

COUNCIL

Meeting No 9
Monday 26 October 2015
Notice No 9/1567
Notice Date 22 October 2015

minutes

city of villages

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PRESENT

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

Councillors - Irene Doutney, Christine Forster, Jenny Green, Robyn Kemmis, Robert Kok, Edward Mandla, John Mant, Linda Scott and Angela Vithoukias.

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

The Lord Mayor, Councillors Doutney, Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoulkas.

Councillor Vithoulkas left the meeting of Council at 7.13pm prior to discussion on Part 1 of Item 8.3 and returned at 7.14pm at the conclusion of discussion on that part of the item. Councillor Vithoulkas was not present at, or in sight of, the meeting of Council during discussion or voting on Part 1 of Item 8.3.

Councillor Scott left the meeting of Council at 7.57pm prior to discussion on Item 9.8 and returned at 7.58pm at the conclusion of discussion on that item. Councillor Scott was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.8.

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director City Operations, Director Legal and Governance, Director City Planning, Development and Transport, Director City Life, Director City Engagement, Director Workforce and Information Services and Acting Director City Projects and Property 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 the Chair (the Lord Mayor), seconded by Councillor Kemmis-

That the minutes of the meeting of Council of Monday 14 September 2015, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Angela Vithoulkas disclosed a significant, non-pecuniary interest in Item 8.3 on the agenda, in that she has worked with Weave Youth Community Services Inc, a proposed grant recipient, and assisted in promoting their Youth Mental Health Awareness program through her business. Councillor Vithoulkas stated that she would not be present for discussion or voting on Item 8.3.

Councillor Linda Scott disclosed a significant, non-pecuniary interest in Item 9.8 on the agenda, in that the premises, the subject of the development application, share a boundary wall with the house of a member of her staff. Councillor Scott stated that she would not be present for discussion or voting on Item 9.8.

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 HONOURING JOHN BELL AO, OBE**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

On Monday, 19 October 2015, I presented the Key to the City to John Bell AO, OBE with his family, friends, fans and fellow theatre workers present.

This is the highest award the City of Sydney can make and one that should only recognise the highest achievement and contribution. John has made an extraordinarily significant contribution to the cultural life of our city and our nation as an actor, director, producer, theatre company founder, teacher, performing arts advocate and Shakespeare enthusiast.

His enthusiasm for Shakespeare is infectious – even for people who were taught Shakespeare not wisely or too well. John and Shakespeare are synonymous across Australia. That's not surprising. Audiences have linked the names Bell and Shakespeare for almost all John's life in the theatre.

John's career in the theatre has been extensive. In his time, he has played many parts not and just by Shakespeare. Ben Jonson, Chekhov, Sheridan, Strindberg and Rostand also feature in his repertoire. Audiences still talk about his Cyrano de Bergerac! He has also ventured into the 20th century appearing in works by David Williamson, Tom Stoppard, Peter Shaffer, John Arden and Bertolt Brecht. Many believe his performance in the title role of Brecht's The Resistible Rise of Arturo Ui is one of his greatest triumphs. There have also been roles in film and television, and even a musical!

John's distinguished career as an actor is matched by his equally distinguished career as a director of plays, musicals and opera. His influence on theatre in Australia is significant, even seminal. In the years before Bell Shakespeare, he directed over 25 Australian plays. Over 60 per cent were world premieres.

The first was the legendary Legend of King O'Malley at the Jane Street Theatre in June 1970. That production helped kick start the new wave of Australian drama. But the new wave needed venues. Ken Horler, a barrister and friend of John's from university, found a former stables building in Nimrod Street, Kings Cross. Over several months, a team of volunteers gave up their weekends to convert it into a theatre.

In December 1970, the Nimrod Street Theatre opened with John and Ken as co-artistic directors. The irreverent knockabout style of King O'Malley helped define Nimrod's early house style. As John's wife Anna has observed, Nimrod allowed theatre to be silly.

It wasn't all vaudeville and circus. It was at Nimrod Street that John introduced David Williamson to Sydney audiences with his gritty production of The Removalists and continued to develop a new Australian approach to Shakespeare.

Audiences continued to build. Within three years, Nimrod needed larger premises. A former salt factory in Surry Hills was found and transformed. The house style that emerged at Nimrod Street further developed, but its essence remained. As John notes in his book, The Time of My Life, it's a house style that was informal, warm and welcoming.

While Nimrod no longer exists, except in the memories of the theatre people who worked there and the audiences who enjoyed their work, it has left Sydney with a wonderful legacy – two magical theatre spaces. The first Nimrod Street Theatre is now the SBW Stables in Kings Cross and home to the Griffin Theatre Company and Nimrod in Surry Hills is now Belvoir. John Bell's key role in giving Sydney this legacy should not be forgotten.

As John acknowledges in his book, many people have helped make this possible - whether helping to build two theatres with their bare hands, helping to raise money or by volunteering in other ways to ensure these theatres remained open.

Many of these people gathered at the Town Hall last Monday to honour John.

The companies now resident in these theatres continue Nimrod's spirit – Griffin with its commitment to producing new Australian work and Belvoir with its commitment to fresh approaches to theatre. John himself continued to develop his approach to Shakespeare which largely began with Nimrod.

Not content with starting one theatre company, John established a second. Twenty-five years ago, Bell Shakespeare was born. It is now Australia's leading touring national theatre company. Over the past 25 years, Bell Shakespeare has presented 25 plays by Shakespeare plus the compendium work *The Wars of the Roses* and stage adaption of *Venus and Adonis*. Yet it has not confined itself to Shakespeare. Plays by Shakespeare's contemporaries and successors have featured, along with theatre for children.

The company has taken Shakespeare into regional and remote areas and introduced people experiencing social disadvantage to Shakespeare through its *Hearts in A Row* program. It worked with Indigenous communities, Juvenile Justice Centres, disadvantaged community groups, students and in disaster-struck regions.

Its schools program, *Actors at Work*, began almost at the same time as the company itself. *Actors at Work* introduced school students to a new dynamic approach to Shakespeare which possibly also helped build future audiences. John and his wife Anna were frequent participants in its early years. The program is complemented with presentations of Shakespeare designed for primary and secondary school audiences, student masterclasses and immersive Shakespeare workshops.

John's revels with Bell Shakespeare now are ended with his announced retirement as Artistic Director. Bell Shakespeare will not melt into air, into thin air, nor shall it dissolve. John has ensured this by mentoring a successor, new artistic director Peter Evans.

John continues to act, currently appearing at Belvoir in Chekov's *Ivanov*. A holiday with Anna in Central Australia is planned and he may resume painting, an early interest. But in his retirement will he be content, like the Earl of Worcester, to entertain the lag-end of his life with quiet hours?

Theatre lovers suspect, and perhaps hope, not completely. For a consummate man of the theatre like John, there will always be new roles to play, and new plays to direct. We wish him well, and we thank him for letting us see, over many years, something of the stuff that dreams are made of.

RECOMMENDATION

It is resolved that Council commend John Bell AO, OBE for his extraordinarily significant contribution to the cultural life of our city and our nation as an actor, director, producer, theatre company founder, teacher, performing arts advocate and Shakespeare enthusiast.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

(Note – the Chair (the Lord Mayor) welcomed Mr John Henderson, Deputy General Manager of Bell Shakespeare, who was representing Mr Bell.)

(Note – following discussion and voting on his item, the Chair (the Lord Mayor), all Councillors, staff and members of the public present acknowledged Mr Bell's achievements with a standing ovation.)

ITEM 3.2 FIT FOR THE FUTURE IPART REPORT

FILE NO: S051491

MINUTE BY THE LORD MAYOR

To Council:

On Tuesday 20 October, the NSW Government released the Independent Pricing and Regulatory Tribunal of NSW's (IPART) 'Fit for the Future' Local Government report.

IPART found that the City of Sydney 'meets the scale and capacity criterion as a stand-alone council and would be fit as a stand-alone council' but declared us unfit when assessed as a mega 'global' city which combines Woollahra, Waverley, Randwick, Botany and the City. A proposal that has no support from the communities involved and no compelling evidence to back it up.

The fact that IPART found us fit to stand-alone on all standards, but marked us as unfit purely because we didn't meet an arbitrary criteria on size, shows how ridiculous this process is. Project delivery, services, community support, support for small business and social outcomes have all been ignored.

Of the City of Sydney, the IPART report said:

"City of Sydney meets the financial criteria overall as a stand-alone council and its current and projected financial performance is strong. It also demonstrated it has the ability to proactively partner with the government to undertake significant infrastructure and urban renewal projects, such as the Green Square development."

A 'GLOBAL' CITY

The mega council idea for Sydney encompasses a local government area with the population of the entire state of Tasmania without any new responsibility or authority - it would just be a large, unwieldy council.

It's a point IPART picked up in their report, saying the Government needed to consider "the extent to which the Global City Council should be given control over key infrastructure such as the Sydney Opera House, Barangaroo, Port Botany, Circular Quay and Darling Harbour to enable it to operate effectively as a Global City Council, as this infrastructure is currently administered by bodies separate to local councils."

While Professor Sansom wrote in his report that we might 'assume responsibility for some State-managed facilities such as the Sydney Harbour National Park, Centennial Park and the Botanic Gardens'.

Function, not size, is what makes a global city.

The City of Sydney is a leading global city looking after 1.2million people every day.

We are recognised internationally for our work and we've been awarded numerous awards. We partner with other global cities on important issues including climate change, we have a strategic relationship with China, we host numerous delegations from other cities around the world who are keen to learn about how we do things and our long term plan, Sustainable Sydney 2030, has been used by other cities in the development of their own plans.

We are an active member of the C40 Climate Leadership Group – made up of 75 cities, representing 1 in 12 people worldwide. As part of our work with the C40 group, we are co-chairing the private buildings efficiency network along with the Tokyo metropolitan government. And we are part of the Rockefeller Foundation's prestigious 100 Resilient Cities Initiative along with London, Paris, New York, Chicago and Singapore.

The City is critically important to the national economy – generating \$108 billion worth of economic activity annually—over 30 per cent of metropolitan Sydney's economic activity and almost a quarter of the NSW State gross domestic product.

Other mega cities such as London, New York and even Brisbane are responsible for more than the so-called 'roads, rates and rubbish' that councils in NSW have traditionally undertaken.

The Greater London Authority is responsible for transport, housing, health and the environment, New York's City Government looks after education, police, transport, consumer affairs, health and the fire department just to name a few! Brisbane City Council has responsibility for transport.

To date, the State Government has not identified new governance models for mega councils or taken any action to identify which of its powers or agencies it would transfer to these enlarged local government areas.

RISK TO ECONOMY

A key issue for the City is the economic risk of an amalgamation.

The city is currently undergoing a huge period of accelerated growth and investment. Based on what we know now, \$30 billion to \$40 billion will be invested in development in our local government area over the next decade.

A decline in construction activity of just one per cent over the next decade due to the inevitable disruption of an amalgamation would have a negative economic impact in excess of \$300 million.

The risks are particularly serious for the Green Square Town Centre, where \$13 billion in development is reliant on our efficient assessment and timely delivery of critical roads, stormwater and community infrastructure; and for the Sydney CBD, where significant business and development investment is occurring in anticipation of the physical and economic transformation of George Street through light rail and high quality public domain.

To inform their report, IPART commissioned Ernst & Young to do an analysis of the long term costs and benefits of the recommended merger options. They estimated net benefits arising from the Global City Council merger including the City of Sydney of \$283 million over 20 years.

The assumptions underpinning the estimate by Ernst & Young are questionable. For example, Ernst & Young assume the cost savings will be comparable to a private sector merger and 80 per cent of the savings will be achieved within three years. Rationalisation and savings would be slower due to contractual commitments to services providers and legislative protections that do not permit staff to be made redundant within three years of an amalgamation. A more realistic set of assumptions would produce a significantly lower estimate.

Even the estimate of \$283 million represents an annual benefit of \$14 million. This estimate is similar to the estimated savings Randwick Council's analysis found would be achieved by a Global Sydney Council, which breaks down to a saving of approximately 54 cents per resident per week.

FIT FOR THE FUTURE NEXT STEPS

The NSW Government has given councils until 18 November to make a final submission on the 'Fit for the Future' process through an online tick-a-box portal.

Councillors, we have discussed this issue for over a year now. Last December, we unanimously endorsed that we are 'fit for the future' with our current boundaries intact – a position endorsed by IPART.

Neither IPART nor the NSW Government has produced a compelling reason for the City to merge with surrounding councils and put at risk the future prosperity of our local, state and national economy.

RECOMMENDATION

It is resolved that Council:

- (A) affirm that the City of Sydney is 'Fit for the Future' and that no major structural change be undertaken to the City's boundaries at this time and confirm our position in the NSW Government's online portal; and

- (B) note the IPART Assessment of Council Fit for the Future Proposals and, in particular, the statement that the 'City of Sydney meets the financial criteria overall as a stand-alone council and its current and projected financial performance is strong.'

