface levels within any easement is to be made. This condition can only be varied where approval is obtained in writing by the party benefiting from the easement

**(82) EROSION AND SEDIMENT CONTROL**

Soil erosion and sediment control measures for road, trunk drainage, local drainage and earth works shall be designed in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction", Volume 1, 4<sup>th</sup> Edition, March 2004, (the Blue Book), and shall address all matters including those below. Indicative details are to be included with the plans and specifications to accompany any Construction Certificate for roads and drainage works:-

- (a) Be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction;
- (b) Include adequate measures to remove clay or soil from vehicles leaving the site so as to maintain public roads in a clean condition;
- (c) The applicant is to ensure that no site works are to commence until the sediment control installation has been inspected and approved by the Principal Certifying Authority. At least 48 hours notice is to be given for the inspection of such works. A certificate indicating satisfactory installation of these measures must be submitted to Council with the notification for commencement of works.

**(83) ASSET MANAGEMENT**

A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Engineering Construction Certificate. Documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or a private Certifier.

**(84) OTHER APPROVALS**

(a) For works:

- (i) which are adjacent to a State Road or
- (ii) which are within 50m of existing signals or
- (iii) involving the installation of new Traffic Signals;

written evidence shall be obtained from the Roads & Traffic Authority indicating compliance with its requirements, including the payment of any necessary supervision fees. A copy of any such permission shall accompany the Engineering Construction Certificate.

(b) Sydney Water Corporation approval in the form of appropriately stamped Construction Certificate Plans is to be obtained to verify that the proposed works meets the Corporation's requirements concerning:

- (i) Drainage connections into stormwater channels/ basins and
- (ii) Ancillary works relating to water conduits. and
- (iii) Relocation or provision of sewer mains, and
- (iv) Any other matter relating to Sydney Water existing or new infrastructure.

(c) Where works are required across land owned by others written permission from the affected property owners shall be obtained. This may include :

- (i) Discharge stormwater onto adjoining land
- (ii) Carrying out works on adjoining land
- (iii) Draining the site across adjoining land

The written approval must be obtained prior to the issue of any Construction Certificate. A copy of any such permission and evidence of the creation of necessary easements must be submitted to Council prior to the issue of any Construction Certificates.

**(85) ANCILLARY WORKS**

Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) The relocation of underground services where required by the positioning of new drainage and road infrastructure.
- (b) The relocation of above ground power and telephone services.
- (c) The matching of new infrastructure into existing or future designed infrastructure.

- (d) The relocation or adjustment of any existing street lighting.
- (e) Other works needed to make the Water Sensitive Urban Design to operate as intended.

### (86) SCOPE OF ENGINEERING WORKS

The following scope of works shall be included in the design documentation accompanying the Engineering Construction Certificate:

	Location	Works Reqd	Traffic Loading N(E.S.A.)
1	Botany Rd between Bourke St & Civic Plaza	New Kerb & sufficient shoulder construction to enable the kerb to tie into existing road pavement	RTA to Specify
1a	Botany Rd between Bourke St & Civic Plaza	New Drainage pits and Drainage lines along this section to comply with current standards	RTA to Specify
1c	Botany Rd between Bourke St & Civic Plaza	New Footway & Street lighting to comply with current standards	RTA to Specify
1d	Botany Rd between Bourke St & Civic Plaza	Provide Street lighting to comply with current standards	RTA to Specify
2a	Botany Rd between Civic Plaza & New Cross Street	New Kerb & sufficient shoulder construction to enable the kerb to tie into existing road pavement	RTA to Specify
2b	Botany Rd between Civic Plaza & New Cross Street	New Drainage pits and Drainage lines along this section to comply with current standards	RTA to Specify
2c	Botany Rd between Civic Plaza & New Cross Street	New Footway including street trees	RTA to Specify
2d	Botany Rd & New Cross St Intersection	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	RTA to Specify

	Location	Works Req'd	Traffic Loading N(E.S.A.)
2e	Botany Rd between Civic Plaza & New Cross Street	Provide Street lighting to comply with current standards	RTA to Specify
3a	New Cross St between Botany Rd & Portman St	New full width Road Construction including new pavement Kerb & gutter & street lighting	1 x 10 <sup>6</sup> - Collector
3b	New Cross St between Botany Rd & Portman St	New Drainage pits and Drainage lines to drain the new public Rd	NA
3c	New Cross St between Botany Rd & Portman St	New Footway including street trees	NA
3d	New Cross St & Portman St intersection	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	1 x 10 <sup>6</sup>
4a	Dunning Ave between Bourke St and the Lane	New full width Road Construction including new pavement Kerb & gutter & Street lighting	1 x 10 <sup>6</sup>
4b	Dunning Ave between Bourke St and the Lane	New Drainage pits and Drainage lines to drain the new public Rd	NA
4c	Dunning Ave between Bourke St and the Lane	New Footways including street trees where required by approved drawings	NA
4d	Dunning Ave & Lane intersection	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	1 x 10 <sup>6</sup>

	Location	Works Req'd	Traffic Loading N(E.S.A.)
4d	Dunning Ave & Bourke St Intersection	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	1 x 10 <sup>6</sup>
5a	Town Square St between New Cross & Dunning St	New full width Road Construction including new pavement Kerb & gutter and Street lighting	1 x 10 <sup>5</sup>
5b	Town Square St between New Cross & Dunning St	New Drainage pits and Drainage lines to drain the new public Rd	NA
5c	Town Square St between New Cross & Dunning St	New Footways including street trees where required by approved drawings	NA
6a	East West Boulevard between Joynton Ave & Dunning St	New full width Road Construction including new pavement Kerb & gutter and Street lighting	1 x 10 <sup>6</sup>
6b	East West Boulevard between Joynton Ave & Dunning St	New Drainage pits and Drainage lines to drain the new public Rd	NA
6c	East West Boulevard between Joynton Ave & Dunning St	New Footways including street trees where required by approved drawings	NA
6d	East West Boulevard and Joynton Ave Intersection	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	1 x 10 <sup>6</sup>

	Location	Works Reqd	Traffic Loading N(E.S.A.)
6e	East West Boulevard and Portman St Intersection	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	1 x 10 <sup>6</sup>
7a	Bourke St between Botany Rd & Dunning Ave	New Kerb & sufficient shoulder construction to enable the kerb to tie into existing road pavement	1 x 10 <sup>6</sup>
7b	Bourke St between Botany Rd & Dunning Ave	New Drainage pits and Drainage lines along this section to comply with current standards	NA
7c	Bourke St between Botany Rd & Dunning Ave	New Footway including street trees	NA
7d	Bourke St & Dunning Ave Intersection	Ancillary works including any necessary pavement adjustment, street lighting (for half of the intersection), and drainage adjustment to make the intersection effective	1 x 10 <sup>6</sup>
7e	Bourke St & Botany Rd Intersection	Ancillary works including any necessary pavement adjustment, street lighting (for one quarter of the intersection), and drainage adjustment to make the new intersection effective	1 x 10 <sup>6</sup>
8a	Two Shared public Spaces between Dunning Ave & Portman Lane	New full width Road pavement Construction including new pavement and Street lighting	2 x 10 <sup>5</sup>

	Location	Works Req'd	Traffic Loading N(E.S.A.)
8b	Two Shared public Spaces between Dunning Ave & Portman Lane	New Drainage pits and Drainage lines to drain the new public Space	NA
8c	Two Shared public Spaces between Dunning Ave & Portman Lane	New Footways including street trees & Street furniture as required by approved drawings	NA
8d	Intersection of the Two Shared public Spaces with Portman Lane	Ancillary works including any necessary pavement adjustment, drainage adjustment and street lighting to make the new intersection effective	2 x 10 <sup>5</sup>
9a	Portman St between New Cross St & East west Boulevard	New Kerb & sufficient shoulder construction to enable the kerb to tie into existing road pavement	1 x 10 <sup>6</sup>
9b	Portman St between New Cross St & East west Boulevard	New Drainage pits and Drainage lines along this section to comply with current standards	NA
9c	Portman St between New Cross St & East west Boulevard	New Footway including street trees	NA
10a	Trunk Drainage Stormwater system	Whole Site	NA
10b	Earthworks	Whole Site	NA
10c	All Water sensitive Urban Design Elements under Public Roads and Footways	Whole Site	NA

	Location	Works Req'd	Traffic Loading N(E.S.A.)
10d	Sufficient Water sensitive Urban Design Elements to allow the Public Roads and footways to fully operate from a WSUD perspective	Whole Site	NA
10e	Traffic Signals Plan  where new signals are required	Whole Site	NA

### (87) ROAD AND DRAINAGE WORKS

- (a) The construction and dedication of all new roads associated with the development and the creation/provision of temporary roads, drainage, pathpaving and any other ancillary work necessary to make this construction effective.
- (b) Proposed new road(s) must be constructed generally as follows:

<u>Name</u>	<u>Width, Length &amp; Formation</u>	<u>Traffic Loading N(E.S.A)</u>
Shareway1&2	As Specified on Approved Plans	As specified in the scope of Works
East-west Boulevard	As Specified on Approved Plans	As specified in the scope of Works
New Cross St	As Specified on Approved Plans	As specified in the scope of Works
Dunning St	As Specified on Approved Plans	As specified in the scope of Works
Town Square St	As Specified on Approved Plans	As specified in the scope of Works

- (c) All new Public Drainage pits are to be constructed in accordance with Councils standard drawing for a Trapped gully pit.

### (88) FILLING OF LAND

- (a) Batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on the drainage reserve areas. The fill batters are to be suitably designed to protect them from erosion from the channel.
- (b) The Water Sensitive Urban Design Measures are required for this development. These measures must be implemented and constructed in accordance with Concept Design Plans and Concept Design Report.