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Points of Order

Councillor Kemmis raised a point of order in that some comments by Councillor Mandla, when speaking on the motion, were inaccurate.

The Chair (the Lord Mayor) upheld the point of order, stating that surveys of residents and businesses indicated their support for Council's stand-alone position.

Councillor Mandla raised a point of order in that Councillor Kok's comments, when speaking on the motion, were irrelevant.

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

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok, Mant, Scott and Vithoulikas.

Noes (2) Councillors Forster and Mandla.

Motion carried.

ITEM 4 MEMORANDA BY THE CHIEF EXECUTIVE OFFICER

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

ITEM 5 MATTERS FOR TABLING

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

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

Carried unanimously.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 19 OCTOBER 2015

PRESENT

Councillor Clover Moore
(Chair)

Councillor Robyn Kemmis
(Deputy Chair)

Councillors Christine Forster, Jenny Green, Robert Kok, Edward Mandla, John Mant, Linda Scott and Angela Vithoukias.

At the commencement of business at 2.04pm those present were -

The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoukias.

Sub-Committee

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukias as Deputy Chair, commenced at 2.41pm.

Apologies

Councillor Irene Doutney extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee as she was unwell.

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

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

Carried unanimously.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.58pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Kemmis, seconded by Councillor Green -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 19 October 2015 be received, and the recommendations set out below for Items 6.3 and 6.5 to 6.14 inclusive be adopted, with Item 6.1 being noted, and Items 6.2 and 6.4 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1**DISCLOSURES OF INTEREST**

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

The Committee recommended the following:

ITEM 6.2**PRESENTATION OF THE 2014/15 FINANCIAL STATEMENTS TO COUNCIL (S115002.001)**

It is resolved that Council:

- (A) receive the Financial Statements for City of Sydney for the year ended 30 June 2015, as shown at Attachment A to the subject report;
- (B) authorise the Lord Mayor, the Deputy Chair of the Corporate, Finance, Properties and Tenders Committee, Chief Executive Officer, and the Chief Financial Officer to sign the General Purpose Financial Statements;
- (C) authorise the Lord Mayor, the Deputy Chair of the Corporate, Finance, Properties and Tenders Committee, Chief Executive Officer, and the Chief Financial Officer to sign the Special Purpose Financial Statements;
- (D) receive the auditor's reports on the 2014/15 Annual Financial Statements; and
- (E) authorise that notice be given, by newspaper advertisement, of public presentation of the audited 2014/15 Financial Statements for the City of Sydney at the Council meeting on 14 December 2015.

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

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

Carried unanimously.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, Mr Dennis Banicevic and Mr Peter Buchholz from Pricewaterhouse Coopers were invited to address the meeting of the Corporate, Finance, Properties and Tenders Committee on the 2014/15 Financial Statements.

Mr Banicevic addressed the Corporate, Finance, Properties and Tenders Committee on the 2014/15 Financial Statements.)

ITEM 6.3

INVESTMENTS HELD AS AT 30 SEPTEMBER 2015 (S106935)

It is resolved that the Investment Report as at 30 September 2015 be received and noted.

Carried unanimously.

ITEM 6.4

AUDIT RISK AND COMPLIANCE COMMITTEE 2014/15 ANNUAL REPORT TO COUNCIL (S100289)

It is resolved that Council note the Audit Risk and Compliance Committee's 2014/15 Annual Report, as shown at Attachment A to the subject report.

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

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

Carried unanimously.

Speakers

Ms Elizabeth Crouch, Chair of the Audit Risk and Compliance Committee, addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.4.

ITEM 6.5

CLASSIFICATION OF LAND AT 95C PORTMAN STREET ZETLAND (LOT 31 IN DP 1201559) (S100178 AND S100179)

It is resolved that Council classify Lot 31 in DP 1201559, as shown marked on Attachment A to the subject report, as operational land in accordance with section 31 of the NSW Local Government Act 1993.

Carried unanimously.

ITEM 6.6

EAST WEST RELIEF ROUTE ACQUISITION UPDATE (S100178 AND S100179)

It is resolved that Council:

- (A) note the progress on land acquisitions to date for the future East West Relief Route; and
- (B) adopt the recommendations contained within confidential Attachment B to the subject report.

Carried unanimously.

ITEM 6.7**TENDER - SYDNEY TOWN HALL - LOWER HALL OPERABLE WALL (S121768)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Sydney Town Hall – Lower Hall Operable Wall; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.8**TENDER – PROVISION OF QUANTITY SURVEYING AUDITS OF APPLICATIONS FOR DEVELOPMENT (S125427.013)**

It is resolved that:

- (A) Council approve the appointment of the panel of consultants in accordance with the Quantity Surveyor Audit Panel, as described in confidential Attachment B to the subject report, and their nominated hourly rates, for a period of two years, with the option of a further one year extension;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contacts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.9**TENDER - MANAGED PUBLIC ACCESS IT FACILITIES AND SERVICES (S125430)**

It is resolved that:

- (A) Council reject the tenders received for the managed public access IT facilities and services for the reasons set out in confidential Tender Evaluation Summary, Attachment A to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer (CEO) to enter into negotiations with service providers who are suitably qualified and demonstrate a capability to deliver the required facilities and services and execute and administer the contract relating to the facilities and services;

- (D) authority be delegated to the CEO to, upon completion of negotiations, enter into a contract with the successful service provider; and
- (E) Council to be informed of the outcome via CEO Update.

Carried unanimously.

ITEM 6.10

TENDER - CLOUD HOSTING SERVICES (X001017.001)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'J' for Cloud Hosting Services for a period of three years with the option of two, one-year, extensions;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.11

TENDER – APPLICATION DEVELOPMENT AND SUPPORT SERVICES - .NET AND RELATED TECHNOLOGIES (S125425)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'D' for the supply of professional services for the development and support of .Net and related technologies based systems for a period of three years with two optional one-year extensions;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.12

TENDER - CLOUD BASED RESOURCE BOOKING SYSTEM (S121334)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply of a Cloud Based Resource Booking System for a period of three years with two optional one-year extensions;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.13

TENDER - SUPPLY AND DELIVERY OF WORK WEAR (S123688)

It is resolved that:

- (A) Council accept the tender offers of Tenderers 'A' and 'B' for the supply and delivery of work wear for a period of three years with two optional 12 month periods if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.14

EXEMPTION FROM TENDER - REGIMENTAL SQUARE UPGRADE (S121614)

It is resolved that Council:

- (A) approve the Regimental Square Upgrade Concept Design as shown at Attachment A to the subject report;
- (B) grant an exemption from tender, under the extenuating circumstances provisions of section 55(3)(i) of the Local Government Act 1993, for the delivery of the Regimental Square Upgrade Works;
- (C) endorse the delivery of the Regimental Square Upgrade Works by Charter Hall Funds Management Pty Ltd, the adjacent developer of 333 George Street as set out in Confidential Attachment B;
- (D) delegate authority to the Chief Executive Officer to enter into an agreement between the City and Charter Hall Funds Management Pty Ltd for the delivery of the Regimental Square Upgrade Works;

- (E) endorse using the City Centre Regimental Square capital budget and the \$765,970 received from Charter Hall Funds Management Pty Ltd through the Voluntary Planning Agreement for 333 George Street to fund the Regimental Square Upgrade Works; and
- (F) note that the reason for seeking an exemption from tender is that, due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders as delivery of the Regimental Square Upgrade Works by Charter Hall Funds Management Pty Ltd will:
- (i) enable coordination of the development works on 333 George Street with the Regimental Square Upgrade Works;
 - (ii) facilitate early completion of the Regimental Square Upgrade Works by approximately four years due to access to Regimental Square from the adjacent 333 George Street site and the work zone being utilised by Watpac Constructions in Regimental Square (the completion of the Regimental Square Upgrade Works is required prior to the commencement of major construction works in George Street associated with the delivery of light rail); and
 - (iii) provide value for money to the City as the offer by Charter Hall Funds Management Pty Ltd provides financial savings when compared to the detailed costs estimates prepared by the City's quantity surveyor (including savings through staging the project with the development make-good works and the existing knowledge, resources and experience associated with the project site).

Carried unanimously.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Vithoukias, seconded by Councillor Kemmis –

That the report of the Economic Development and Business Sub-Committee of its meeting of 19 October 2015 be received and the recommendation set out below for Item 6.15 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

ITEM 6.15

REVIEW OF 12 MONTH TRIAL OF THE RETAIL ACTIVATION PROGRAM FOR PITT STREET MALL (S080764)

It is resolved that Council:

- (A) approve the continuation of the Pitt Street Mall Retail Activation Program for a period of three years (commencing 26 October 2015) during the construction of the Sydney Light Rail program thereby providing a retail activation space in the public domain to encourage and support new retail activities in Pitt Street Mall and drive pedestrian footfall;

- (B) note that all activities that fall within the Retail Activation Program are subject to an approved event application;
- (C) note that the introduction of this program will not fetter the City's discretion to determine event applications; and
- (D) note that, at or near the conclusion of the three year program, a report will be presented to Council with a further evaluation of the program.

Carried unanimously.

Speakers

Ms Ros Lill-Lusby addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.15.

Adjournment

At this stage of the meeting, at 6.30pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis –

That the meeting be adjourned for 15 minutes.

Carried.

At the resumption of the meeting of Council, at 6.45 pm, those present were –

The Lord Mayor, Councillors Doutney, Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoukias.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 19 OCTOBER 2015

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillors Christine Forster, Jenny Green, Robyn Kemmis, Robert Kok, Edward Mandla, John Mant, Linda Scott and Angela Vithoulkas.

At the commencement of business at 2.59pm those present were –

The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoulkas.

Apologies

Councillor Doutney extended her apologies for her inability to attend the meeting of the Environment Committee as she was unwell.

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

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

Carried.

Order of Business

The Environment Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 7.5 be brought forward and dealt with before Item 7.2.

Adjournment

At 3.30pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis -

That the meeting of the Environment Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Environment Committee at 3.43pm, those present were:

The Lord Mayor, Councillors Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoulkas.

Councillor Forster returned to the meeting at 3.44pm, during discussion on Item 7.2.

The meeting of the Environment Committee concluded at 3.48pm.

Report of the Committee

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

That the report of the Environment Committee of its meeting of 19 October 2015 be received, and the recommendations set out below for Items 7.2 to 7.4 inclusive be adopted, with Item 7.1 being noted, and Item 7.5 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 7.1**DISCLOSURES OF INTEREST**

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

The Committee recommended the following:

ITEM 7.2**C40 MEMORANDUM OF UNDERSTANDING AND WORK PLAN (S124188)**

It is resolved that Council:

- (A) approve the C40-City of Sydney Memorandum of Understanding 2015-2020, as shown at Attachment A to the subject report, for execution by the Lord Mayor; and
- (B) note the C40-Sydney Work Plan 2015-2016, as shown at Attachment B to the subject report, and that the associated costs were approved by Council as part of the budget adopted on 29 June 2015.

Carried unanimously.

ITEM 7.3**2015/16 ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS – THIRD ALLOCATION (S087106)**

It is resolved that:

- (A) Council approve the following cash grant recommendation for 2015/16 under the Environmental Performance - Innovation Grant Program – Third Allocation:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Pingala - Community Renewables for Sydney Incorporated	Pingala - Co-operative	Establishment of a community-funded solar project, based on a co-operative legal structure at 76 Wilford Street, Newtown.	\$44,000 (exclusive of GST)	Nil	Organisation to report back on future sites in the LGA.

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with the applicant approved for a grant in clause (A) on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Carried unanimously.

ITEM 7.4

RENWICK STREET PLAYGROUND – SMALL PARK UPGRADE (S084390)

It is resolved that Council endorse the scope of work for improvements to Renwick Street Playground, as described in the subject report and shown in the refined concept plan at Attachment C to the subject report, for progression to design development, seeking relevant planning approvals, documentation and tender for construction of the works.

Carried unanimously.

ITEM 7.5

NEW OPEN SPACE AT THE CRESCENT ANNANDALE (S123803)

The Environment Committee decided that consideration of this matter be deferred to the meeting of Council on 26 October 2015.

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

It is resolved that Council endorse the refined concept design for the new open space at The Crescent and related works in Federal Park, as described in the subject report and shown at Attachment A to the subject report, for progression to detailed design, seeking relevant planning approvals, documentation and tender for construction of the works.

Amendment. Moved by Councillor Green, seconded by Councillor Doutney –

That the motion be amended by the addition of clause (B), such that it read as follows -

It is resolved that Council:

- (A) endorse the refined concept design for the new open space at The Crescent and related works in Federal Park, as described in the subject report and shown at Attachment A to the subject report, for progression to detailed design, seeking relevant planning approvals, documentation and tender for construction of the works; and
- (B) request the Chief Executive Officer liaise with the Archway 1 Theatre Company, and any other community or cultural groups using the Archway 1 Theatre, about options which would assist them to continue their cultural and community activities in the Glebe and Annandale area.

The amendment was carried unanimously.

The substantive motion was carried unanimously.