- (c) The Designer of the Water Sensitive Urban Design Measures must provide a Certificate stating that (a) the Construction Plans will satisfy the requirements of the Concept Design Plans and Concept design Report, and (b) when constructed in a satisfactory manner, the measures will achieve the required level of Water Quality improvement. This condition must be satisfied prior to the issue of any Construction Certificate.
- (d) The designer of the Water Sensitive Urban Design Measures must provide a Maintenance Schedule for the stormwater treatment measures. The designer of the stormwater treatment measures must prepare the Maintenance Schedule. The Maintenance schedule is to show the designer's name, signature and date of endorsement.

The Maintenance Schedule must be devised to achieve a balance between (a) an adequate amount of maintenance to ensure the system operates satisfactorily and (b) a minimum amount of maintenance so that the Maintenance crews can attend to other projects as well.

This condition must be satisfied prior to the issue of any Construction Certificate.

- (e) Sydney Water and the Designer of the Trunk Drainage System must each provide a Certificate that the Construction Plans will satisfy the intended requirements of the Concept Design Plans.

This condition must be satisfied prior to the issue of any Construction Certificate.

**(89) FOOTPATH DAMAGE BANK GUARANTEE**

**(90) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(91) BARRICADE PERMIT**

**(92) ARCHAEOLOGICAL INVESTIGATION**

**(93) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

**(94) EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM**

**(95) UTILITY SERVICES**

**SCHEDULE 1C**

**During Construction/Prior to Occupation/Completion**

**(96) NOTICE OF WORK COMMENCEMENT**

- (a) At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$10,000,000.

- (b) Information regarding the location of underground services may be obtained from Sydney "Dial Before You Dig" service, telephone number 1100. Inquirers should provide the street/road name and number, side of street/road and the nearest cross street/road. This condition to be satisfied during the course of the works and before any digging on the relevant section occurs.
- (c) Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider. This condition to be satisfied during the course of the works and before any demolition occurs.
- (d) A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited. This condition must be satisfied during the course of Construction and before the relevant works are undertaken.
- (e) A Road Opening Permit is required from Council for all works on existing LOCAL public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.
- (f) A Road Occupancy Licence is required from the RTA for any works on any STATE roads. The application for this licence must be accompanied by a Traffic Management / Control plans. This condition must be satisfied during the course of Construction and before the relevant works are undertaken.

#### **(97) COMPACTION REQUIREMENTS**

- (a) Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with Council's Design and Construction Specification as mentioned elsewhere in this Consent. A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met. This condition must be satisfied during the course of Construction and Certificates are to be presented to Council as soon as practical after the tests results are available.
- (b) Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Council's Design and Construction Specification as mentioned elsewhere in this Consent. This condition must be satisfied during the course of Construction and before the next stage is commenced.
- (c) Special attention is drawn to the following requirements which must be provided to Council. This condition must be satisfied during the course of Construction and Certificates are to be presented to Council as soon as practical after the tests results are available:

- (i) Submission of compaction certificates for fill within road reserves and within land where batter slopes require temporary Easements for Support.
- (ii) Submission of compaction certificates for road sub-grade.
- (iii) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (iv) Certificates from road material suppliers indicating the materials pass the specification.

**(98) MAINTENANCE OF SOIL EROSION MEASURES**

- (a) Soil erosion and sediment control measures shall be implemented in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction", Volume 1, 4<sup>th</sup> Edition, March 2004, (the Blue Book), and shall address matter including those below. It must be noted that all required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate. This condition must be satisfied during the course of Construction.
- (b) Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- (c) Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- (d) Trucks transporting fill must have their loads covered
- (e) Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil may be stockpiled for use in revegetation of the site.
- (f) Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Council's Design and Construction Specification as mentioned elsewhere in this Consent.
- (g) Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- (h) During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- (i) All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Design and Construction Specification as mentioned elsewhere in this Consent. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.

- (j) Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- (k) Only clean fill shall be deposited on site in accordance with Council's Design and Construction Specification as mentioned elsewhere in this Consent. Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

**(99) INSPECTIONS OF WORKS**

- (a) Inspection at each of the Council Nominated Hold Points must be made by Council's Representative as nominated by Councils Manager Civil Infrastructure, and the Council Inspector must approve the works before the work progresses to the next stage. Twenty Four (24) hours notice must be given and the Engineering Inspection Fee required by this consent must be paid prior to contact.
- (b) Inspection Certificates indicating satisfactory completion of the various stages of the works are to be issued (by a Registered Engineer (NPER) who is an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended), at the completion of the following mandatory inspection stages: -

**Mandatory Inspection Stages (Two asterisks indicate the Council Nominated Hold Points)**

- (i) Inspection of public assets adjacent to the development site before development work.
- (ii) Soil Erosion and Sediment Control
  - a. Implementation of erosion and sediment control \*\*
  - b. Revegetation of disturbed areas
  - c. Construction of major controls (i.e gabions mattresses shotcreting etc)
  - d. Removal of sediment basins/ fencing etc.
  - e. Internal sediment/ pollution control devices
  - f. Final Inspection
- (iii) Traffic Control
  - a. Implementation of traffic control
  - b. Maintenance of traffic control during works
  - c. Removal of traffic control

- (iv) Construction of Drainage works
  - a. For Culvert base slabs construction before Pouring of concrete Base\*\*
  - b. Pipes before backfilling including trench excavation and bedding\*\*
  - c. Sand Backfilling
  - d. Final pipe inspection
  - e. Pit bases and headwall aprons before pouring Concrete
  - f. Pit Walls/ wingwalls/ headwalls before pouring concrete.\*\*
  - g. Concrete pit tops
  - h. Connection to existing system
  - i. Tailout works
  - j. Final Inspection of Local Drainage \*\*\*
- (v) Construction of Road Pavement
  - a. Boxing out
  - b. Sub-grade roller test \*\*
  - c. Subsoil drainage
  - d. Sandstone roller test layer 1 \*\*
  - e. Sandstone roller test layer 2 \*\*
  - f. Kerb pre-laying
  - g. Kerb during laying including provision of roof-water outlets
  - h. Sandstone depth
  - i. Pavement profiles
  - j. DGB depths and roller tests\*\*
  - k. Wearing Course
  - l. Kerb final
  - m. Concrete tests
  - n. Formwork concrete pavements\*\*
  - o. Final inspection\*\*

- (vi) Provision of Street Furniture
  - a. Street Furniture
  - b. Installation of Street signs
  - c. Installation of Parking Signs.
  - d. Completion of Linemarking.
  - e. Final Inspection of Street Furniture, Parking signs & line-marking \*\*
- (vii) Footpath Works
  - a. Footpath Trimming and/or turfing.
  - b. Pathway construction (cycle/ link pathways)
  - c. Path-paving construction
  - d. Service Adjustments
  - e. Path paving Final Inspection \*\*
- (viii) Construction of Trunk Drainage
  - a. Construction of Trunk Drainage System
  - b. Joint Inspection With Sydney Water of the intersection Point between Local Drainage and Trunk Drainage\*\*.
- (ix) Water Sensitive Urban Design
  - a. Installation of Water Sensitive Urban Design
  - b. Final Inspection of Stormwater system \*\*
- (x) Traffic Control
  - a. Implementation of traffic control
  - b. Maintenance of traffic control during works
- (xi) CCTV Inspection of Drainage Structures (pipelines and pits)
  - a. All road drainage
- (xii) Final overall Inspections\*\*
  - a. Preliminary overall final inspection \*\*
  - b. Overall final inspection \*\*

**(100) PUBLIC SAFETY**

The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

**(101) SITE SECURITY**

Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish. This condition must be satisfied prior to Construction commencing.

**(102) TRAFFIC CONTROL PLAN**

Where works are to occur on existing public roads a Traffic Control plan is to be prepared. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans. The Traffic Control Plan is to be prepared and submitted to Council prior to the relevant works being undertaken.

**(103) STREET LIGHTING**

At Completion of the works and before the Occupation Certificate is issued the following documentation is to be submitted to Council for the Street Lighting on existing and new (a) public roads and (b) public footways, (c) public shared zones and (d) if relevant, public plazas.

- (a) A Work-as-Executed Plan of all poles and fittings and manufacturers details to enable maintenance of same.
- (b) A Work-as-Executed Plan of the electrical Circuits for the system.
- (c) The Work-as-Executed details of the Footings for each Pole.
- (d) Certificate from a Lighting Engineer indicating that the Relevant Australian Standards have been satisfied by the constructed works including a statement of the lighting levels achieved for each section.
- (e) Any other reasonable requirements that Council normally asks for at that stage of the project.

**(104) ROAD DAMAGE**

- (a) The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works is to be met in full by the applicant/developer. This condition must be satisfied prior to issue of any Occupation Certificate. Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

- (b) An Occupation Certificate or Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

**(105) FEE PAYMENT**

Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

**(106) DOCUMENTATION ON COMPLETION**

- (a) Surveys/Certificates/Works As Executed plans

The following Items must be lodged with Council (a) when the engineering works are completed, or (b) prior to issue of any Subdivision or Occupation Certificate;

- (i) A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor.
- (ii) A certificate from a Chartered Professional Engineer Certifying that all Works are constructed generally in accordance with the Construction Certificate.
- (iii) A certificate from a Suitably Qualified person must be obtained and submitted to Council verifying that the WSUD elements as constructed will
- (iv) function in accordance with the approved design plans.
- (v) A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that any structural elements within the development have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- (vi) Where drainage lines are covered by easements a certificate shall be submitted by a Registered Surveyor indicating that all drainage lines and associated structures lie wholly within any easements required by this consent.
- (vii) Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.
- (viii) Special attention is drawn to the following requirements of Council's Specification. :
  - a. Submission of compaction certificates for fill within road reserves and batter slopes supporting the road reserve which are required to have Easements for Support.
  - b. Submission of compaction certificates for road sub-grade.
  - c. Submission of compaction certificates for road pavement materials (sub base and base courses).