Speakers

Ms Rachel Jordan, Mr Stefan von Reiche and Mr David Misiluki addressed the meeting of the Environment Committee on Item 7.5.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 19 OCTOBER 2015

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jenny Green
(Deputy Chair)

Councillors Christine Forster, Jenny Green, Robyn Kemmis, Robert Kok, Edward Mandla, John Mant, Linda Scott and Angela Vithoukias.

At the commencement of business at 3.49pm those present were -

The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoukias.

Apologies

Councillor Doutney extended her apologies for her inability to attend the meeting of the Cultural and Community Committee as she was unwell.

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

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

Carried unanimously.

Order of Business

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

The meeting of the Cultural and Community Committee concluded at 4.15pm.

Report of the Committee

Moved by Councillor Green, seconded by Councillor Kemmis -

That the report of the Cultural and Community Committee of its meeting of 19 October 2015 be received, and the recommendations set out below for Items 8.4 and 8.5 be adopted, with Item 8.1 being noted, and Items 8.2 and 8.3 being dealt with as shown immediately following those items.

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 Cultural and Community Committee.

The Committee recommended the following:

ITEM 8.2**ACKNOWLEDGEMENT OF COUNTRY ON PARK SIGNAGE (S049708)**

It is resolved that:

- (A) wording acknowledging Gadigal country be used on park signage, as indicated in Attachment A to the subject report, and rolled out in the current park signage program; and
- (B) Council note that signage at Redfern Park, Hyde Park, Alexandria Park, Victoria Park and Yellowmundee Park will be retrospectively updated to contain the new Acknowledgement of Country wording.

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

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

Carried unanimously.

Speakers

Professor Jakelin Troy and Mr Tim Gray addressed the meeting of the Cultural and Community Committee on Item 8.2.

ITEM 8.3**ACCOMMODATION GRANT PROGRAM – ALLOCATION OF PROPERTIES 2015/16 (S117676)**

It is resolved that:

- (A) Council approve the Accommodation Grant Program recommendations listed as follows:

Organisation	Property	Market Rental Value (per annum)	Recommended Grant Amount and Subsidy
Sydney School of Arts & Humanities Pty Ltd	Abraham Mott Activity Centre – Space 1 and 2, 15a Argyle Street, Millers Point	\$6,975	\$1,744 on a 25 per cent subsidy for 1 year.
Kil.n.it Experimental Ceramics Studio Inc	Glebe Town Hall Workshop Space, 160 St Johns Road, Glebe	\$9,824	\$9,824 on a 100 per cent subsidy in the first year. \$9,107 on a 90 per cent subsidy in the second year. \$8,338 on an 80 per cent subsidy in the third year.
Youth Food Movement Ltd	Walter Burley Griffin Incinerator, 53 Forsyth Street, Glebe	\$17,700	\$14,160 on an 80 per cent subsidy in the first year. \$12,762 on a 70 per cent subsidy in the second year. \$11,267 on a 60 per cent subsidy in the third year.
Weave Youth Community Services Inc	Waterloo Town Hall Space 1 and 2, 770 Elizabeth Street, Waterloo	\$19,025	\$19,025 on a 100 per cent subsidy in the first year. \$17,636 on a 90 per cent subsidy in the second year. \$16,147 on an 80 per cent subsidy in the third year.

- (B) Council note that the market rental value is calculated with an annual increase of 3 per cent per annum and excludes GST; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for an Accommodation Grant on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

At the meeting of Council, at the request of Councillor Vithoukias, Council agreed that the motion be split and dealt with as two separate motions, as follows:

Part 1 – in clause (A), the recommended grant to Weave Youth Community Services Inc; and

Part 2 – clause (A), excluding the recommended grant to Weave Youth Community Services Inc, plus clauses (B) and (C).

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

That Part 1 of the motion be adopted.

Carried unanimously.

Moved by Councillor Green, seconded by Councillor Doughtney –

That Part 2 of the motion be adopted.

Carried unanimously.

ITEM 8.4

KNOWLEDGE EXCHANGE SPONSORSHIP – ACCESSIBLE ARTS – ACCESS AND INCLUSION PRINT DIGITAL CAMPAIGN (X001684)

It is resolved that:

- (A) Council approve cash sponsorship of \$30,000 (excluding GST) under the Knowledge Exchange Sponsorship Program to Accessible Arts for their Access and Inclusion Print Digital Campaign 2015/16; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Accessible Arts.

Carried unanimously.

Speakers

Ms Tammy Brennan addressed the meeting of the Cultural and Community Committee on Item 8.4.

ITEM 8.5

AFFORDABLE HOUSING GRANT – SALVATION ARMY (S124769)

It is resolved that Council approve:

- (A) financial assistance of \$250,000 to the Salvation Army to assist in the development of affordable housing at 5-19 Mary Street, Surry Hills, subject to the following conditions:
 - (i) the funds are to be paid when the development application for 5-19 Mary Street, Surry Hills has been approved;
 - (ii) the funds will be used to pay costs of design and planning of the development;
 - (iii) if the Salvation Army does not complete the development of 5-19 Mary Street, Surry Hills, as approved by the City by 31 December 2020, the grant is to be repaid to the City; and

- (iv) the completed affordable housing units are to be managed in accordance with the NSW Affordable Housing Guidelines; and
- (B) grant funding from Council's General Contingency budget from monies that will be set aside in the City's Affordable Housing Reserve, established as per the resolution for the sale of the Harold Park affordable housing site.

Carried unanimously.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 20 OCTOBER 2015**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

Councillors Christine Forster, Jenny Green, Robyn Kemmis, Robert Kok, Edward Mandla, John Mant, Linda Scott and Angela Vithoukas.

At the commencement of business at 4.04pm those present were:

Councillors Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoukas.

The Lord Mayor arrived at the meeting of the Planning and Development Committee at 4.54pm, during discussion on Item 9.4.

Councillor Vithoukas left the meeting of the Planning and Development Committee at 5.37pm, during discussion on Item 9.9, which had been brought forward, and returned to the meeting at 5.39pm, during discussion on Item 9.10, which had also been brought forward.

Councillor Scott left the meeting of the Planning and Development Committee at 5.54pm, prior to discussion on Item 9.8 and returned to the meeting at 6.06pm, during discussion on Item 9.11.

Apologies

Councillor Irene Doutney extended her apologies for her inability to attend the meeting of the Planning and Development Committee as she was unwell.

Moved by Councillor Mant, seconded by Kemmis -

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

Carried unanimously.

Adjournment

At 5.40pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the meeting of the Planning and Development Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.54pm, those present were:

The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mant, Scott and Vithoukas.

Councillor Mandla returned to the meeting of the Planning and Development Committee at 5.59pm, during discussion on Item 9.8.

Sub-Committees

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

The Transport, Heritage and Planning Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 4.06pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.14pm.

The Development Assessment Sub-Committee, with Councillor Mant as Deputy Chair, commenced at 6.14pm.

Order of Business

The Planning and Development 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. UrbanGrowth NSW – Update on Major Urban Renewal Projects
3. Planning Proposal: Sydney Local Environmental Plan 2012 – Heritage Listing of Alexandria Hotel – 35 Henderson Road Eveleigh
4. Post Exhibition – Draft Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas
5. Post Exhibition – Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015
6. Fire Safety Reports
7. Development Application: 74-76 Surrey Street Darlinghurst
9. Section 96 Application: 37-41 Bayswater Road Potts Point
10. Development Application: 37-41 Bayswater Road Potts Point
8. Development Application: 19-21 Eve Street Erskineville
11. Development Application: 18 Oxley Street Glebe - Bridgewater
12. Development Application: 105-115 Portman Street Zetland
14. Section 82A Review Application: 2 Printers Lane Darlinghurst
13. Development Application: 2 Coneill Place Forest Lodge
15. Development Application: 18 College Street Darlinghurst
16. Development Application: 246-248 Chalmers Street Redfern
17. Development Application: 42 Ada Place Ultimo

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.21pm.

ITEM 9.1**DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

Councillor Linda Scott disclosed a significant, non-pecuniary interest in Item 9.8 on the agenda in that the premises, the subject of the development application, shares a boundary wall with the house of a member of her staff. Councillor Scott stated that she would not be present for discussion or voting on Item 9.8.

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

(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 the Planning and Development Committee.

Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Mant, seconded by Councillor Kemmis -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 20 October 2015 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.3, 9.5 and 9.6 being adopted, and Items 9.2 and 9.4 being dealt with as shown immediately following those items.

Carried unanimously.

The Transport, Heritage and Planning Sub-Committee recommended the following:

ITEM 9.2**URBANGROWTH NSW - UPDATE ON MAJOR URBAN RENEWAL PROJECTS (S122023)**

It is resolved that:

- (A) Council agree to extend the period of the New Parramatta Road Memorandum of Understanding, shown at Attachment A to the subject report, to December 2015;
- (B) authority be delegated to the Chief Executive Officer to finalise the Memorandum of Understanding for signature by the Lord Mayor (on behalf of Council);
- (C) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to further extend the period of the Memorandum of Understanding past December 2015, provided there are no changes to the terms of the Memorandum;
- (D) Council note the submissions to the Central to Eveleigh 'Vision, Principles and Key Moves', and the Bays Precinct 'Call for Great Ideas', which are available on Council's website;

- (E) Council note the Lord Mayor wrote to the Premier, Treasurer and Minister for Planning in May 2015 raising concerns about the sale of Australian Technology Park;
- (F) Council request the Lord Mayor write to the Minister for Planning seeking his consideration of the following actions:
 - (i) the planning authority and controls for the site are transferred to the City by amending State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Major Development) 2005 and Sydney Local Environmental Plan 2012;
 - (ii) UrbanGrowth NSW incorporate provisions into any contract of sale for the Australian Technology Park that will allow a willing future owner to dedicate the public domain, open space and recreation facilities to the City without cost; and
 - (iii) the making of a section 117 direction under the Environmental Planning and Assessment Act, 1979 that will require any future changes to planning controls in the Australian Technology Park to be consistent with its technology and innovation employment focus and not permitting any residential uses; and
- (G) Council request the Chief Executive Officer enter into discussions with UrbanGrowth NSW with the aim of identifying the best custodian of the building housing Australian Technology Park Innovations to ensure its strategic use is permanently secured.

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

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

Amendment. Moved by Councillor Scott, seconded by Councillor Doutney –

That the motion be amended by the addition of the following new clause:

- (H) Council note its resolution of 28 July 2014 requesting that any future project specific MOUs with UrbanGrowth NSW include a minimum commitment to the City's 2030 affordable and social housing targets and request that the Chief Executive Officer enter into negotiations with UrbanGrowth NSW with the aim of expediting project specific MOUs in the City of Sydney.

At the request of the Chair (the Lord Mayor), Councillor Scott, with the concurrence of the seconder of the amendment, varied her amendment such that it read as follows:

- (H) Council note its resolution of 28 July 2014 requesting that any future project specific MOUs with UrbanGrowth NSW include a minimum commitment to the City's 2030 affordable and social housing targets and request that the Chief Executive Officer continue negotiations with UrbanGrowth NSW with the aim of seeking UrbanGrowth's agreement to include these outcomes in future MOUs with the City.

Following discussion, Councillor Mant, with the concurrence of the seconder of his motion, and by consent, agreed to accept Councillor Scott's varied amendment as a variation to his motion.

The substantive motion was carried unanimously.

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

It is resolved that:

- (A) Council agree to extend the period of the New Parramatta Road Memorandum of Understanding, shown at Attachment A to the subject report, to December 2015;
- (B) authority be delegated to the Chief Executive Officer to finalise the Memorandum of Understanding for signature by the Lord Mayor (on behalf of Council);
- (C) authority be delegated to the Chief Executive Officer, in consultation with the Lord Mayor, to further extend the period of the Memorandum of Understanding past December 2015, provided there are no changes to the terms of the Memorandum;
- (D) Council note the submissions to the Central to Eveleigh 'Vision, Principles and Key Moves', and the Bays Precinct 'Call for Great Ideas', which are available on Council's website;
- (E) Council note the Lord Mayor wrote to the Premier, Treasurer and Minister for Planning in May 2015 raising concerns about the sale of Australian Technology Park;
- (F) Council request the Lord Mayor write to the Minister for Planning seeking his consideration of the following actions:
 - (i) the planning authority and controls for the site are transferred to the City by amending State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Major Development) 2005 and Sydney Local Environmental Plan 2012;
 - (ii) UrbanGrowth NSW incorporate provisions into any contract of sale for the Australian Technology Park that will allow a willing future owner to dedicate the public domain, open space and recreation facilities to the City without cost; and
 - (iii) the making of a section 117 direction under the Environmental Planning and Assessment Act, 1979 that will require any future changes to planning controls in the Australian Technology Park to be consistent with its technology and innovation employment focus and not permitting any residential uses;
- (G) Council request the Chief Executive Officer enter into discussions with UrbanGrowth NSW with the aim of identifying the best custodian of the building housing Australian Technology Park Innovations to ensure its strategic use is permanently secured; and
- (H) Council note its resolution of 28 July 2014 requesting that any future project specific MOUs with UrbanGrowth NSW include a minimum commitment to the City's 2030 affordable and social housing targets and request that the Chief Executive Officer continue negotiations with UrbanGrowth NSW with the aim of seeking UrbanGrowth's agreement to include these outcomes in future MOUs with the City.