- d. Compliance Certificates from road material suppliers.
- (ix) The submission to Council of all Inspection Certificates required elsewhere in this consent.

**(107) BONDS/SECURITIES/PAYMENTS IN LIEU OF WORKS**

The payment Council of a monetary contribution in lieu of works for the placement of the final layer of asphaltic concrete (a.c.) on the new road works. The amount will be calculated, at Council's approved rate, upon written request and following issue of a Construction Certificate for the work. This condition is to be satisfied at the commencement of the Maintenance period.

**(108) MAINTENANCE BOND FOR TWO YEARS AFTER COMPLETION OF WORKS.**

- (a) A Security bond is to be held for the maintenance period. This amount is to be 5 % of the Contract Cost of the Works, and the bond will be taken at completion of the works. The Bond will be held for the maintenance period of two years.
- (b) The commencement date of the maintenance period will be as follows:
  - (i) In the case of subdivision - This period commences at the latest date of either of the following events:
    - a. at the time of release of the final plan of subdivision, (Issue of Subdivision Certificate), or
    - b. when all items on the defects list as determined by Council at time of practical completion, are finalised to Council's satisfaction.
  - (ii) In the case where no subdivision occurs - This period commences when all items on the defects list as determined by Council at time of practical completion, are finalised to Council's satisfaction.
- (c) An extension to the maintenance period may be required (As determined By Council) where Council considers the works have not performing as expected during the first two year maintenance period.
- (d) The applicant is to submit with the bond (a) full details of the contract price including a breakdown schedule of the various components of construction, and (b) The commencement Date of the Maintenance Period and (c) the Completion Date of the Maintenance Period.
- (e) The Maintenance Bond must be lodged with Council when the earliest of either of the following events occur (a) when the engineering works are completed, or (b) prior to issue of any Subdivision or Occupation Certificate;

**(109) INSPECTION OF WORK**

- (a) All road stormwater drainage structures (pipelines and pits) must be inspected by a CCTV. CCTV reports must be submitted to Council in the form of DVD of the inspection video, a hard copy printout of the report, and a CCTV certified statement that any defects identified by this inspection have been rectified.
- (b) This condition is to be satisfied prior to (a) completion of the engineering works, or (b) prior to issue of any Subdivision or Occupation Certificate.

**(110) SERVICE AUTHORITY APPROVALS**

- (a) The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation or Subdivision Certificate:
  - (i) A Section 73 Certificate issued by the Sydney Water Corporation Limited.
  - (ii) A Notification of Arrangement issued by Energy Australia.
- (b) Permanent control Survey marks are to be placed in accordance with the requirements of the Council Surveyor. In this regard 2 copies of the locality sketch plans of the marks placed are to be forwarded to Council prior to (a) completion of the engineering works, or (b) prior to issue of any Subdivision or Occupation Certificate.

**(111) SYDNEY WATER CERTIFICATE****(112) EROSION AND SEDIMENT CONTROL****(113) PROTECTION OF STREET TREES DURING CONSTRUCTION****(114) COVERING OF LOADS****(115) VEHICLE CLEANSING****(116) LOADING AND UNLOADING DURING CONSTRUCTION****(117) NO OBSTRUCTION OF PUBLIC WAY****(118) OCCUPATION CERTIFICATE TO BE SUBMITTED****(119) HOURS OF WORK AND NOISE – OUTSIDE CBD****(120) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS****(121) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE****(122) ROCK CUTTING INTO BLOCKS****(123) NOTIFICATION OF EXCAVATION WORKS**

**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****Other Integrated Development Approvals**

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

<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to D/2008/1194 &amp; D/2008/1195 and provided by Council</p> <ul style="list-style-type: none"> <li>• Erosion and Sediment Control Plan           <p><b><i>Erosion and Sediment Control Plan Sheet 1 of 4</i></b>; dwg no. CL-050; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b><i>Erosion and Sediment Control Plan Sheet 2 of 4</i></b>; dwg no. CL-051; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b><i>Erosion and Sediment Control Plan Sheet 3 of 4</i></b>; dwg no. CL-052; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b><i>Erosion and Sediment Control Plan Sheet 4 of 4</i></b>; dwg no. CL-053; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> </li> <li>• Stormwater Drainage Plan           <p><b><i>Stormwater Diversion Construction Sequence Sheet 1 or 4</i></b>; dwg no. CL-495; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b><i>Stormwater Diversion Construction Sequence Sheet 2 or 4</i></b>; dwg no. CL-496; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b><i>Stormwater Diversion Construction Sequence Sheet 3 or 4</i></b>; dwg no. CL-497; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b><i>Stormwater Diversion Construction Sequence Sheet 4 or 4</i></b>; dwg no. CL-498; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> </li> </ul> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water &amp; Energy must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water &amp; Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>

3	The consent holder must prepare or commission the preparation of: <ul style="list-style-type: none"> <li>• Landscape Plan – for the riparian zone (i.e. for Sheas Stream)</li> </ul>
4	All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. The plans must be prepared in accordance with Department of Water & Energy guidelines located at <a href="http://www.naturalresources.nsw.gov.au/water/controlled_activity.shtml">www.naturalresources.nsw.gov.au/water/controlled_activity.shtml</a> . <ul style="list-style-type: none"> <li>• Vegetation Management Plans</li> <li>• Riparian Corridors</li> </ul>
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the Department of Water & Energy.
<b>Rehabilitation and maintenance</b>	
6	N/A
<b>Reporting requirements</b>	
8	N/A
<b>Security deposits</b>	
9	N/A
<b>Accessways</b>	
10	N/A
<b>Bridge, causeway, culverts, and crossing</b>	
12	N/A
<b>Culvert</b>	
14	N/A
<b>Disposal</b>	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water & Energy.
<b>Drainage and Stormwater</b>	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Erosion control</b>	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.
<b>Excavation</b>	
20	N/A
<b>Maintaining river</b>	
21	N/A
<b>River bed and bank protection</b>	
23	The consent holder must establish a riparian corridor along Sheas Stream in accordance with a plan approved by the Department of Water & Energy.
<b>Plans, standards and guidelines</b>	
24	N/A

Carried unanimously.

#### ITEM 10.9

#### DEVELOPMENT APPLICATION: GREEN SQUARE TOWN CENTRE PUBLIC DOMAIN - ZETLAND-ALEXANDRIA (D/2008/1194)

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/2008/1194 dated 17 July 2008 and Statement of Environmental Effects – Green Square Town Centre (Public Domain) prepared by SJB Planning Pty Ltd, dated 17 July 2008 and the following drawings:

Drawing Number	Architect	Date
DA02[a]	McGregor and Partners	June 2008
DA02[b]	McGregor and Partners	June 2008
DA03[a]	McGregor and Partners	June 2008

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA03[b]	McGregor and Partners	June 2008
DA03[c]	McGregor and Partners	June 2008
DA04[a]	McGregor and Partners	June 2008
DA04[b]	McGregor and Partners	June 2008
DA05[a]	McGregor and Partners	June 2008
DA05[b]	McGregor and Partners	June 2008
DA07[b]	McGregor and Partners	June 2008
DA09[b]	McGregor and Partners	June 2008
DA10[b]	McGregor and Partners	June 2008

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) STAGE 2 DEVELOPMENT APPLICATIONS FOR DESIGN OF THE PUBLIC DOMAIN**

- (a) Stage 2 Development Applications shall be submitted for the detailed design of the Public Domain including the Civic Plaza, Neighbourhood Plaza, Sheas Park, Sheas Stream and other public domain areas. The following nine principles should be considered in formulating the detailed designs:
- (i) Sheas Stream – the key east-west spine and linking element
  - (ii) Spatial Organisation – a hierarchy of series of key spaces with specific functionality and character
    - a. Transport place – primary public transport point of arrival and modal transfer
    - b. Civic plaza – gathering place for special events and the heart of the Green Square public domain
    - c. Neighbourhood plaza – a refuge place for smaller, more intimate public gatherings, a café and a place for children to play
    - d. Sheas Park – a green park for picnics and passive recreation with a playground for younger children

- (iii) A special Community Building opposite Transport Place; which is a jewel in the public domain that defines the main plaza edge and protects it from traffic intrusion while also providing transparency at grade and a visual connection between the Transport Plaza and Civic Plaza
  - (iv) A Pedestrian Place with an emphasis on at grade pedestrian activity, which ensures an at grade connection between the station and Civic plaza across Botany Road, and a shared zone on the northern edge of the east-west spine for pedestrians and public transport
  - (v) A Connected Place – an integrated public transport hub connecting all modes of transport to the city network
  - (vi) Colonnade – key pedestrian link with retail activity and outdoor amenity along the southern edge of the plaza and urban stream
  - (vii) Sustainable and Green Oasis – a focal point for the future community
  - (viii) Active Interface – to all buildings and street frontages at ground level
  - (ix) Effective integration of the primary 'urban structure' – integrates major defining scale of the east west spine with a secondary human scale of landscape and architectural elements.
- (b) In addition, the design shall incorporate:
- (i) Compliance with the City's lighting requirements for public spaces
  - (ii) Conformance with the stormwater design principles approved in the Essential Infrastructure DA

### **(3) DESIGN FOR ESD**

All designs are to consider the principles of Ecologically Sustainable Design (ESD) especially in respect of water re-use, material use, energy generation and consumption, lighting and waste management and shall have strong regard to the environmental principles and targets of the Sustainable Sydney 2030 strategy and current best practice in Water Sensitive Urban Design.