ITEM 9.3

PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF ALEXANDRIA HOTEL - 35 HENDERSON ROAD EVELEIGH (X001925)

It is resolved that:

- (A) Council approve the Planning Proposal: Heritage listing of Alexandria Hotel, Eveleigh, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for gateway determination;
- (B) Council approve the Planning Proposal: Heritage listing of Alexandria Hotel, Eveleigh for public exhibition in accordance with any conditions imposed under the gateway determination;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the planning proposal following receipt of the gateway determination;
- (D) Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all his functions under section 59 of the Environmental Planning and Assessment Act 1979 to make an amendment to Sydney Local Environmental Plan to list the Alexandria Hotel, 35 Henderson Road, Eveleigh, as a heritage item; and
- (E) Council note that Council's resolution to exhibit the item on the heritage schedule of Sydney Local Environmental Plan 2012 will extend the interim heritage order for another six months for a total of 12 months, to 27 July 2016.

Carried unanimously.

Speakers

Mr Ben Noblet addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

ITEM 9.4

POST EXHIBITION - DRAFT GUIDELINE TO PREPARING SITE SPECIFIC PLANNING PROPOSAL REQUESTS IN THE CITY OF SYDNEY EMPLOYMENT LANDS INVESTIGATION AREAS (S114733)

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A to the subject report;
- (B) Council adopt the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A;

- (C) authority be delegated to the Chief Executive Officer to make minor variations to correct any minor oversights or drafting errors in the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A; and
- (D) Council note the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A, is intended to provide general guidance to the preparation and evaluation of site planning proposal requests in the City of Sydney Employment Lands Investigation Areas.

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

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

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Doutney, Forster, Green, Kemmis, Kok, Mant, Scott and Vithoukias

Noes (1) Councillor Mandla.

Motion carried.

Speakers

Mr Wil Dwyer and Mr Tony Royal addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.4.

ITEM 9.5

POST EXHIBITION - DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 - GREEN SQUARE SETBACKS 2015 (S114984)

It is resolved that:

- (A) Council note the matters raised in response to the exhibition of the Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015, shown at Attachment A to the subject report;
- (B) Council approve the Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015, shown at Attachment A, to take effect from the date on which the approval is notified in a local newspaper under clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (C) authority be delegated to the Chief Executive Officer to make any necessary minor corrections in the Draft Amendment to Sydney Development Control Plan 2012 – Green Square Setbacks 2015, shown at Attachment A, prior to commencement.

Carried unanimously.

ITEM 9.6

FIRE SAFETY REPORTS (S105001)

It is resolved that Council:

- (A) note the contents of the Fire Safety Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to J to the subject report;
- (C) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 2-4 Sterling Circuit, Camperdown, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 19-35 Bayswater Road, Potts Point, as detailed in Attachment C;
- (E) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 288-306 Wattle Street, Ultimo, as detailed in Attachment D;
- (F) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 19-31 Goold Street, Chippendale, as detailed in Attachment E;
- (G) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 145 King Street, Newtown, as detailed in Attachment F;
- (H) exercise its power to issue a notice of intention to give an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 1 Charlton Way, Glebe, as detailed in Attachment G;
- (I) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 130-144 Cleveland Street, Chippendale, as detailed in Attachment H;
- (J) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 70-70A Darlinghurst Road, Potts Point, as detailed in Attachment I; and
- (K) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 20-26 Bayswater Road, Potts Point, as detailed in Attachment J.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Green -

That the report of the Major Development Assessment Sub-Committee of its meeting of 20 October 2015 be received, with the recommendations set out below for Items 9.7, 9.11 and 9.12 being adopted, and Items 9.8, 9.9, and 9.10 being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.7

DEVELOPMENT APPLICATION: 74-76 SURREY STREET DARLINGHURST (D/2015/757)

It is resolved that consent be refused for Development Application No. D/2015/757 for the following reasons:

(1) Density of Development (floor space ratio)

The proposed development does not comply with Clause 4.4(2) of the Sydney Local Environmental Plan (LEP) 2012. The proposed development is inconsistent with SEPP 65 Principles: 4 – Density. A clause 4.6 variation request has been considered, however, the additional floorspace is considered to have adverse impacts on amenity and is not acceptable.

(2) Height of building in metres and storeys

The proposed development does not comply with Clause 4.3 of the Sydney LEP 2012 and Part 4.2.1 of the Sydney Development Control Plan (DCP) 2012, as it exceeds the height in metres and height in storeys controls. A clause 4.6 variation request has been considered, however, the additional height is considered to have adverse impacts on amenity and is not acceptable.

(3) Heritage

The proposal is contrary to the objectives of Clause 5.10 of Sydney LEP 2012 and Clauses 3.9.1, 3.9.6 and 3.9.7 of Sydney DCP 2012, as it fails to conserve the heritage significance of the heritage conservation area by replacing contributory buildings with an unsympathetic infill building of excessive bulk and scale. Sufficient justification for demolition of the contributory buildings has not been demonstrated.

(4) Design Excellence

The proposed development is inconsistent with Clause 6.21 (Design Excellence) of the Sydney LEP 2012 and Clause 4.2.4 (Fine grain, architectural diversity and articulation) of the Sydney DCP 2012 and does not achieve design excellence.

(5) Design of residential units

The proposed development does not comply with SEPP 65 and the Residential Flat Design Code, as well as Clause 4.2 of the Sydney DCP 2012. The development is unacceptable with respect to solar access, overshadowing, apartment orientation, private open space, privacy and lack of building separation.

(6) Water and Flood Management

The proposed development does not comply with Clause 3.7 of Sydney DCP 2012, as water and flood management issues have not been adequately addressed.

(7) Waste

The proposed development does not comply with Clause 3.14 of Sydney DCP 2012 with respect to waste and the City of Sydney's Policy for Waste Minimisation in New Developments 2005.

(8) Solar Access

Inadequate information has been provided to demonstrate that the proposal will comply with provisions for solar access to neighbouring development as required under Sydney DCP 2012 under Clauses 4.2.3.1(1), 4.2.3.1(2) and 4.2.3.1(3).

(9) Public Interest

The proposed development does not comply with Section 79C (e) of the Environmental Planning and Assessment Act 1979, because it fails to satisfy the relevant provisions of SEPP 65, the Sydney LEP 2012 and the Sydney DCP 2012.

Carried unanimously.

Speakers

Mr James Morley, Ms Jennifer Milne, Mr Tim Janenko-Panaeff, Ms Petia Sevil and Ms Amanda Boziloff addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.7.

ITEM 9.8**DEVELOPMENT APPLICATION: 19-21 EVE STREET ERSKINEVILLE (D/2014/1805)**

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (B) Council refuse the request to vary the Floor Space Ratio development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;

- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/1805, subject to the following:

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) DESIGN MODIFICATIONS

The design of the building and plans must be modified as follows:

- (a) The deeply recessed pedestrian entry from Eve Street is redesigned to present a visible and identifiable principal entry for the development to the street. The fire exit is to be clearly subservient in the front entry design.
- (b) A 1.2 metre high parapet is required to the entire roof area perimeter of the eastern building.
- (c) The rooftop level of the eastern building is to be reduced in area to comply with the maximum FSR prescribed in the Sydney LEP 2012 for the site. The amended design is to provide a simple rectilinear form set in a minimum 3m from all parapet edges of the building finished in a high quality roofing material.
- (d) Vertical alignment of matching windows and vertical partition walls is to be achieved on the Eve Street Facade.
- (e) The glass curtain wall to the Eve Street facade is to be redesign to align with internal floor levels and provide for light and natural ventilation.
- (f) A security mesh or solid retractable door is introduced to the basement entry, setback behind the principal building line to Eve Street.
- (g) Fixed privacy screening is introduced on the eastern elevation for the northern most window of Unit 08 and the southernmost window of Unit 11, to restrict overlooking to the north and south respectively.
- (h) Specific details for the exterior materials and treatment of the upper portion of the raised basement walls and boundary walls/fences to the common open space are to be included in the design plans. The design and/or materials is to address the respective change in elevation between properties and present an appropriate aesthetic when viewed from the neighbouring private properties.

- (D) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the Conditions above must be submitted to Council no later than two (2) years from the date of determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (E) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions/requirements identified in the Conditions above have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement Conditions above have been satisfied, the consent will become operative from the date of that written notification, subject to the Conditions of Consent listed in Part B (Conditions of Consent – Once Consent is Operational) of the subject report and any consequential amendments to them, necessary to achieve consistency with the Deferred Commencement Conditions listed in Part A.

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

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

Carried unanimously.

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

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (B) Council refuse the request to vary the Floor Space Ratio development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012;
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/1805, subject to the following:

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) DESIGN MODIFICATIONS

The design of the building and plans must be modified as follows:

- (a) The deeply recessed pedestrian entry from Eve Street is redesigned to present a visible and identifiable principal entry for the development to the street. The fire exit is to be clearly subservient in the front entry design.
 - (b) A 1.2 metre high parapet is required to the entire roof area perimeter of the eastern building.
 - (c) The rooftop level of the eastern building is to be reduced in area to comply with the maximum FSR prescribed in the Sydney LEP 2012 for the site. The amended design is to provide a simple rectilinear form set in a minimum 3m from all parapet edges of the building finished in a high quality roofing material.
 - (d) Vertical alignment of matching windows and vertical partition walls is to be achieved on the Eve Street Facade.
 - (e) The glass curtain wall to the Eve Street facade is to be redesign to align with internal floor levels and provide for light and natural ventilation.
 - (f) A security mesh or solid retractable door is introduced to the basement entry, setback behind the principal building line to Eve Street.
 - (g) Fixed privacy screening is introduced on the eastern elevation for the northern most window of Unit 08 and the southernmost window of Unit 11, to restrict overlooking to the north and south respectively.
 - (h) Specific details for the exterior materials and treatment of the upper portion of the raised basement walls and boundary walls/fences to the common open space are to be included in the design plans. The design and/or materials is to address the respective change in elevation between properties and present an appropriate aesthetic when viewed from the neighbouring private properties.
- (D) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the Conditions above must be submitted to Council no later than two (2) years from the date of determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (E) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions/requirements identified in the Conditions above have been satisfied; and
- (F) upon Council giving written notification to the Applicant that the deferred commencement Conditions above have been satisfied, the consent will become operative from the date of that written notification, subject to the following Conditions of Consent listed in Part B and any consequential amendments to them, necessary to achieve consistency with the Deferred Commencement Conditions listed in Part A:

PART B - CONDITIONS OF CONSENT (ONCE CONSENT IS OPERATIONAL)**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/2015/892 dated 25 November 2014 and the following drawings prepared by Gus Fares Architects:

Drawing Number	Drawing Name	Date
A102 Issue C	Basement/Ground Floor	Jul 15
A103 Issue C	First/Second Floor	Jul 15
A104 Issue C	Third Floor/Attic	Jul 15
A105 Issue C	Elevations/Schedule of Finishes	Jul 15
A106 Issue C	Sections/Basix Commitments	Jul 15

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) MATERIALS AND SAMPLES BOARD

- (a) A materials sample board detailing all proposed exterior finishes must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (b) Sample profiles and/or detailed drawings and specifications must be submitted for:
- (i) fixed screens and balustrades
 - (ii) exterior boundary walls and fencing

(3) USE OF COMMON AREAS AND FACILITIES

The communal open space must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(4) BUILDING HEIGHT

- (a) The height of the eastern building must not exceed RL 25.03 (AHD) to the top of the building and RL 23.35 (AHD) to the parapet of the building.
- (b) The height of the western building must not exceed RL 18.83 (AHD) to the top of the building.
- (c) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the buildings accord with (a) and (b) above, to the satisfaction of the Principal Certifying Authority.

(5) GROSS FLOOR AREA

The following applies:

- (a) The total Gross Floor Area permitted for the development is a maximum of 1414m² as calculated in accordance with the definition contained within the Sydney Local Environmental Plan 2012.
- (b) Prior to a final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(6) APPROVED DESIGN ROOF - TOP PLANT

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

(7) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

(8) LETTERBOXES

Ground floor dwellings with direct street access are to have their own letterbox. A consistent design providing for integration with the proposed landscape walls and fences is to be adopted for all ground floor units.