### **(4) ADDITIONAL DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATIONS**

The Stage 2 Development Applications must provide full and precise details in relation to the following matters:

- (a) Details to address the integrated development provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- (b) Details demonstrating compliance with the provisions of:

- (i) SEPP 55 – Remediation of Land
  - (ii) South Sydney LEP 1998
  - (iii) South Sydney LEP Amendment 17 – Green Square Town Centre
  - (iv) City of Sydney Planning Scheme Ordinance
  - (v) South Sydney DCP 1997 – Urban Design
  - (vi) South Sydney DCP 1997 – Urban Design – Green Square
  - (vii) South Sydney DCP No. 11 (Transport Guidelines for Development)
  - (viii) South Sydney DCP – Green Square Affordable Housing
  - (ix) City of Sydney Access DCP 2004
  - (x) City of Sydney Contaminated Land DCP 2004
  - (xi) City of Sydney Signage and Advertising Structures DCP 2004
  - (xii) City of Sydney Policy for Waste Minimisation in New Developments
- (c) Details demonstrating compliance with the acoustic criteria in AS3671 – Road Traffic Noise Intrusion, AS2107 – Acoustics and AS2021 – Aircraft Noise Attenuation Design and Construction Techniques. As a minimum, an acoustic report prepared by an acoustic consultant certifying compliance shall be submitted with any future Development Applications for buildings on the site.

#### **(5) PUBLIC DOMAIN PLAN**

A Public Domain Plan for the Civic Plaza, Neighbourhood Plaza, Sheas Park, Sheas Stream and other public domain areas must be prepared by an architect, urban designer or landscape architect and must be submitted to Council for approval prior to the lodgement of the Stage 2 Development Applications.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. Detailed documentation to a level and standard suitable for construction shall be provided as part of the Stage 2 Development Applications.

#### **(6) PUBLIC DOMAIN DESIGN DEVELOPMENT**

Design development of the Public Domain including the Civic Plaza, Neighbourhood Plaza, Sheas Park, Sheas Stream and other public domain areas is required to incorporate design features that support social benefits. The following principles are to be applied to the design development;

- (a) Active frontages that foster informal supervision and invite connection with the activity in adjacent buildings.

- (b) Variety and differentiation of materials within the space
- (c) Materials selected for sustainability and life cycle principles
- (d) A focal point or landmark within each space.
- (e) Physical comfort provided by shelter from extremes of heat, sun, cold and wet weather.
- (f) Good site lines.
- (g) Slope or variation in level.
- (h) Be accessible, and easy to access for persons with disabilities, those in wheel chairs, or with strollers.
- (i) Proportions that provide civic scale.
- (j) Safety from physical hazards (including traffic).
- (k) Safety from antisocial behaviour or personal threat.
- (l) Zones to linger and zones for pedestrian and cycle through traffic.
- (m) Bike access and parking
- (n) Synergy between management of the spaces, surrounding businesses and public agencies.
- (o) Visual interest in detail/individuality.
- (p) Plant selection and tree placement for long term management
- (q) Maintenance requirements and access.
- (r) RTA requirements (including state roads)
- (s) Visual interest in the movement of light, wind in banners and trees, people at rest or in action.
- (t) Flexibility for multiple uses.
- (u) Flexibility for adaptive use over time.
- (v) A distinct theme or character that is meaningful to local community.
- (w) Aesthetics that create a sense of welcome.
- (x) Trees, art works, water features, civic monuments.

**(7) WATER SENSITIVE URBAN DESIGN - SHEAS PARK, STREAM AND POND**

The applicant is required to design and document the Water Sensitive Urban Design concepts encompassing Sheas Park, Sheas Stream, ponds within the park and related areas of the public domain. Details are to be submitted to Council for approval as part of the Stage 2 Development Applications, and specifically include:

- (a) Location and number of Gross Pollutant Traps along the stream's length.
- (b) Location and number of filters, pumps aerators and other plant.
- (c) The process to ensure all water within the system is fit for contact with people considering no areas of the system are fenced or out of bounds.
- (d) Planting details and species.
- (e) Interface between streets and system.
- (f) Safety aspects, in particular the pond.
- (g) Ongoing maintenance of the system.
- (h) Interface between the stormwater system and the pond, park and road.

**(8) SHEAS PARK**

The applicant is required to design and document Sheas Park. Details are to be submitted to Council for approval as part of the Stage 2 Development Applications, specifically;

- (a) The 'play room' located within Sheas Park is to;
  - (i) Visually and physically connect, address and respond to the greater park / lawn space rather than New Cross Street.
  - (ii) Ensure the artwork and 'play room' are designed to be vandal and graffiti resistant.
  - (iii) Meet relevant Australian Standards for play spaces.
- (b) The design shall ensure maintenance access to all areas
- (c) The design shall detail the interface between stormwater system, pond and park and road

**(9) EAST WEST LINK THROUGH CIVIC PLAZA AND NEIGHBOURHOOD PLAZA**

Any mass transit link/corridor proposed in stage 2 Development Applications along the northern portion of the Civic and Neighbourhood Plazas must be accompanied by a Transport Strategy to determine the appropriate short, medium and long term traffic and transport options and preferred movement patterns for the corridor. Design proposals for a future mass transit corridor shall take into consideration the following:

- (a) Findings of the Transport Strategy
- (b) Minimisation of below ground services and trenches
- (c) Gradings and levels of paved areas
- (d) Pavement material and structural strength
- (e) Proposed and future stormwater management above and below ground
- (f) Location of light poles and structures to support the catenary lighting of the plaza and other structures
- (g) Height of catenary lighting to be above any required transit power supply (such as in the case of a light rail system or the like)
- (h) Location of tree plantings to maintain a continuous (avenue) canopy as proposed
- (i) Seating locations to make maximum use of the area in the interim

No approval is given for public vehicle access to the Civic Plaza or Neighborhood Plaza under this consent. Any proposals for a temporary road or other trafficable use within the Civic Plaza or Neighborhood Plaza are to be submitted to and approved by the Council as part of the future Stage 2 DA/s.

**(10) PLANS OF MANAGEMENT**

All relevant Plans of Management for Community Land are to be prepared in accordance with the Local Government Act and submitted to Council for approval and adoption.

**(11) UNDERGROUND CAR PARK AND PEDESTRIAN LINK**

If a car park and/or pedestrian link is proposed under the Civic and/or Neighbourhood Plazas, the applicant is required to design and document the interface between these and the public domain and submit detail to Council as part of any Stage 2 Development Application/s for these areas.

**(12) COLONNADES**

The applicant is required to design and document the interface between the building frontages, colonnades and Civic Plaza and Neighbourhood Plaza and submit details to Council as part of any Stage 2 Development Applications for these areas.

**(13) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The public domain must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and the City of Sydney Access DCP 2004 and Access Policy 2004.

Full details of any handrails, tactile ground surface indicators (TSGIs) or the like are to be designed in accordance with Council's policies and submitted to Council as part of the Stage 2 Development Applications.

**(14) LIGHTING**

The applicant is required to design and document the public domain lighting for the entire site, including the catenary lighting over the Plaza, Sheas Park and within Sheas Stream, and submit to Council as part of the Stage 2 Development Applications.

All lighting in public domain areas is to comply with the City's luminaire and pole specifications and to AS1158.3.1 for the following categories:

- (a) Lighting in plaza areas: Category P7
- (b) Lighting on pathways and activity areas within parks: Category P2

Lighting designs, supported by luminance calculations and illuminance plots are to be prepared by an approved lighting engineer and submitted to Council for approval.

Lighting designs, supported by luminance calculations and illuminance plots, are to be prepared by an approved lighting engineer and submitted to Council for approval.

**(15) CATENARY LIGHTING**

If catenary lighting is proposed to be attached to adjoining buildings, all connection details are to be submitted coupled with a maintenance plan.

A staging plan shall also be submitted coupled with a temporary plan that considers construction where buildings do not yet exist.

The design and documentation shall comply with the City of Sydney Public Domain Lighting Guidelines, or the appropriate City of Sydney document in effect at the time of submission of documentation.

**(16) DESIGN FOR CPTED**

All designs are to consider the principles of Crime Prevention through Environmental Design (CPTED). Specifically review the following;

- (a) Levels of the water spine, and Sheas Park
- (b) Density of planting
- (c) Lighting levels particularly with in the park and plazas.

**(17) PAVING MATERIALS**

The applicant is required to design and document the proposed paving materials for the public domain areas as part of the Stage 2 Development Applications and take into account the following:

- (a) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".
- (b) The paving for streetscapes must be in accordance with the City's 'Sydney Streets Design Code'.
- (c) Split faced 'rough' cobblestone setts are not to be used in pedestrian areas.
- (d) Kerb stone material is to have a visual contrast to the footway and road surface materials in accordance with AS1428.
- (e) Changes in the paving material and set out is to occur perpendicular to the direction of vehicle travel (not align with building facades or others).
- (f) A street / area hierarchy is to be established, with paving selection.

**(18) TREE RETENTION ON THE SITE**

The following requirements apply:

- (a) All trees within the public domain area shall be retained and protected in situ for as long as possible and where possible, retained until further development on the site is approved and commenced as part of the Stage 2 Development Applications.
- (b) Opportunities to retain existing trees should be examined on a specific and detailed basis as part of the Stage 2 Development Applications.

**(19) ADDITIONAL LANDSCAPING DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION/S**

Stage 2 Development Applications must provide details in relation to the following matters for Council's consideration:

- (a) Details of the proposed tree / plant species. This shall include both botanical and common names, quantities of species, pot sizes, height at maturity, and the like.
- (b) The selection of species shall have regard to the adopted Council Street Tree Masterplan policy at the time, the suitability of the respective species having regard to site constraints, and the overarching vision for the Green Square Town Centre as reflected in South Sydney LEP 1998 and DCP 1997 (as may be amended).

- (c) Details of the planting and maintenance methodologies, including pit details, soil preparation methods, soil depths, stock sizes and the like. It should be noted that the use of advance stock is preferred with a minimum pot size of 100 litres.
- (d) That designs provide details of deep soil plantings on development sites and are in accordance with the standards specified in the DCP.

**(20) TREE SPECIES ADJACENT TO CLASSIFIED STATE ROAD TO BE REVIEWED PRIOR TO STAGE 2 DEVELOPMENT APPLICATIONS**

Prior to the lodgement of a Stage 2 Development Application, the tree species proposed within the clear zone of the classified state road (i.e. within 3m of the face of kerb for a 60km/h zone) shall be reviewed having regard to potential hazard to motorists. In particular, the review shall consider:

- (a) Trunk diameter on maturity. It is noted that trunk diameters that grow to more than 100mm at maturity are considered by the RTA to be hazardous.
- (b) Motorist line of sight, based on the trees planted and their specific location.
- (c) Height of any tree overhang into the road carriageway and the affect on buses, trucks etc. It is noted that the RTA recommends that any overhang should not occur below a height of 4.6m (min) or 5.3m (desirable) above the road carriageway.

**(21) REVIEW OF POSITION OF DUNNING AVENUE NORTH**

Stage 2 Development Applications for the public domain areas shall incorporate any change to the design of the public plazas or other public domain elements resulting from the review of the position of Dunning Street North and Dunning Street South at their intersections with New Cross Street.

**(22) STORMWATER DISCHARGE INTO RTA DRAINAGE SYSTEM**

Post development stormwater discharge from the subject site into the RTA drainage system shall not exceed the pre-development discharge.

**(23) CHANGES TO RTA STORMWATER DRAINAGE SYSTEM REQUIRE RTA APPROVAL**

Detailed design plans and hydraulic calculations of any changes to the RTA stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works

Details should be forwarded to:

The Sydney Asset Management  
Roads and Traffic Authority  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

**(24) DESIGN AMENDMENTS AS A RESULT OF CHANGES TO ROADS INFRASTRUCTURE**

The plans submitted with the Stage 2 Development Application for the public domain areas shall incorporate the following design amendments, where applicable:

- (a) All bus stops within the development site must not remove buses from the traffic lane
- (b) All pedestrian crossings including those over the separated bicycle paths, shall be raised crossings to provide pedestrian amenity and priority and to reduce traffic speed
- (c) A shared path shall be provided along the eastern side of Bourke Street and Botany Road
- (d) Town Square Street is not to be constructed as a shared zone in the section adjacent to the Civic and Neighbourhood Plazas

**(25) PROPERTY & TITLE SEARCH AND SURVEY**

Prior to the lodgement of a Stage 2 Development Application, the applicant shall provide an accurate survey locating the proposed development or works with respect to the rail boundary and rail infrastructure (including the rail tunnel). This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp.

**(26) SERVICES SEARCHES**

Prior to the lodgement of a Stage 2 development Application, the applicant shall request service searches from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the applicant must discuss and agree with RailCorp how these services are to be accommodated or relocated.

**(27) NOISE AND VIBRATION**

Prior to the lodgement of a Stage 2 Development Application for any buildings, an acoustic assessment is to be prepared and submitted to Council with the Stage 2 application. This acoustic report must demonstrate how the proposed development will comply with RailCorp's Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.

**(28) GEOTECHNICAL AND STRUCTURAL STABILITY AND INTEGRITY**

- (a) Prior to the lodgement of a Stage 2 Development Application, a geotechnical report is to be prepared and endorsed by RailCorp prior to the report's lodgement with the Stage 2 application for any development or works that are deeper than 2m in depth and within 25metres or above the rail corridor/station.. The Applicant is required to contact RailCorp's Rail Corridor Management Group to obtain the document titled "Brief for review of Geotechnical & Structural Design for developments adjacent to or above the rail corridor for external third party works performed under the NSW State Environmental Planning Policy (Infrastructure) 2007"
- (b) Prior to the lodgement of a Stage 2 Development Application for any building or works above the rail corridor/station, the applicant is to submit structural drawings and report dealing with how the structural load on the tunnel or station is to be mitigated.

**(29) CARPARKING**

Prior to the lodgement of a Stage 2 Development Application involving the creation of car parking, the applicant is to provide information with the development application justifying the number of car parking spaces being provided given the proximity of Green Square Station.

**(30) STATION CONNECTION**

The Applicant shall not lodge a Stage 2 Development Application requiring a connection/breakthrough unless written approval has been obtained from RailCorp.

**(31) CONTROLLED ACTIVITY APPROVAL REQUIRED**

The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

**(32) SELECTION OF PLANT SPECIES FOR SHEAS STREAM**

The proposed "Sheas Stream" is to be planted with species that will structurally fulfil a riparian zone role (i.e. plants that grow along a watercourse). The species list should include flora that is from the Sydney area, and that specifically represent the vegetation community that previously occurred in the locality, so as to promote and enhance the hydrological and environmental processes of the watercourse.

**(33) SELECTION OF TREE SPECIES AND IMPACT ON BELOW GROUND PIPES**

The selection of tree species shall include consideration of the root system having regard to the potential for cracking and/or blockage of below ground pipes. Further information on 'problem species' may be obtained from Sydney Water.

**(34) SITE REMEDIATION AND VALIDATION**

The site is to be remediated and validated in accordance with the Remediation Action Plans reviewed by the Auditor. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) that may be authorised by separate Council consents for Stage 2 Development Applications, a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use.

**(35) SITE AUDIT STATEMENT CONDITIONS**

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

**(36) LAND SUBDIVISION – SEPARATE DA REQUIRED**

Any proposal to subdivide the site will require separate applications to Council to obtain Development Consent and subsequent approval of the final Plan(s) of Subdivision and endorsement of the Subdivision Certificate(s) in accordance with Part 4A of the Environmental Planning and Assessment Act 1979

**(37) PUBLIC DOMAIN DEDICATION**

Any proposal for future dedication of the public domain, including dedication of roads, road widenings or cycleways to the public and/or the creation of Public Reserve vested in Council's ownership, will require that all associated design, specifications, materials and construction procedures be approved by Council and all such works including road and drainage formation and structures, services installation and landscaping are to be completed in accordance with the requirements and to the satisfaction of Council. Prior to the acceptance by Council of any public domain dedication, the affected part(s) of the site are to be fully remediated and fit for the purpose of use by the public, in accordance with the provisions of State Environmental Planning Policy No.55. Capping and ongoing environmental management as the only form of remediation will not be accepted.

**SCHEDULE 3****Terms of Approval****Other Integrated Development Approvals**

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

<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to D/2008/1194 &amp; D/2008/1195 and provided by Council</p> <ul style="list-style-type: none"> <li>Erosion and Sediment Control Plan</li> </ul> <p><b>Erosion and Sediment Control Plan Sheet 1 of 4</b>; dwg no. CL-050; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b>Erosion and Sediment Control Plan Sheet 2 of 4</b>; dwg no. CL-051; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b>Erosion and Sediment Control Plan Sheet 3 of 4</b>; dwg no. CL-052; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b>Erosion and Sediment Control Plan Sheet 4 of 4</b>; dwg no. CL-053; Revision 02; dated 23.06.08; by Connell Wagner P/L <li>Stormwater Drainage Plan</li> <p><b>Stormwater Diversion Construction Sequence Sheet 1 or 4</b>; dwg no. CL-495; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b>Stormwater Diversion Construction Sequence Sheet 2 or 4</b>; dwg no. CL-496; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b>Stormwater Diversion Construction Sequence Sheet 3 or 4</b>; dwg no. CL-497; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p><b>Stormwater Diversion Construction Sequence Sheet 4 or 4</b>; dwg no. CL-498; Revision 02; dated 23.06.08; by Connell Wagner P/L</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water &amp; Energy must be notified to determine if any variations to these GTA will be required.</p> </p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water &amp; Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> <li>Landscape Plan – for the riparian zone (i.e. for Sheas Stream)</li> </ul>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the Department of Water &amp; Energy for approval prior to any controlled activity commencing. The plans must be prepared in accordance with Department of Water &amp; Energy guidelines located at <a href="http://www.naturalresources.nsw.gov.au/water/controlled_activity.shtml">www.naturalresources.nsw.gov.au/water/controlled_activity.shtml</a>.</p> <ul style="list-style-type: none"> <li>Vegetation Management Plans</li> <li>Riparian Corridors</li> </ul>
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the Department of Water &amp; Energy.</p>

<b>Rehabilitation and maintenance</b>	
6	N/A
<b>Reporting requirements</b>	
8	N/A
<b>Security deposits</b>	
9	N/A
<b>Accessways</b>	
10	N/A
<b>Bridge, causeway, culverts, and crossing</b>	
12	N/A
<b>Culvert</b>	
14	N/A
<b>Disposal</b>	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water & Energy.
<b>Drainage and Stormwater</b>	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Erosion control</b>	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.
<b>Excavation</b>	
20	N/A
<b>Maintaining river</b>	
21	N/A

<b>River bed and bank protection</b>	
23	The consent holder must establish a riparian corridor along Sheas Stream in accordance with a plan approved by the Department of Water & Energy.
<b>Plans, standards and guidelines</b>	
24	N/A

Carried unanimously.

**ITEM 11 PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2009  
(S063444)**

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

It is resolved that Council adopt the Schedule of Meetings and Briefings for 2009, as shown at Attachment A to the subject report.

Carried unanimously.