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

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$44,806.40
Public Domain	\$27,598.16
New Open Space	\$215,038.51
New Roads	\$54,613.72
Accessibility	\$2,265.15
Management	\$2,449.15
Total	\$346,771.10

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

Contributions at Time of Payment = C x CPI2 / CPI1

where:

C is the original contribution amount as shown above;

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2015.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(10) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(11) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

(12) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	Maximum 14
Accessible residential spaces	2
Residential visitor spaces	3
Total	Maximum of 19

(13) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(14) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	20	Spaces must be a Class 1 or Class 2 bicycle facility
Residential visitor	2	Spaces must be Class 3 bicycle rails

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(15) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: It is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(16) COST OF SIGNPOSTING

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

(17) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

(18) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(19) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(20) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(21) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(22) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

(23) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(24) SIGNAL SYSTEM

A system of mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

(25) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

(26) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The residential flat building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use from a "residential flat building" as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(27) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(28) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(29) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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.

(30) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(31) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

(32) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA).

NOTE:

- (a) The applicant's attention is drawn to the requirement for protection of openings subject to Part C3 of the BCA.
- (b) Details for the provision for escape under the requirements of Parts D1 and D2 of the BCA should be addressed at Construction Certificate stage.

(33) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

(34) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(35) PHYSICAL MODELS

- (a) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

(36) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(37) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(38) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(39) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.

- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(40) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of Nos. 15, 17, 23 Eve Street and 7-19 Coulson Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(41) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)

- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

(42) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

(43) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

(44) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(45) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by TRACE Environmental Pty Ltd, dated 15 January 2015 (Ref: 2.08.2) must be implemented, including the following:

- (a) Prior to work commencement, the excavation area will be isolated, and appropriate bunding around excavated soils will be put in place;
- (b) The upper imported material (from surface to a depth of approximately 0.8mbgs) will be stockpiled separately, or placed directly onto tipper trucks (after appropriate waste classification has been conducted), to enable off-site disposal in accordance with NSW EPA 2009 Waste Classification Guidelines;

- (c) Excavated natural material, commencing at depths of approximately 0.8mbgs, will be treated with agricultural lime (at a rate of approximately 6.4kg per tonne) on-site immediately upon disturbance.
- (d) Treated natural soils should be disposed at a facility licensed to accept the waste following appropriate waste classification.

(46) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(47) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(48) CAR PARK VENTILATION

The car park must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

(49) MECHANICAL VENTILATION

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

(50) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Stage 3 Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(51) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(52) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(53) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

(54) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.

- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(55) EVE STREET KERB AND GUTTER

The kerb, gutter and the boundary alignment of Eve Street in front of the development, associated with the existing driveway crossover is to be realigned to match the adjoining Eve Street kerb, gutter and boundary alignment. Detail design and documentation of the realignment involving: road, drainage and footway works are to form part of the Alignment Levels and Public Domain Plan submission.

(56) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

(57) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.

- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

(58) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);

- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(59) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(60) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

(61) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a [insert time frame, typically 12] month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(62) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney's Sydney Streets Design Code and Sydney Streets Technical Specification. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(63) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of twenty (20) lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(64) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public Domain Manual and must include the following:
- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;

- (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(65) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(66) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(67) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the Strata Schemes (Freehold Development) Act 1973.

(68) PROTECTION OF STREET TREES DURING CONSTRUCTION

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and development works. Any tree on the footpath which is damaged or removed during construction must be replaced.

(69) STREET TREE ROOT PROTECTION (Tree Protection Zone)

Tree Protection Zone (TPZ) Schedule:

Tree No	Tree Name	Tree Location	TPZ (m) from Trunk (radius)
1	Fraxinus griffithii	Street tree	2 metres
2	Liquidambar styraciflua	17 Eve Street	3.8 metres
3	Eucalyptus microcorys	17 Eve Street	5.8 metres

- (a) Prior to bulk excavations for the basement carpark and installation of the new driveway crossover, exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) along the northern boundary and alignment of the driveway where it is located within the Tree Protection Zone. This shall consist of either an 'air knife' or hand excavations, gently removing the soil to expose the existing tree roots to a minimum depth of 600mm below the existing ground level. An assessment of tree root size, number and condition must be provided (including photos) to the Council's Director City Planning, Development and Transport for approval prior to bulk excavations and installation of the driveway;
- (b) The design shall be amended if any large structural roots (greater than 50mm diameter) are identified as a result of the root investigation. The method of installation shall ensure that no roots greater than 50mm in diameter are pruned, removed or damaged as a result of the works.
- (c) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

(70) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.
- (b) Excavation must not occur within 3 metres of the trunk of any tree (including tree within neighbour properties). If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

(71) STREET TREE PRUNING

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(72) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following:
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(73) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

(74) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Construction Certificate being issued for Stage 3.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(75) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(76) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

(77) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(78) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(79) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:

8.00am – 12.00noon and 1.00pm – 4.00pm Mondays to Saturdays

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

(80) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(81) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(82) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(83) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(84) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(85) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(86) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(87) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(88) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(89) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(90) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

(91) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(92) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(93) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(94) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

SCHEDULE 2

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

- | | |
|------------|--|
| Clause 98 | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 |
| Clause 98A | Erection of signs |

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

Speakers

Mr Gus Fares and Ms Janelle Boutros addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9

SECTION 96 APPLICATION: 37-41 BAYSWATER ROAD POTTS POINT (D/2013/718/B)

It is resolved that the Section 96 Modification Application No. D/2013/718/B be approved and Development Consent D/2013/178/A be modified as follows (with changes shown in **bold italics (additions)**, or **strikethrough (deletions)**):

SCHEDULE 1A

(1) APPROVED DEVELOPMENT

- (a) Stage 1 development consent is granted only for:
- (i) A building envelope for a residential block;
 - (ii) Basement car parking; and
 - (iii) Retention of a portion of an existing contribution building.

As detailed in the following drawings prepared by Woods Bagot and submitted with Development Application D/2013/718/A dated 31 May 2013 **and amended by D/2013/718/B dated 21 January 2015**:

Drawing Number	Architect	Date
B-00-01-C	BVN	14 November 2013
B-01-02-C	BVN	14 November 2013
B-02-03-C	BVN	14 November 2013
B-02-04-C	BVN	14 November 2013
B-02-05-C	BVN	14 November 2013
B-02-06-C	BVN	14 November 2013

Drawing Number	Architect	Date
B-02-07-C	BVN	14 November 2013
B-B1-06-C	BVN	14 November 2013
B-B2-07-C	BVN	14 November 2013
C-XX-01-D	BVN	14 November 2013
C-XX-02-D	BVN	14 November 2013
C-XX-03-D	BVN	14 November 2013
C-XX-04-D	BVN	14 November 2013
D-XX-01-E	BVN	18 November 2013
R-XX-09-C	BVN	14 November 2013

As amended by D/2013/718/A dated 17 December 2013 and the following drawings:

Drawing Number	Architect	Date
<i>B-00-01-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-01-02-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-02-03-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-03-04-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-04-05-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-B1-06-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-B2-07-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-01-D</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-02-D</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-03-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-04-D</i>	<i>BVN</i>	<i>14 November 2013</i>

Drawing Number	Architect	Date
<i>D-XX-01 E</i>	<i>BVN</i>	<i>18 November 2013</i>
<i>R-XX-09 C</i>	<i>BVN</i>	<i>14 November 2013</i>

Amended 17 December 2013

Drawing Number	Architect	Date
<i>AR-B-00-01 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-02 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-03 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-04 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-05 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-06 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-B-00-07 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-01 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-02 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-03 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-C-00-04 Rev G</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-D-00-01 Rev H</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>
<i>AR-R-00-09 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>

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.

(Amended 26 October 2015)

(2) NOT APPROVED

Consent is not granted for the following:

- (a) Any physical works, demolition, refurbishment and / or excavation;
- (b) The layout and number of residential units and car parking spaces;
- (c) The design of the building exteriors including facades or roofs, and
- (d) An additional 10 % bonus height or FSR;
- (e) Public domain and landscape design.

(3) STAGE 2 TO BE CONTAINED WITHIN THE APPROVED ENVELOPE

The detailed design developed under any future Stage 2 development application shall be contained within the building footprint and envelopes approved as part of this consent. Any modification of the envelopes must be fully justified and compliant with all relevant planning controls.

(4) DESIGN AMENDMENTS

- (a) ~~No approval is given by this consent for the proposed parapet shown on drawings C-XX-01 Issue D, C-XX-02 Issue D, C-XX-03 issue C and C-XX-04 issue D. Any future competition brief, or Stage 2 development application is comply with the 27m height limit set by the Sydney LEP 2012.~~
- (b) ~~No approval is given by this consent for the 'potential zone for development amenity' as shown on drawing B-02-03 issue C or any other drawing. SEPP.~~
- (c) No approval is given by this consent for a quantum of car parking. The final quantity of car parking is to be the subject of a Stage 2 development application and must comply with the provisions of the Sydney LEP 2012 and Sydney DCP 2012.

(Amended 26 October 2015)

(5) FLOOR SPACE RATIO

No approval is given by this consent for a quantum of floor space. The final floor space – Stage 2- must comply with the provisions of the Sydney LEP 2012.

(6) BUILDING HEIGHT

The height of the building must not at any point exceed 27m as defined by the Sydney LEP 2012 including any rooftop plant.

(7) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE

Any Stage 2 Development Application must comply with all aspects of SEPP 65 and the Residential Flat Design Code (RFDC). A detailed table of compliance is to be submitted with any Stage 2 DA showing compliance with SEPP 65 and the RFDC in particular the 'rules of thumb'.

(8) HERITAGE

- (a) Works to the main part of the existing building on the site, including the facade treatment, is to be the subject of a detailed heritage assessment and heritage impact statement, prepared by a suitably qualified and experienced heritage consultant prior to the submission of a competition brief or a Stage 2 development application.
- (b) This is to include historical research, a detailed fabric analysis, an assessment of significance in accordance with the standard NSW Heritage Office criteria and recommended management guidelines. As much as possible of the original/early significant fabric and the original room configuration is to be retained.

(8A) HOURS OF USE OF COMMON AREAS AND FACILITIES

The use of the communal roof top terrace must be restricted to between 7.00am and 10.00pm daily.

(9) COMPETITIVE PROCESS

A competitive process must be held in accordance with Clause 6.21 of the Sydney LEP 2012 and Clause 3.3 of the Sydney DCP 2012. The competition must be held prior to the lodgement of a Stage 2 development application for the building.

The competition brief shall address the following:

- (a) The retention of the façade of the existing contributory building known as Hensley Hall. In addition, as much as possible of the original/early significant fabric and the original room configuration is to be retained.
- (b) The competition brief is to include detail as to how appropriate separation will be achieved between the rear of the site and residential buildings with frontage to Goderich Lane.
- (c) The competition brief is to include the necessity to comply with SEPP 65, the Sydney LEP 2012 and the Sydney DCP 2012 including apartment mix.
- (d) Basement access arrangements are not to be limited to a car lift. A standard ramp is to be investigated as a potential alternative.

- (e) The competition brief is to be submitted to and approved by the Director City Planning, Development and Transport prior to a competitive process taking place.

(10) WASTE COLLECTION

The Stage 1 application indicates waste collection and servicing will require loading to occur from the kerb side spaces. As part of the future Stage 2 application the applicant must include a waste transfer room at the ground floor level.

(11) 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 lodged with Council's Public Domain Section as part of the future Stage 2 Development Application.

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

(12) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted as part of the future Stage 2 Development Application. 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.

Note – the recommendation of the Planning and Development Committee was not adopted.

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

That the recommendation contained in the subject report to the Planning and Development Committee on 20 October 2015 be adopted.

Carried unanimously.

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

It is resolved that the Section 96 Modification Application No. D/2013/718/B be approved and Development Consent D/2013/178/A be modified as follows (with changes shown in **bold italics (additions)**, or **strikethrough (deletions)**):

SCHEDULE 1A**(1) APPROVED DEVELOPMENT**

(a) Stage 1 development consent is granted only for:

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B-02-05-C	BVN	14 November 2013
B-02-06-C	BVN	14 November 2013
B-02-07-C	BVN	14 November 2013
B-B1-06-C	BVN	14 November 2013
B-B2-07-C	BVN	14 November 2013
C-XX-01-D	BVN	14 November 2013
C-XX-02-D	BVN	14 November 2013
C-XX-03-D	BVN	14 November 2013
C-XX-04-D	BVN	14 November 2013
D-XX-01-E	BVN	18 November 2013
R-XX-09-C	BVN	14 November 2013

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<i>B-04-05-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-B1-06-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>B-B2-07-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-01-D</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-02-D</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-03-C</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>C-XX-04-D</i>	<i>BVN</i>	<i>14 November 2013</i>
<i>D-XX-01-E</i>	<i>BVN</i>	<i>18 November 2013</i>
<i>R-XX-09-C</i>	<i>BVN</i>	<i>14 November 2013</i>

Amended 17 December 2013

Drawing Number	Architect	Date
<i>AR-B-00-01 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-02 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-03 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-04 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-05 Rev F</i>	<i>Woods Bagot</i>	<i>21 July 2015</i>
<i>AR-B-00-06 Rev F</i>	<i>Woods Bagot</i>	<i>17 July 2015</i>

Drawing Number	Architect	Date
AR-B-00-07 Rev F	Woods Bagot	17 July 2015
AR-C-00-01 Rev G	Woods Bagot	17 July 2015
AR-C-00-02 Rev G	Woods Bagot	17 July 2015
AR-C-00-03 Rev G	Woods Bagot	17 July 2015
AR-C-00-04 Rev G	Woods Bagot	17 July 2015
AR-D-00-01 Rev H	Woods Bagot	17 July 2015
AR-R-00-09 Rev F	Woods Bagot	17 July 2015

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.