The Schedule of Meetings and Briefings for 2009, as adopted by Council, is as follows:

**2009 PROGRAM OF MEETINGS**

<b>DATE</b>	<b>MEETING</b>
MONDAY 9 FEBRUARY	• BRIEFINGS
MONDAY 16 FEBRUARY	• COMMITTEES
MONDAY 23 FEBRUARY	• COUNCIL
MONDAY 2 MARCH	• BRIEFINGS
MONDAY 9 MARCH	• COMMITTEES
MONDAY 16 MARCH	• COUNCIL
MONDAY 23 MARCH	• BRIEFINGS
MONDAY 30 MARCH	• COMMITTEES
MONDAY 6 APRIL	• COUNCIL
FRIDAY 10 APRIL	• Good Friday Public Holiday
MONDAY 13 APRIL	• RECESS (Easter Monday Public Holiday)
MONDAY 20 APRIL	• RECESS
MONDAY 27 APRIL	• BRIEFINGS
MONDAY 4 MAY	• COMMITTEES
MONDAY 11 MAY	• COUNCIL
MONDAY 18 MAY	• BRIEFINGS
MONDAY 25 MAY	• COMMITTEES
MONDAY 1 JUNE	• COUNCIL
MONDAY 8 JUNE	• RECESS (Queen's Birthday Public Holiday)

**2009 PROGRAM OF MEETINGS**

<b>DATE</b>	<b>MEETING</b>
MONDAY 15 JUNE	<ul style="list-style-type: none"><li>• RECESS</li></ul>
MONDAY 22 JUNE	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 29 JUNE	<ul style="list-style-type: none"><li>• EXTRAORDINARY COUNCIL MEETING (BUDGET)</li><li>• COMMITTEES</li></ul>
MONDAY 6 JULY	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>
MONDAY 13 JULY	<ul style="list-style-type: none"><li>• RECESS</li></ul>
MONDAY 20 JULY	<ul style="list-style-type: none"><li>• RECESS</li></ul>
MONDAY 27 JULY	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 3 AUGUST	<ul style="list-style-type: none"><li>• COMMITTEES</li></ul>
MONDAY 10 AUGUST	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>
MONDAY 17 AUGUST	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 24 AUGUST	<ul style="list-style-type: none"><li>• COMMITTEES</li></ul>
MONDAY 31 AUGUST	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>
MONDAY 7 SEPTEMBER	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 14 SEPTEMBER	<ul style="list-style-type: none"><li>• COMMITTEES</li></ul>
MONDAY 21 SEPTEMBER	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>
MONDAY 28 SEPTEMBER	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 5 OCTOBER	<ul style="list-style-type: none"><li>• RECESS (Labour Day Public Holiday)</li></ul>
MONDAY 12 OCTOBER	<ul style="list-style-type: none"><li>• RECESS</li></ul>

**2009 PROGRAM OF MEETINGS**

<b>DATE</b>	<b>MEETING</b>
MONDAY 19 OCTOBER	<ul style="list-style-type: none"><li>• COMMITTEES</li></ul>
MONDAY 26 OCTOBER	<ul style="list-style-type: none"><li>• RECESS (LGA Conference)</li></ul>
MONDAY 2 NOVEMBER	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>
MONDAY 9 NOVEMBER	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 16 NOVEMBER	<ul style="list-style-type: none"><li>• COMMITTEES</li></ul>
MONDAY 23 NOVEMBER	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>
MONDAY 30 NOVEMBER	<ul style="list-style-type: none"><li>• BRIEFINGS</li></ul>
MONDAY 7 DECEMBER	<ul style="list-style-type: none"><li>• COMMITTEES</li></ul>
MONDAY 14 DECEMBER	<ul style="list-style-type: none"><li>• COUNCIL</li></ul>

The recess continues until the first Committee meetings of 2010.

**ITEM 12 INTERNATIONAL COOPERATION SUMMIT FOR CEOS AND PROVINCIAL GOVERNORS AND MAYORS AND GLOBAL OUTSOURCING SUMMIT – CHINA - DECEMBER 2008**

Moved by Councillor Hoff, seconded by Councillor McInerney –

It is resolved that:

- (A) Council endorse Councillor Robert Kok attending the 4<sup>th</sup> International Cooperation Summit for CEOs and Provincial Governors and Mayors from 7 December – 9 December 2008; and
- (B) Councillor Kok provide a summary of the Summit's outcomes to Councillors.

Carried unanimously.

**ITEM 13 QUESTIONS ON NOTICE****CLEAN UP AUSTRALIA DAY (S063653)**

1. By Councillor Mallard

**Question**

Clean Up Australia Day is an important annual community event that promotes environmental awareness and social responsibility. What does the City of Sydney plan to do to support Clean Up Australia Day in the first week of March 2009?

**Answer by the Lord Mayor**

The City supports the Clean Up Australia Day campaign in a number of ways including the collection of rubbish, coordinating local sites and promoting the event within the community.

Support for the 2009 campaign will include:

- providing collection services for all rubbish from nominated sites, eg, for Clean Up Australia 2008, the City collected materials from 27 Clean Up sites across the LGA;
- liaising with community site coordinators (volunteers) and Clean Up Australia Coordinators; and
- promoting the event through the City's marketing communications channels, eg, on the City of Sydney website, the What's On website and electronic newsletter which has over 25,000 subscribers; the Live Green newsletter; Sydney City News; a media announcement; and also encouraging participation internally through 'Round the Square.

**ITEM 14 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

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

**Question without Notice - Council 1 September 2008****RECYCLED PAPER (S044441)**

12. By Councillor Lee

**Question**

I table this box as part of my question. Is the Lord Mayor aware that Council uses reams and reams of paper for every meeting? Is the Lord Mayor aware that Council currently uses recycled paper produced in the European Union and then transported to Australia? What is the carbon footprint of Council's paper purchases, given the energy required to transport crates of paper around the world? Lord Mayor, can you give us an assurance that no nuclear power was used to produce the paper?

**Answer by the Lord Mayor**

I can't give you that assurance, but I think that is an important issue that you raise – we all need to look at everything we do and then start doing it differently. I think in relation to that, that is one of the reasons why we are promoting fresh food markets, for example, about providing food grown in the Sydney basin for people living in Sydney and we have opened our fresh food market on St Mary's forecourt every Friday for that very purpose. I don't know the answer to the question you've raised, but I think it is really a very important one. I think if we are using recycled paper that is transported to us from across the world – which has a very large carbon footprint – we should desist and I will certainly ask the CEO to investigate that. Thank you for raising that very important issue.

**Supplementary Answer**

In relation to the question raised by Councillor Lee regarding the City's use of recycled paper, in 2006 the Southern Sydney Regional Organisation of Councils (SSROC) awarded a tender for the supply of copy paper to Complete Office Supplies (COS). The agreement runs for a 2 year period which expires at the end of November this year. The type of copy paper currently used is "Evolve Office 100%" which is a 100% recycled paper produced in the UK.

At the time of the tender there was no equivalent 100% recycled Australian produced paper available and City of Sydney Council was using a Fuji Xerox 60% recycled paper. In the evaluation of the SSROC tender the outcome was based on the weighted evaluation criteria, which included environmental credentials.

Evolve Paper is produced in the United Kingdom by M Real from 100% post consumer office paper waste. The recycled paper used to produce the pulp for production of Evolve is collected from offices within a 90 kilometre radius of the mill on the Thames. The mill was built specifically to produce recycled paper at the behest of United Kingdom Local Government and only produces recycled products. M Real, a Scandinavian paper producer is renowned for its sustainable production practices that have been operating in Sweden for several decades.

The Australian made 100% recycled paper (Reflex 100) was only made available in October 2007 and the sole distributor is Corporate Express. With the end of the existing agreement approaching we are currently undertaking a trial of the Reflex 100 paper. Results of this trial are expected over the coming weeks as we will trial it on a number of different job types and machines. The SSROC group have already appointed a Tender Team for the new agreement and team members are in the process of being appointed.

Complete Office Supplies have confirmed that nuclear power is not used in the production in Evolve paper.

### **Question without Notice – Council 1 September 2008**

#### **AGEING IN PLACE (S044439)**

15. By Councillor Hoff

#### **Question**

Lord Mayor, my question relates to the “Ageing in Place” approach to aged care and meeting the needs of our senior citizens. Essentially, this involves enabling people to stay living in their own homes for as long as possible. Given the fact that the Australian population is ageing, it will become increasingly necessary to adopt this approach at the community level. I believe it is really important that we begin to think about how we as a Council can support this approach. Accordingly, could the CEO provide Council with a report on the initiatives we can take to support and encourage this approach? In particular, could we look at providing conditions on DAs which will ensure that a certain proportion of new housing incorporates “Ageing in Place” measures?

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

That’s a very important question and a very important issue. Certainly, our community is ageing; we do want people to be able to stay in their homes; and we want enough development to accommodate our ageing population as well. We are preparing a blueprint for aged services which Council has formally adopted, but I will ask the CEO to follow up on the specific issues you have raised.

#### **Supplementary Answer**

There are two aspects to the “Ageing in Place” approach. One relates to the services provided to aged populations to remain independent within their own homes. The other relates to the proportion of housing that is adaptable to the needs of older people and people with disabilities.

#### ***Supporting Independent Living***

Currently the services enabling independent living for the aged are provided through two funding streams:

- Home & Community Care program (HACC)
- Community Aged Care Packages (CACP)

The HACC program provides support services which assist people to continue to live independently within their own home. These services include Meals on Wheels, Home Care, Home Modification & Maintenance and Community Transport. The City receives funding via the HACC program to provide 65,000 Meals on Wheels meals each year. The City also funds its own Community Transport, enabling opportunities for social engagement and access to shopping centres, Activity Centres, and excursions.

Community Aged Care Packages are for people who require a higher level of care mostly coordinated by one service provider. The service extends to Extended Aged Care at Home packages which are the equivalent to a nursing home service in the home.

“Ageing in Place” is already occurring to some extent in the City of Sydney. Information provided by Housing NSW about Woolloomooloo tenants has found that over 30% of the residents are on the Aged Pension and that many are long time residents of the area. Many of these residents would receive support from either HACC or CACP services, which enables them to remain in independent housing.

### **Adaptable Housing**

The concept of “Adaptable Housing” relates to accommodation that is suitable for older people and people with a disability. The current Development Control Plan specifies that a certain class of dwellings must provide a percentage of adaptable dwellings ranging from one dwelling for dwellings with 10 and 15 units, increasing incrementally up to 15% of total dwellings for developments with 40 or more for units without a lift. For buildings with a lift, it ranges from one dwelling for buildings with 8 and 14 units up to 20% of total dwellings for developments with 30 or more units.

The Inclusion (Disability) Action Plan 2007-2011 Action 1.6 is

- *Develop rationale to increase the percentage of adaptable housing in all suitable developments with the percentage to be determined on a class and application basis individually.*
- *Investigate the adoption of the standards for “visitable” housing. Include in the DCP requirements for access to the entry level of all Class 2 developments and to all the facilities located in common areas on the entry level.*

In addition, there is the State Environmental Planning Policy (SEPP - Seniors Living) 2004. There have been no recent applications to the City for adaptable housing under this SEPP.

The Glebe Affordable Housing project will include some accessible units.

### **Apartments for Life**

The *Apartments for Life* model aims to address the social and accommodation needs for successful ageing in place, and is being trialled for the first time in Australia by the Benevolent Society in Ocean Street, Bondi. The DA is currently being assessed by Waverley Council.

The *Apartments for Life* model provides permanent housing for older people with the support of health, community and other services when needed. An additional aim is that the housing complex becomes part of the local community. The apartments and facilities are fully accessible and the Benevolent Society will work with other service providers to provide support services in the complex. This model has been successful in the Netherlands where 15 complexes have been developed.

Importantly, the Ocean Street Project addresses housing affordability.

- 10% will be rented to people from disadvantaged communities with similar to criteria to that of Housing NSW.
- 30% will be for those who own their own home but cannot afford entry into the model at the full market price.
- The remaining 60% will be at full market price.

There are no planning impediments to a similar project being developed in the City of Sydney. It is understood that the Benevolent Society is potentially interested in starting another project similar to the Ocean Street Project given the right circumstances.

### **Question without Notice – Council 1 September 2008**

#### **PEDESTRIAN AND TRAFFIC AMENITY NEAR BELVOIR STREET THEATRE (S044443)**

17. By Councillor Black

#### **Question**

Lord Mayor, I would like to focus back on some of the concerns of the immediate community issues rather than the electioneering issues. It's a fact that I regularly go to the Belvoir Street Theatre because I've supported it for many, many years, but since the upgrade and the reopening of the theatre, I find the footpath outside the main entrance door remains in an unsafe condition. The issue is that the Council footpath slopes down the hill while the theatre entrance has two steps at different levels and it is quite unsafe from the footpath to get into the building. I would ask if Council staff can investigate the pedestrian safety issues at this location and undertake any footpath improvements that may be necessary. While I am on that little corner spot there, people are probably aware that it is a very odd traffic intersection where Belvoir Street meets Clisdell Street, and I was wondering if, separately, staff could look at the traffic operation of that intersection.

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

Yes, I am aware of the problem you are describing, Councillor Black, and I'll ask the CEO to ask staff to follow it up.

#### **Supplementary Answer**

A site inspection shows that the access problem associated with the entrance to the Belvoir Street Theatre has resulted from the entrance steps at the property boundary having been constructed horizontally instead of matching the lgrade of Belvoir Street.

The solution, other than reconstructing the entrance steps, requires the footpath to be warped to match the varying boundary levels. Past attempts have not been successful because the footpath is too narrow (less than 1.0 metre wide) and the resulting crossfalls have been too steep, particularly when combined with the presence of the kerb ramp at the entry point. Under the existing street layout it is not possible to widen the footpath to bring the crossfalls into an acceptable range for pedestrians.

The entrance to the Theatre is directly opposite the intersection of Clisdell Street which is a "split grade" two-way street with a retaining wall separating the height difference between the southbound traffic along the higher road level and the northbound traffic on the lower road level.

The northbound and southbound sections of Clisdell Street join together at the intersection with Belvoir Street at an open area which allows local traffic to turn around.

Recently the Surry Hills Local Area Traffic Management Study (LATM) has had extensive community consultation with two major community meetings held in the local area.

The Study involved undertaking extensive traffic volume and speed counts in many streets including Belvoir Street. The Study identified that Belvoir Street caters for a relatively low volume of traffic and that no traffic accidents had been recorded in the street within the past five years. Consequently, no traffic changes were proposed in the LATM.

In consideration of the current pedestrian access concerns, staff have investigated the matter and consider that by realigning the intersection so that Belvoir Street is channelled directly into Clisdell Street a localised footpath widening could be achieved at the Theatre entrance. This would not only facilitate access improvements but would also reduce the distance that pedestrians travel unprotected when they need to cross the road.

A proposal for a footpath widening to improve the entrance of the Theatre and also improve the traffic function of the intersection of Belvoir Street with Clisdell Street will be considered as a possible addition to the draft LATM Scheme. The draft LATM Scheme is expected to be referred to Council for approval by the end of 2008.

#### **Question without Notice – Council 3 November 2008**

#### **POLE POSTERS IN AREAS SOUTH OF CLEVELAND STREET (S063658)**

12. By Councillor Doutney

#### **Question**

Lord Mayor, I just want to comment that I don't think my first question was actually answered, but I won't follow it up because I have a second question. What will happen – again on pole posters – in areas south of Cleveland Street like Redfern and Waterloo, and areas further south where there are no designated poles, and then posters are put up for local community events, especially those held by Aboriginal groups around the Block and community groups holding fairs and things in local parks?

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

The Chief Executive Officer is keen to give us some information on that.

#### **Chief Executive Officer**

What I will do, Councillors, especially for the benefit of the new Councillors, is I'll put into the CEO Update the PowerPoint presentation that we did for the other Councillors that goes through the thinking that got us to this point, so hopefully that will answer your first question: how we got there; the legislation we've relied on; the environmental impacts and all of those other things, and then if you have any further questions you can just get in touch and we'll answer that.

With regard to community posters, I'll just check again, but one of the things that we've always said is that it's not likely that those little things that people put up saying, "I've got a room to rent" or "We're looking for our cat" – all those sorts of things – we're not going to just pull all those things down. That's part of community life, and so we expect that there will be a certain amount of it and that will always be there. What we're trying to deal with are the ones – and we have a lot of complaints from residents I must say – a that are really, really causing damage and the ones like the Director City, Community and Cultural Services mentioned. With a lot of those venues, lots of young people are looking online to know what's on; they're not necessarily going to go because they see it on a poster. So, no, we're not trying to get rid of every single thing out there in the community that says "Community barbecue today" or something like that at all, although we do have way too much of that. But I will do a comprehensive CEO Update with all of the other information and if you have any further questions just come directly to me.

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

With a map of the locations, and I'm sure further locations can be added in time.

### **Supplementary Answer**

#### **Background**

Illegal bill posting is a significant urban pollution problem facing the City of Sydney.

Last financial year the City removed more than 340,000 bill posters covering about 112,000 square metres from hoardings, poles and street signs.

In the past four years, removing bill posters has cost the City of Sydney more than \$6 million with a total of 804,000 posters removed.

The *Protection of the Environment Operations (POEO) Act* gives Council the power to take preventative action to stop bill posters from disintegrating and making their way into the storm water system. Specifically, s.96 of this legislation allows prevention notices to be issued on the basis of "reasonably suspecting that an activity has been or is being carried on in an environmentally unsatisfactory manner".

Following briefings and presentations to the former Council, the City developed a campaign which discourages the illegal posting of bills, while also providing an opportunity for posters to be placed on approved 'pillars', in selected areas. These pillars will be maintained by Council staff to prevent any environmental damage caused by the posters. In addition the City is also encouraging the use of web page listings as a means of advertising and promoting events

#### **Poster pillars**

Following a Development Application process which was assessed by an independent planner, the City installed eight poster pillars on popular city streets as part of a 12-month trial to provide a legitimate location for notices and posters.

The following locations were selected as they are in known 'hot spots' for illegal bill posting:

- Darlinghurst – Oxford Street, near Liverpool Street
- Darlinghurst – Oxford Street, near Taylor Square South
- Erskineville – Erskineville Road, near Prospect Street
- Glebe – Bay Street near Grose Street
- Haymarket – Thomas Street near Hay Street
- Kings Cross – Bayswater Road at Darlinghurst Road
- Kings Cross – William Street, near Brougham Street
- Moore Park – Anzac Parade near Cleveland Street

Another poster pillar will be installed in the Glebe area once the Glebe upgrade has finished, and a suitable site in King St, Newtown is being investigated. A map of the locations is attached.

### **Placement of poster pillars**

The poster pillars (detailed above) have been installed on a 12 month trial basis. Other locations could be considered depending on the trial outcome. The posters which are typically displayed in the areas mentioned by Councillor Doutney are small community notices which do not have the potential for the level of environmental damage caused by the larger and more frequently installed commercial posters.

### **The enforcement process**

In recent months, the City Rangers have established a database of bill posters which have caused, or have the potential to cause, environmental damage. 130 businesses and premises were identified in this process, with photos taken of the relevant posters. The City of Sydney wrote to these organisations on 14 October 2008, 3 November 2008, and 5 November 2008, asking them to provide an undertaking not to place any bill posters, other than on the approved poster pillars. They were also informed the City would commence enforcement action from 10 November 2008.

It must be emphasised that this campaign will be targeting those organisations involved in large scale commercial advertising, and all those who received letters from the City asking them to not put up posters illegally. While the City wants to discourage environmentally damaging costly practices, there is no intention to prosecute those people putting up political posters or those relating to public interest causes and community notices (including notices about rallies, garage sales, lost pets and local fetes). Generally these posters are used far less frequently than bill posters used by major commercial businesses.