(Amended 26 October 2015)

(2) NOT APPROVED

Consent is not granted for the following:

- (a) Any physical works, demolition, refurbishment and / or excavation;
- (b) The layout and number of residential units and car parking spaces;
- (c) The design of the building exteriors including facades or roofs, and
- (d) An additional 10 % bonus height or FSR;
- (e) Public domain and landscape design.

(3) STAGE 2 TO BE CONTAINED WITHIN THE APPROVED ENVELOPE

The detailed design developed under any future Stage 2 development application shall be contained within the building footprint and envelopes approved as part of this consent. Any modification of the envelopes must be fully justified and compliant with all relevant planning controls.

(4) DESIGN AMENDMENTS

- (a) ~~No approval is given by this consent for the proposed parapet shown on drawings C-XX-01 Issue D, C-XX-02 Issue D, C-XX-03 issue C and C-XX-04 issue D. Any future competition brief, or Stage 2 development application is comply with the 27m height limit set by the Sydney LEP 2012.~~
- (b) ~~No approval is given by this consent for the 'potential zone for development amenity' as shown on drawing B-02-03 issue C or any other drawing. SEPP.~~
- (c) No approval is given by this consent for a quantum of car parking. The final quantity of car parking is to be the subject of a Stage 2 development application and must comply with the provisions of the Sydney LEP 2012 and Sydney DCP 2012.

(Amended 26 October 2015)

(5) FLOOR SPACE RATIO

No approval is given by this consent for a quantum of floor space. The final floor space – Stage 2- must comply with the provisions of the Sydney LEP 2012.

(6) BUILDING HEIGHT

The height of the building must not at any point exceed 27m as defined by the Sydney LEP 2012 including any rooftop plant.

(7) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE

Any Stage 2 Development Application must comply with all aspects of SEPP 65 and the Residential Flat Design Code (RFDC). A detailed table of compliance is to be submitted with any Stage 2 DA showing compliance with SEPP 65 and the RFDC in particular the 'rules of thumb'.

(8) HERITAGE

- (a) Works to the main part of the existing building on the site, including the facade treatment, is to be the subject of a detailed heritage assessment and heritage impact statement, prepared by a suitably qualified and experienced heritage consultant prior to the submission of a competition brief or a Stage 2 development application.
- (b) This is to include historical research, a detailed fabric analysis, an assessment of significance in accordance with the standard NSW Heritage Office criteria and recommended management guidelines. As much as possible of the original/early significant fabric and the original room configuration is to be retained.

(9) COMPETITIVE PROCESS

A competitive process must be held in accordance with Clause 6.21 of the Sydney LEP 2012 and Clause 3.3 of the Sydney DCP 2012. The competition must be held prior to the lodgement of a Stage 2 development application for the building.

The competition brief shall address the following:

- (a) The retention of the façade of the existing contributory building known as Hensley Hall. In addition, as much as possible of the original/early significant fabric and the original room configuration is to be retained.
- (b) The competition brief is to include detail as to how appropriate separation will be achieved between the rear of the site and residential buildings with frontage to Goderich Lane.
- (c) The competition brief is to include the necessity to comply with SEPP 65, the Sydney LEP 2012 and the Sydney DCP 2012 including apartment mix.
- (d) Basement access arrangements are not to be limited to a car lift. A standard ramp is to be investigated as a potential alternative.
- (e) The competition brief is to be submitted to and approved by the Director City Planning, Development and Transport prior to a competitive process taking place.

(10) WASTE COLLECTION

The Stage 1 application indicates waste collection and servicing will require loading to occur from the kerb side spaces. As part of the future Stage 2 application the applicant must include a waste transfer room at the ground floor level.

(11) 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 lodged with Council's Public Domain Section as part of the future Stage 2 Development Application.

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

(12) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted as part of the future Stage 2 Development Application. 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.

ITEM 9.10

DEVELOPMENT APPLICATION: 37-41 BAYSWATER ROAD POTTS POINT (D/2015/32)

It is resolved that consent be granted to Development Application No. D/2015/32, subject to the conditions as detailed in the subject report.

Note – the recommendation of the Planning and Development Committee was not adopted.

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

That the recommendation contained in the subject report of the Planning and Development Committee be adopted, subject to the addition of a new condition, Condition (8A), as follows:

(8A) HOURS OF USE OF COMMON AREAS AND FACILITIES

The use of the communal roof top terrace must be restricted to between 7.00am and 10.00pm daily.

Carried unanimously.

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

It is resolved that consent be granted to Development Application No. D/2015/32, 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/2015/32 dated 13 January 2015 and the following drawings:

Drawing Number	Architect	Date
A0100 Rev DA08	Woods Bagot	17/07/15
A0101 Rev DA08	Woods Bagot	17/07/15
A0102 Rev DA08	Woods Bagot	17/07/15
A0103 Rev DA08	Woods Bagot	17/07/15
A0104 Rev DA08	Woods Bagot	17/07/15
A0105 Rev DA08	Woods Bagot	17/07/15
A0106 Rev DA08	Woods Bagot	17/07/15
A0107 Rev DA08	Woods Bagot	17/07/15
A0108 Rev DA08	Woods Bagot	17/07/15
A0109 Rev DA08	Woods Bagot	17/07/15
A0110 Rev DA08	Woods Bagot	17/07/15
A0200Rev DA08	Woods Bagot	17/07/15
A0201 Rev DA08	Woods Bagot	17/07/15
A0202Rev DA08	Woods Bagot	17/07/15
A0203 Rev DA08	Woods Bagot	17/07/15
A0300Rev DA08	Woods Bagot	17/07/15
A0301Rev DA08	Woods Bagot	17/07/15

Drawing Number	Architect	Date
A0302 Rev DA08	Woods Bagot	17/07/15

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) All apartments shall be provided with adequate storage provisions in accordance with the minimum requirements contained within the SEPP 65 Residential Flat Design Code.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(3) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure that design excellence qualities are retained to completion:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 0.07:1, for the residential use must not exceed 3.78:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 65sqm, for the residential component is 3,516sqm, and the total Gross Floor Area is 3,581sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 66.700 (AHD) to the top of the building and RL 65.600 (AHD) to the parapet of the building including any roof top plant.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(6) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(7) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the cafe tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

(8) USE OF COMMON AREAS AND FACILITIES

The level 1 courtyard and level 8 roof terrace must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(8A) HOURS OF USE OF COMMON AREAS AND FACILITIES

The use of the communal roof top terrace must be restricted to between 7.00am and 10.00pm daily.

(9) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(10) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(11) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

(12) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	11
Accessible residential spaces	7
Residential visitor spaces	5
Staff Retail parking	1
Subtotal	24
Car wash bay	1
Service vehicle spaces	1
Total	26

(13) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(14) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	46	Spaces must be a class 1 or class 2 bicycle locker [1]
Residential visitor	5	Spaces must be Class 3 bicycle rails
Retail Employees	1	Spaces must be Class 2 bicycle facilities
Retail Customers	3	Spaces must be Class 3 bicycle rails

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(15) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

(16) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(17) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(18) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(19) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

(20) STACKED PARKING EMPLOYEES OR TENANTS ONLY

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

(21) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

(22) SECTION 94 EASTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$37,514.77
Public Domain	\$72,332.24
New Open Space	\$588,520.27
Accessibility	\$5,936.76
Management	\$6,419.01
Total	\$710,723.04

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

Contributions at Time of Payment = $C \times \text{CPI2} / \text{CPI1}$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2015.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(23) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 1 to 8) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(24) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

(25) ALCOVE LIGHTING

The proposed alcove(s) on the Ward Avenue and Goderich Lane elevations shall be fitted with a sensor-activated vandal proof 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 or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor is being caused to the amenity of the area.

(26) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

(27) ACOUSTIC DESIGN

- (a) The proposed alterations must not affect the existing acoustic integrity of the building in relation to the control of noise emissions from the premises.
- (b) No additional equipment may be installed or changes made to the acoustic design unless certified by a suitably qualified acoustic consultant* that the equipment will not increase noise emissions from building.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(28) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 12 December 2014 ref 20141491.1/1212A/RO/BW, titled Noise Impact Assessment, Council Ref TRIM 2015/015106 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA) which addresses the following requirements:
- (i) Section 4.3.1 Table 3 -the design and construction of timber framed windows to comply with recommendations outlined in the Table
 - (ii) Section 4.3.1 Table 4- the glazing thickness for the windows for all rooms to comply with parameters outlined in the Table
 - (iii) All windows required to be design and constructed with acoustic seals
 - (iv) External masonry walls should be design and constructed in accordance with the requirements listed in the Section 4.5- External Masonry Walls
 - (v) Section 5.2.1- The noise emissions limits from Air Conditioners must comply with parameters outlined in the Table 9
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(29) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(30) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

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.

(31) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)

The external colour scheme is to be sympathetic to the architectural style and period of the building and/or Heritage Conservation Area. A schedule of colours is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate.

(32) GENERAL HERITAGE

- (a) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (b) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- (c) The new windows and doors on the existing building must match the original material.
- (d) The face brickwork/stone/tiles must not be rendered, painted or coated.

(33) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the Hensley Hall building 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 Division of the Department of Environment and Heritage 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.

Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with the Area Planning Manager, and if necessary Council's Heritage Specialist.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage 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

- (c) For each of the two submissions listed above in (a) and (b), the form of the recording is to be as follows:
 - (i) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
 - (ii) The Development Application number and the Condition of Consent number must be noted on the front of the folder and in the report.

- (iii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iv) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
 - (v) 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.
- (d) A digital based recording is to include:
- (i) CD or DVD containing the report in PDF format and the electronic images saved as JPEG TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans
- (e) 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.

(34) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Urban Design and Heritage Manager. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

(35) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan for the courtyard and light well landscaping and the roof terrace drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground building works. The plan must include:
- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;

- (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure, installation method and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(36) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(37) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299,

is to be submitted to the Certifying Authority.

(38) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and

- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
 - (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
 - (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
 - (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(39) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(40) HAZARDOUS MATERIAL ASSESSMENT

Prior to building demolition, a hazardous materials assessment should be conducted by a suitably qualified occupational hygienist or environmental scientist, identifying any remaining hazardous building materials both within the existing buildings and on the ground surface. Any identified hazardous materials should then be removed in a safe and environmentally managed manner by an appropriately licensed contractor. The report needs to be provided for the review to Health Section of the Council.

(41) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

(42) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(43) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(45) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(46) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(47) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

In accordance with the Building Code of Australia the proposed office / shop layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

(48) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.

- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(49) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 19 – 35 Bayswater Road, Potts Point is to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(50) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(51) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(52) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Urban Design and Heritage Manager prior to issue of a Construction Certificate.

(53) CAR PARK VENTILATION

The car park must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

(54) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(55) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(56) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

(57) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(58) PAVING MATERIALS

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".

(59) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;

- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (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 license 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(60) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(61) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

(62) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(63) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

(64) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

(65) ACOUSTIC PRIVACY BETWEEN UNITS

- (a) The development must be designed and constructed to satisfy the requirements of the Sydney DCP 2012 acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.
- (b) The report must:-
 - (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
 - (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the Sydney DCP 2012.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of an Occupation Certificate.

(66) NUMBER OF ADULTS PER ROOM

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

(67) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.

- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

(68) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(69) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney's Sydney Streets Design Code and Sydney Streets Technical Specification. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(70) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Bayswater Road, Ward Avenue and Goderich Lane frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(71) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public Domain Manual and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(72) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(73) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the Strata Schemes (Freehold Development) Act 1973.

(74) LETTERBOXES

All letterboxes are to be designed and constructed to be accessible from the public way. Details of the location and design of all letterboxes are to be submitted to and approved by Council prior to the Construction Certificate being issued.

(75) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(76) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

(77) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(78) WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection.