If the City Rangers are able to identify those responsible for installing posters (not necessarily the person who actually installed the poster) in an environmentally unsatisfactory manner, the following steps will be taken in appropriate cases to facilitate enforcement under the provisions of the POEO Act.

- The responsible party will be asked to provide a written undertaking not to place any bill posters other than on the approved poster pillars.
- Should an undertaking not be received, or further bill posting occurs, City Rangers will take appropriate steps towards the issue a Prevention Notice under section 96 of the POEO Act. The Prevention Notice incurs a \$320 administration fee payable by the recipient.

- If further bill posting occurs once a prevention notice has been served, the person or company responsible will be fined for failing to comply with the notice. The on-the-spot fine is \$750 for individuals and \$1500 for a corporation.
- The Council will also remove the offending posters and a cost compliance notice for this may be served on the offender.

**ITEM 15 NOTICES OF MOTION****HOUSING FOR EVERYONE (S063667)**

1. Moved by Councillor Doutney, seconded by Councillor Harris -
  - (A) This Council acknowledges that adequate, safe, secure and affordable housing is a human right.
  - (B) Council notes, however, that the NSW State Government currently empowers only two councils, via SEPP 70, to levy affordable housing contributions as a condition of development approval.
  - (C) Council therefore urges the State government to:
    - (i) categorise the provision of affordable housing as 'key community infrastructure' in planning legislation; and
    - (ii) support the Environmental Planning and Assessment Amendment (Affordable Housing Development Contributions) Bill 2008, moved by Greens MLC Sylvia Hale, which is currently before the NSW Legislative Council.
  - (D) Council notes that the Affordable Housing Bill would enable Council to levy developer contributions for affordable housing where:
    - (i) council has identified a need within the LGA for more affordable housing to support objectives for community sustainability;
    - (ii) council's development contributions plan includes provision for affordable housing contributions (with reference to the council's housing strategy, where such a strategy has been developed);
    - (iii) council's Local Environment Plan includes affordable housing provisions and specifies in which locations levies are to be imposed;
    - (iv) council has determined the quantum of levies to be imposed (which may vary from 0% to a maximum of 25%) in the context of levies imposed for other public and community purposes and council's identified priorities;
    - (v) the development to which the levy is applicable is a multi-unit development of 10 dwellings or more.
  - (E) That Council write to the Premier, The Hon. Nathan Rees MP, the Minister for Planning, The Hon. Kristina Keneally MP, the Minister for Housing, The Hon. David Borger MP, the Leader of the Opposition, Barry O'Farrell MP, the Shadow Minister for Planning, Brad Hazzard MP, and local Member of Parliament, informing them of Council's resolution and seeking their support for the Bill.

Variation. At the request of Councillor Hoff, and by consent, the motion was varied such that it read as follows –

- (A) This Council acknowledges that adequate, safe, secure and affordable housing is a human right.
- (B) Council notes that:

- (i) Sustainable Sydney 2030 sets ambitious targets for housing affordability of 7.5% of all dwellings as affordable housing and 7.5% of all dwellings as social housing by 2030;
  - (ii) City of Sydney staff are developing an affordable housing strategy with a multi-pronged approach to protect and facilitate affordable housing in the City;
  - (iii) the City is working with the State Government on a joint \$260 million project in Glebe/Ultimo to build up to 700 new affordable, social and private housing units aimed at addressing Sydney's affordable housing shortage as well as being a demonstration project;
  - (iv) the City is working with the State and Federal Governments, Business and other agencies to replicate the successful Common Ground housing model in Sydney;
  - (v) the Lord Mayor met with the Minister for Housing in August about affordable housing issues and has since written to the Ministers for Housing and Planning requesting support for:
    - a. modifications to planning legislation to increase the supply of affordable housing; and
    - b. the establishment of an Inner Sydney Council's Affordable Housing Working Group to develop regional solutions to the housing affordability crisis.
- (C) Council urges the State government to:
- (i) support the establishment of, and participate in, an Inner Sydney Council's Affordable Housing Working Group; and
  - (ii) support the aims of the Environmental Planning and Assessment Amendment (Affordable Housing Development Contributions) Bill 2008, moved by Greens MLC Sylvia Hale, which is currently before the NSW Legislative Council.
- (D) Council notes that the Affordable Housing Bill would enable Council to levy developer contributions for affordable housing where:
- (i) council has identified a need within the LGA for more affordable housing to support objectives for community sustainability;
  - (ii) council's development contributions plan includes provision for affordable housing contributions (with reference to the council's housing strategy, where such a strategy has been developed);
  - (iii) council's Local Environment Plan includes affordable housing provisions and specifies in which locations levies are to be imposed;
  - (iv) council has determined the quantum of levies to be imposed (which may vary from 0% to a maximum of 25%) in the context of levies imposed for other public and community purposes and council's identified priorities;

- (v) the development to which the levy is applicable is a multi-unit development of 10 dwellings or more.
- (E) That Council write to the Premier, The Hon. Nathan Rees MP, the Minister for Planning, The Hon. Kristina Keneally MP, the Minister for Housing, The Hon. David Borger MP, the Leader of the Opposition, Barry O'Farrell MP, the Shadow Minister for Planning, Brad Hazzard MP, and local Member of Parliament, informing them of Council's resolution.

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

## **PUBLIC SAFETY AND SAFE WORK PLACES (S063668)**

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

The City of Sydney notes that:

- (A) successive City of Sydney Councils have been committed to ensuring public safety and safe work places;
- (B) on a number of occasions the safety of the public and workers in the City has been put at risk due to unsafe construction practices on major Sydney building sites;
- (C) federal laws that limit the promotion of safety on construction sites must be repealed;
- (D) the International Labour Organisation's Committee of Experts and Committee on Freedom of Association has noted that the Building and Construction Industry Improvement Act 2005 is inconsistent with International Conventions signed by Australia.

This City of Sydney Council calls on the Federal Labor Government to immediately repeal the Building and Construction Industry Improvement Act 2005 and to disband the Australian Building Construction Commission.

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Black, Burgmann, Doutney, Harris, Hoff, Kok, McInerney and Tornai.

Noes (1) Councillor Mallard.

Motion carried.

### **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 Hoff, seconded by Councillor Burgmann –

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

Carried.

**AUTOMATIC TELLER MACHINES (ATMs) (S063668)**

3. Moved by Councillor Harris, seconded by Councillor Doutney -

The City of Sydney Council:

- (A) confirms that the installation of ATMs in premises that operate poker machines is not supported;
- (B) requests that the CEO:
  - (i) amends the standard conditions of consent to reflect this policy decision; and
  - (ii) urgently communicates this decision with an amended submission to: The inquiry into ATMs & Cash Facilities in Licensed Venues Bill 2008 and The Poker Machine Harm Minimisation Bill 2008.

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

The motion moved by Councillor Harris was lost on the following show of hands –

Ayes (3) Councillors Burgmann, Doutney and Harris.

Noes (7) The Lord Mayor, Councillors Black, Hoff, Kok, Mallard, McInerney and Tornai.

Councillor McInerney then moved his foreshadowed motion, seconded by Councillor Tornai -

The City of Sydney Council:

- (A) Note that the City of Sydney's Submission to the Inquiry into the ATMs and Cash Facilities in Licensed Venues Bill 2008 and the Poker Machine Harm Minimisation Bill 2008:
  - (i) "acknowledges that ... gambling is a serious problem which can have wide ranging psychological and social impacts" (p.3);
  - (ii) "strongly supports ... prevention and harm minimisation ... [and] supports many of the measures outlined in the ... Bill" (p.3);
  - (iii) requests "that the passage of the Bill should be supported by a range of other measures" (p.8); and
  - (iv) "strongly supports the removal of ATM's and cash withdrawal opportunities in gaming areas of licensed premises ... [but] does not ... support ... removal of ATM's and cash withdrawals from licensed premises entirely" (p.7);
- (B) Confirms and clarifies its position that:
  - (i) cash and credit withdrawals via ATMs or EFTPOS should not be available in the vicinity of rooms in licensed premises with gaming machines;

- (ii) limitations on the installation of ATMs need to be balanced with considerations for the safety and needs of other venue patrons;
  - (iii) local councils are well placed via the development assessment process to determine ATM locations based on the local situation, including prohibitions or restrictions on where they are placed in premises;
  - (iv) state and federal legislation must ensure councils have authority to refuse and restrict the location of ATMs within venues with gamine machines.
- (C) Requests that the Chief Executive Officer communicates this resolution to the Inquiry into ATMs and Cash Facilities in Licensed Venues Bill 2008 and the Poker Machine Harm Minimisation Bill 2008.

The motion moved by Councillor McInerney was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Black, Burgmann, Hoff, Kok, Mallard, McInerney and Tornai.

Noes (2) Councillors Doutney and Harris.

Motion carried.

#### **DONATION OF GENERATOR SET IN FORMER SOUTH SYDNEY HOSPITAL (S063669)**

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

That Council donate the generator set previously used in the orthotics building (building 13) of the former South Sydney Hospital in Zetland to the Ankor Hospital for Children in Cambodia.

Variation. At the request of Councillor Harris, and by consent, the motion was amended by the addition of the words, "Council will cover the cost of transporting the generator set to Ankor, up to a value of \$5,000."

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

The motion, as adopted by Council is as follows –

That Council:

- (A) donate the generator set previously used in the orthotics building (building 13) of the former South Sydney Hospital in Zetland to the Ankor Hospital for Children in Cambodia; and
- (B) cover the cost of transporting the generator to Ankor, up to a value of \$5,000.

At 8.10pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 15 December 2008 at which  
meeting the signature herein was subscribed.