(79) SYDNEY TRAINS REQUIREMENTS (CONCURRENCE)

The following requirements of Sydney Trans are required to be met:

- (a) Prior to the issuing of a Construction Certificate or the undertaking of demolition works (whichever occurs first), the Applicant shall submit for endorsement to Sydney Trains a Safe Work Method Statement and risk assessment/management plan, and if required by Sydney Trains a demolition vibration plan and details of machinery to be used. Demolition works are not to commence until written endorsement has been obtained from Sydney Trains.
- (b) Prior to the issuing of a Construction Certificate or the undertaking of demolition works (whichever occurs first), and prior to the undertaking of a geotechnical modelling for numerical analysis, the Applicant shall undertake a condition and dilapidation survey of the rail and pedestrian tunnels and station cavern. A detailed report of this survey shall be submitted to Sydney Trains for endorsement. The length of tunnel to be surveyed shall be as determined by Sydney Trains. The report shall include, but not limited to:
 - (i) Details of defects (eg locations on the tunnel wall)
 - (ii) Size of cracks (eg length, orientation, pattern and width)
 - (iii) Photos of the defects with labels showing locations on the tunnel wall lining and station cavern wall.
 - (iv) Any signs of wetness, staining and seepage occurring on the defects.
- (c) Prior to the issuing of a Construction Certificate or the undertaking of demolition works (whichever occurs first), the Applicant shall submit for Sydney Trains endorsement a Vibration Monitoring Plan and Programme. This report is to detail, but not limited to:
 - (i) proposed monitoring method
 - (ii) proposed monitoring locations

- (iii) proposed monitoring frequencies
 - (iv) proposed trigger levels and action plans should trigger levels be exceeded (trigger values to be adopted during vibration monitoring together with the action to be taken must comply with ASA Standard T HR CI 12070 ST)
- (d) Prior to the issuing of a Construction Certificate or the undertaking of demolition works (whichever occurs first), the Applicant shall submit for Sydney Trains endorsement the following documentation:
- (i) Ground Movement Monitoring Plan of the existing tunnels
 - (ii) Risk Assessment Report
 - (iii) Safe Work Method/Excavation and Construction management plan and methodology
 - (iv) Machinery to be used during excavation/construction
- (e) Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first), the Applicant shall obtain advice from Sydney Trains regarding the need to enter into an Agreement with Sydney Trains and RailCorp, on terms to the satisfaction of Sydney Trains and RailCorp, for the purpose of ensuring the protection of rail infrastructure facilities and the rail corridor or in connection with the carrying out of any rail functions or operations within the adjoining rail corridor and rail easements and to ensure rail safety. In the event that Sydney Trains advises that such an Agreement is required, the Applicant shall enter into this Agreement at the nominated timing by Sydney Trains. The Applicant is to bear all Sydney Trains' and RailCorp's costs of entry into any Agreement required by these conditions. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (f) Unless amendments are required in order to obtain approval/certification from Sydney Trains in relation to the items listed in Condition A7 below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- (i) Geotechnical Investigation Report prepared by Douglas Partners (Ref: 73302.01) December 2015.
 - (ii) Geological and Geotechnical Model for Numerical Analysis prepared by Douglas Partners (Ref: 73302.02) dated 17 February 2015.
 - (iii) Correspondence from Van Der Meer (Ref: SY14-0172) dated 26 March 2015
 - (iv) Following engineering drawings prepared by Van Der Meer:
 - a. SK-01 – Revision P1 dated 25/03/15

b. S03-01 – Revision P1 dated 02/02/15

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with Condition A7 below. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

(g) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of Construction Certificate:

(i) Revised Geotechnical Report. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor, and shall address/include the following items (but not limited):

- a. As the current Geotechnical Report indicates that some movements have occurred in existing tunnels due to the excavation of adjacent basement, the revised report is to incorporate adjacent excavation in the modelling and assess induced effects due to the proposed excavation
- b. Data collection of the tunnel lining structural details for the sections where the tunnels are under the influence of the proposed development
- c. Analysis of any induced vibrations caused by drilling of rock anchors into the medium to high strength sandstone near the arch roof tunnel structure that would not impose significant stresses in the existing tunnel lining
- d. Advice on the maximum loads above the rail tunnel

(ii) Final Structural, foundation and shoring design, which includes (but not limited to):

- a. Indication where will the rock anchors will be terminated with respect to the tunnel easement or protection zone
- b. Socket details and rock material required
- c. RL levels of all basement levels
- d. Rock anchors to be designed to satisfy durability requirements
- e. Methodology for rock anchor installation and assurance that they will not enter rail property, easements or stratum
- f. Compliance with Assets Standards Authority standard T HR CI 12070 ST

- g. The drawings shall indicate the as built rail
- (iii) Final 3-D Numerical Analysis Report, which includes (but not limited to):
 - a. The numerical analysis will include the existing basement, sequenced correctly to analyse the effects of both the existing and new basements on the tunnels
 - b. Assessment of the flexural/tension affects induced in the existing tunnel lining, and structural analysis per the tunnel lining bending/shear and axial forces
 - c. Loads anticipated over and adjacent to the rail tunnel arch
 - d. existing conditions of the tunnel wall lining from the findings of the dilapidation survey
 - e. Include the new building loading in the analysis
 - f. Include extra sequence for inclusion of existing building load
 - g. Commentary from the structural engineer who has carried-out an independent analysis using the information provided in the report to verify the stresses and comment on the expected behaviour of the lining.
 - h. Any identified defects or cracks found within the tunnel wall during the dilapidation survey shall be incorporated in the numerical analytical modelling to determine whether it will have an impact on serviceability and durability performance issues.
 - i. Analysis to be based on final excavation/shoring details
 - j. Modelling of temporary and permanent lining
 - k. Outputs for existing stresses (in the vicinity of lining) and sectional forces (bending, axial and shear forces) on the tunnel lining
 - l. Simulation of excavation sequence including shoring and propping
 - m. Outputs for changed stresses and sectional forces
 - n. Modelling of building loads.
- (iv) Risk assessment study (SFAIRP) shall be carried out in accordance with the Asset Standards Authority standard T HR CI 12080 ST

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (h) Prior to the issuing of a Construction Certificate, the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains relevant to each stage of works. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be in place for the duration of these specific works for each stage. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (i) Prior to the issuing of a Construction Certificate, the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (j) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (k) Should the Applicant wish to undertake additional geotechnical borehole testing on completion of demolition works, these boreholes shall not be undertaken until written approval has been obtained from Sydney Trains.
- (l) No rock anchors/bolts are to be installed into RailCorp's property (this includes stratum and easements). Any rock anchors installed below or above the rail tunnels must have their length taken right across to the other side of the corridor and must not end under the rail tunnel, unless agreed to by Sydney Trains. Prior to a Construction Certificate being issued the Applicant shall submit to Sydney Trains for its endorsement structural plans verifying compliance with this condition.
- (m) The Applicant shall provide confirmation (and endorsed by a Registered Surveyor) that the rock anchors have not entered into rail property, easements or stratum once all anchors have been installed.
- (n) At any time during the demolition, excavation and construction period deemed necessary by Sydney Trains, and prior to the issue of the Occupation Certificate, a joint inspection of the rail tunnels is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during works to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- (o) Prior to the issuing of a Construction Certificate or the undertaking of demolition works (whichever occurs first), the Applicant is to submit to Sydney Trains for endorsement a revised acoustic assessment report. The Applicant must incorporate in the development all the measures recommended in the report and by Sydney Trains. This revised report shall address the following:
 - (i) the impact on the rail tunnel by the induced vibration from the excavation and construction work.
 - (ii) assessment on Ground Borne Noise and Vibration from the operating rail tunnel directly below proposed residential development to assure mitigation measures are adequately addressed in the building structure

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this conditions has been complied with, and that the Principal Certifying Authority confirmed that the recommended measures have been indicated on the Construction Drawings.

- (p) Prior to the issue of a Construction Certificate 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. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
- (q) Prior to the issuing of a Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all mobile craneage and other aerial operations to be used during this stage of works that may be located above or in close proximity of the rail tunnels during the works period. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (r) Prior to the issuing of any Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property, easements or stratum, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (s) Sydney Trains and Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (t) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate or Occupation Certificate.
- (u) Any conditions issued by Sydney Trains as part of the endorsement/certification by Sydney Trains of any of the submitted documentation required under the above conditions will also form part of the consent conditions that the Applicant is required to comply with.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(80) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

(81) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(82) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

(83) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(84) RAINWATER HARVESTING & RAINWATER TANKS**(a) Use**

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

(b) Installation requirements

- (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
- (ii) Rainwater tanks shall be designed to include, but not be limited to the following:-
- (iii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (iv) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (v) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (vi) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (viii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.

- (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (xi) Water pumps are to be located so as not causing an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

(c) Proximity to other services

That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(85) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(86) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

(87) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(88) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(89) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

ITEM 9.11

DEVELOPMENT APPLICATION: 18 OXLEY STREET GLEBE - BRIDGEWATER (D/2015/615)

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/615, 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/2015/615 dated 11 May 2015 and the following drawings:

Drawing Number	Drawing Title	Architect	Date
DA01	Roof Deck Proposed	Robert Walter and Associates	19/05/2015
DA04	South West Elevation, Southern Section	Robert Walter and Associates	05/05/15
DA05	North East Elevation Northern Section	Robert Walter and Associates	26/05/2015
DA06	North West Elevation	Robert Walter and Associates	26/05/2015
DA07	South East Elevation	Robert Walter and Associates	26/05/2015
14-665-2	Landscape Planting Plan	Site Design Studios	07/05/2015

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The southern line of balustrading and new roof deck for the eastern and western deck is to be set back a minimum of one metre from the southern building line of the existing winged structure at the rooftop level.
- (b) The planting of the *Coprosma repens* is to be deleted and replaced with an alternative species of shrub.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(3) MATERIALS AND SAMPLES BOARD

Details of the treatment of the planter boxes, balustrading, and a materials sample board detailing all proposed finishes for must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(4) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or roof deck of the building.

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.

(5) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(6) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(7) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(8) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(9) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(10) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(11) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply:

Clause 98	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 98A	Erection of signs
Clause 98B	Notification of Home Building Act 1989 requirements
Clause 98C	Conditions relating to entertainment venues
Clause 98D	Conditions relating to maximum capacity signage
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

Carried unanimously.

Speakers

Mr Rob Walters addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.11.

ITEM 9.12**DEVELOPMENT APPLICATION: 105-115 PORTMAN STREET ZETLAND (D/2015/95)**

It is resolved that consent be granted to Development Application No. D/2015/95, 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/2015/95 dated 29 January 2015, as amended and the following drawings:

Drawing Number	Architect	Date
A1.02 Rev D Site Analysis Plan	Neeson Murcutt Architects	09.06.15
A3.01 Rev E Level 1 Plan	Neeson Murcutt Architects	09.06.15
A3.02 Rev D Level 2 Plan	Neeson Murcutt Architects	09.06.15
A3.03 Rev C Level 3 Plan	Neeson Murcutt Architects	09.06.15
A3.04 Rev D Level 4 Plan	Neeson Murcutt Architects	09.06.15
A3.05 Rev F Level 5 Plan	Neeson Murcutt Architects	08.09.15
A3.06 Rev F Level 6 Plan	Neeson Murcutt Architects	08.09.15
A3.07 Rev E Level 7 Plan	Neeson Murcutt Architects	09.06.15
A3.08 Rev E Roof Plan	Neeson Murcutt Architects	09.06.15
A3.10 Rev D Basement Plan Level 1	Neeson Murcutt Architects	09.06.15
A3.11 Rev C Basement Plan Level 2	Neeson Murcutt Architects	28.10.14
A4.01 Rev E East Elevation	Neeson Murcutt Architects	09.06.15
A4.02 Rev E North Elevation	Neeson Murcutt Architects	09.06.15
A4.03 Rev F West Elevation	Neeson Murcutt Architects	09.06.15

Drawing Number	Architect	Date
A4.04 Rev F South Elevation	Neeson Murcutt Architects	08.09.15
A4.05 Rev E North Courtyard Unfolded Elevation	Neeson Murcutt Architects	09.06.15
A5.01 Rev C Section AA	Neeson Murcutt Architects	28.10.14
A5.02 Rev E Section BB	Neeson Murcutt Architects	09.06.15
A5.03 Rev E Section CC	Neeson Murcutt Architects	09.06.15
A5.04 Rev E Section DD	Neeson Murcutt Architects	09.06.15
A7.01 Rec C Level 1 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A7.02 Rec C Level 2 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A7.03 Rec C Level 3 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A7.04 Rec C Level 4 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A7.05 Rec C Level 5 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A7.06 Rec C Level 6 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A7.07 Rec C Level 7 Adaptable Layouts	Neeson Murcutt Architects	28.10.14
A1.05 Rev F GFA & Apartment Numbers	Neeson Murcutt Architects	08.09.15
A8.01 Rev C Materials Sample Board	Neeson Murcutt Architects	28.10.14

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Unit 1.04 and Unit 1.05 on the ground floor are to be consolidated to create a single, 3 bedroom apartment.
- (b) Unit 7.01 and 7.02 are to be reconfigured and reduced in size to provide a 3m setback to balconies from the northern property boundary. The eastern balcony of Unit 7.01 is to be reduced in size to provide a 3m setback to the eastern property boundary.
- (c) A building parapet measuring 1.2m in height from the finished floor level of the roof is to be provided.

- (d) Where the only source of natural ventilation to a living area is a sliding door to a balcony, these doors are to include a side, operable or louvered window to enable improved ventilation to apartments in inclement weather and increased security.
- (e) All roof top plant is to be appropriately screened. Details of screening to roof-top plant, including external colours and finishes are to be submitted.
- (f) The ground floor substation located on the southern property boundary is to be setback a minimum of 1.5m from the property boundary and appropriately screened and landscaped to improve its appearance from Tosh Lane.
- (g) The narrow windows to the rear bedroom of Units 1.04, 1.12, 2.04, 2.12, 3.05, 3.14, 4.05, 4.14 are to be deleted and replaced with highlight windows that face the internal courtyard. The narrow windows to the living areas of the same units are to be replaced with pop-out windows, similar to those provided to bedrooms of Units 1.10 and 1.02. The pop-out windows are to be designed to eliminate overlooking between apartments across the internal courtyard.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(3) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Neeson Murcutt Architects dated 28 October 2014.

(4) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 42.5 (AHD) to the parapet of the building and RL 43.90 (AHD) to the top of any roof top plant or lift overrun.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(5) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the residential use must not exceed 3.685:1 for the residential use calculated in accordance with Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013. For the purposes of the calculation of FSR, the maximum total Gross Floor Area is 5,435 sqm.

Note: The total Gross Floor Area will be reduced as a result of modifications required by Condition 2(a) and 2(b).

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(6) USE OF COMMON AREAS AND FACILITIES

The ground floor and roof top communal open space areas must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(7) APPROVED DESIGN ROOF - TOP PLANT

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

(8) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement (Council's Reference S108221) executed on 25 November 2014 and entered into by BridgeHill (Zetland) Pty Ltd, Waverly Council and the City of Sydney.

(9) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
 - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(10) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground building works. The plan must include:

- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems;
 - (vi) Clarification of ownership of the narrow planters located on Level 7 connecting the two cores.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan must clearly set out the maintenance requirements for the ongoing care of the planting, enabling any design requirements (such as privacy) to be achieved. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(11) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The plan must include:
- (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species. A diverse plant selection that supports local biodiversity and habitat is required.
 - (v) Details of the soil media/substrate type and depth.

- (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(12) PUBLIC ART STRATEGY

A Public Art Strategy must be submitted to and approved by the Director City Planning, Development and Transport prior to issue of a Construction Certificate. The public artwork must be in accordance with the Sydney DCP 2012 and the Public Art Policy. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(13) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with Clause 6.5 of Sydney Local Environmental Plan Green Square Town Centre – Stage 2) 2013 and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$1,233,439.39 based on the in lieu monetary contribution rate for residential development at \$174.19 per square metre of total residential floor area 7,081 sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [1 March 2015 to 29 February 2016], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

(b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
- (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$)).

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

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$161,059.12
Public Domain	\$99,203.13
New Open Space	\$772,967.94
New Roads	\$196,312.05
Accessibility	\$8,142.23
Management	\$8,803.62
Total	\$1,246,488.10

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

Contributions at Time of Payment = $C \times \text{CPI2} / \text{CPI1}$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - [insert latest quarter and year].

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(15) PUBLIC ROAD DEDICATIONS

The owner(s) of the site is to dedicate to the public as Public Road, free of cost to Council:

- (a) Tosh Lane (6.1m wide), unlimited in stratum.
- (b) Paul Street (20m wide), unlimited in stratum.
- (c) Sonny Leonard Street (15m wide) and splays at the corner of Paul Street and Portman Street):
 - (i) limited in stratum to a depth of 100mm above the upper surface of the basement car parking structure's concrete roof slab and unlimited in height; and
 - (ii) unlimited in stratum for any part of the dedication unaffected by the basement car parking structure.

A separate application is to be made to Council to obtain development consent for the subdivision of the site to effect the above dedications and exercise the provisions of the Act for "Subdivision Work" for the appointment of Council as the Principal Certifying Authority for these works and the construction of the above public roads and associated infrastructure.

A subsequent application is to be made to Council for issue of the Subdivision Certificate, under Part 4A of the Environmental Planning and Assessment Act 1979, for the final plan of subdivision for dedication purposes. Any such application will be exempt from the issue of a Section 73 Certificate by Sydney Water and is to include the creation of any easements for support and positive or restrictive covenants, via Section 88B of the Conveyancing Act 1919, considered necessary to protect Council's interests.

(16) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use from “residential” as defined in Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(17) NUMBER OF ADULTS PER ROOM

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

(18) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(19) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	34
Accessible residential spaces	14
Residential visitor spaces	7
Accessible residential visitor spaces	2
Subtotal	57
Motorcycle parking (equivalent car parking spaces)	2
Car share parking	1
Service vehicle parking	2
Total	62

All parking for residential visitors, car share, service vehicles and motorcycles is to be provided within the basement link area between the subject site and the site known as Site 12A.

(20) CAR SHARE SPACES

- (a) A minimum of 1 car parking spaces for the exclusive use of car share scheme vehicles is to be provided.
- (b) The space must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(21) LOADING DOCK MANAGEMENT PLAN AND SCHEDULE/REGISTER

The loading dock provided on the adjacent site (Site 12A) is to accommodate waste collection for the subject site, as well as be available for use by all residents of the subject site for use by removal vehicles, bulky good deliveries and similar.

A loading dock management plan is to be developed in collaboration with Site 12A and outline the waste management and servicing requirements of the two sites and how they will be adequately accommodated.

This loading dock shall be managed either by a schedule showing all residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents/tenants of the building.

(22) GREEN TRAVEL PLAN

A Green Travel Plan is to be prepared for the subject site. It is recommended that the applicant work with the adjacent site (Site 12A) to develop a Travel Plan that is application to both Site 12A and Site 12B.

This plan must be submitted to and approved by Council prior to the Occupation Certificate for the subject site/use being granted.

Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(23) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

(25) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(26) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	70	Spaces must be a class 1 bicycle locker ⁽ⁱ⁾ or class 2 facilities
Residential visitor	7	Spaces must be Class 3 bicycle rails provided at ground floor level.

Notes:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(27) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(28) COST OF SIGNPOSTING

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

(29) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, or the adjacent site known as Site 12A, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(30) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(31) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(32) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(33) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

(34) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(35) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the Construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(36) CONNECTION TO NON-POTABLE RECYCLED WATER NETWORK

Prior to the issue of a Construction Certificate and in accordance with the Voluntary Planning Agreement between the City of Sydney, Waverley Council and BridgeHill (Zetland) Pty Ltd, the applicant shall submit a plan for the approval by the Council that provides for a connection to the non-potable recycled water network in the street. Should the recycled water network not be operational at the time, the plan is to indicate the future connection point.

(37) SYDNEY WATER REQUIREMENTS**(a) Sydney Water Servicing**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or phone 13 20 92.

(b) Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

(38) AUSGRID REQUIREMENTS

The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to determine the method of electrical supply for the development.

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- (a) Changes in electrical load requirements
- (b) Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- (c) Works affecting Ausgrid's easements, leases and/ or right of ways
- (d) Changing the gradients of any roads or paths
- (e) Changing the level of roads or foot paths

- (f) Widening or narrowing of roads
- (g) Closing roads or laneways to vehicles
- (h) In all cases Ausgrid is to have 24 hour access to all its assets.

The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

(39) NSW POLICE REQUIREMENTS

The following crime prevention conditions are recommended by NSW Police:

- (a) Building management should register the CCTV cameras with the CCTV register on the NSW Police website to enable police to gain contact details for the person responsible;
- (b) Lighting should be vandal-resistant within all publicly accessible areas of the site;
- (c) Automatic sensor lights should be installed in the basement to enable a user to know whether another person is already in the room;
- (d) A key holder be nominated and their contact details to be given to police to aid emergency services to gain entry;
- (e) Access to the car park, units and communal areas should be via swipe/card/key system. Swipe cards should have tracking ability to see which resident or retail tenant has accessed the communal areas;
- (f) Appropriate directional signage within the development site should be installed to assist wayfinding to lobbies, car park entries, common areas, etc.

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.

(40) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA).

Particular attention is drawn to the following;

- (a) Part A4 requirements with respect to united buildings and the related fire safety matters outlined on page 10 of BCA Compliance Report by Tom Miskovich dated 11/11/14 and Fire Engineer Letter by Innova Services dated 09/11/14 submitted in support of this application.

- (b) Part F2 requirement for a communal sanitary facility associated with the Class 2 use.

Where compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved an alternative solution in accordance with Part A0 of the BCA must be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied.

(41) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299,

is to be submitted to the Certifying Authority.

(42) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

(43) TREES APPROVED FOR REMOVAL

Trees numbers 22-39, 41-46 and 55-75 in the Arboricultural Impact Assessment prepared by Australis Tree Management, dated 13 October 2014 are approved for removal.

Trees shall not be removed until the relevant Construction Certificate has been issued.

(44) TREES THAT MUST BE RETAINED

No approval is granted for the removal of any street trees. All existing street trees are to be retained and protected throughout the proposed development.

(45) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(46) STREET TREE PRUNING

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.

- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(47) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan.
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(48) ESSENTIAL INFRASTRUCTURE CO-ORDINATION

The Public Domain and Essential Infrastructure and Services must be designed and constructed in accordance with the Green Square Town Centre Public Domain Strategy, City's Sydney Streets Technical Specification and the relevant Authorities requirements. The design of these works is to take into account any further refinement of the Essential Infrastructure DA (D/2012/1175) documentation undertaken by the City and as issued in approved Construction Certificates.

(49) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.

- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(50) PAVING MATERIALS

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".

(51) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

- (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 license 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(52) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(53) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

(54) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(55) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

(56) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

(57) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(58) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 6 lineal metres of concrete material site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(59) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(60) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(61) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by RENZO TONIN, dated 17/10/15 , TG704-01F02 titled Acoustic Assessment for Development Application (The Report), TRIM Document 2015/038326 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:
 - (i) Section 4.2 -The consultant has provided rating background noise levels to be in accordance with the NSW EPA and City of Sydney requirements. As the consultant advises that the proposal can comply with the planning noise performance limits determined on the basis of this information, the City reserves its rights under the EP&A Act assess operational requirements against these levels. i.e. Table 2

Table 2: Predicted external noise levels – Stage 12B

Facade	Time Period	Design Noise Level LAeq,T
Portman Street Facade	Day time (7am to 10pm)	63 dB(A)
	Night time (10pm to 7am)	57 dB(A)
Northern Facade	Day time (7am to 10pm)	63 dB(A)
	Night time (10pm to 7am)	57 dB(A)
Southern Street Facade	Day time (7am to 10pm)	63 dB(A)
	Night time (10pm to 7am)	57 dB(A)
West (facing Botany Road)	Day time (7am to 10pm)	61 dB(A)
	Night time (10pm to 7am)	59 dB(A)

- To achieve the criteria outlined in Table 1 of The Report with windows closed, the following table presents the recommended glazing acoustic performances for the proposed development.

Table 2: Recommended acoustic performance of glazing assembly

Facade	Level(s)	Occupancy	Required Acoustic Rating of Glazing Assembly, Rw
Building 1			
Western Facade (facing towards Botany Road)	All Levels	Living/ dining	Rw 28
		Bedroom	Rw 31
Eastern Facade (facing Portman Street)	All levels	Living	Rw 28
		Bedroom	Rw 28
Northern facade	All Levels	Living	Rw 28
		Bedroom	Rw 28
Southern facade	All Levels	Living	Rw 28
		Bedroom	Rw 28

- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Private Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(62) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:

- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(63) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.

- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(64) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(65) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Sally King of Coffey Environments Australia Pty Ltd dated 8 September 2015 and referenced ENAURHOD04461AI-R03 and the Letter of Interim Advice prepared by Melissa Porter dated 17 September 2015 and referenced AS121875. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

The Remedial Action Plan will need to ensure that:

- (a) A site-specific human health risk assessment is undertaken to confirm there are no risks to human health from the potential ingress of groundwater contaminated by petroleum hydrocarbons. The RAP will need to include measures commensurate with the results obtained.
- (b) Petroleum hydrocarbon impacted soil is likely to extend beyond the depth of the remedial excavations as validation sampling of the bases was limited.
- (c) The RAP should outline how these impacts will be specifically remediated and validated.
- (d) Phase separated hydrocarbons were encountered at the northern boundary and may be migrating off-site. The RAP will need to include a remedial strategy to remove free phase and confirm the nature and extent of off-site migration.
- (e) Ensure limited access to landfill material which is associated with elevated concentrations of PAHs, aesthetically unsuitable material and random occurrences of lead.
- (f) Confirm that the material exposed following removal of the pavements and bulk earthworks are similar to those encountered during the investigations'.

- (g) All of the Remediation outlined in table 5.1 of Section 5 must be implemented as part of the successful remediation of the site.

(66) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(67) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

(68) UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(69) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(70) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.

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

(71) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas

- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

(72) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

(73) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);

- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(74) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(75) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

(76) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(77) SITE 12A WORKS REQUIRED PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any Occupation Certificate for the development, an Occupation Certificate is to be issued for all work within and associated with the adjoining basement on Site 12A, including vehicular and pedestrian access/egress and waste collection services.

(78) SUBDIVISION WORKS REQUIRED PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any Occupation Certificate for the development, all subdivision Work associated with the construction of dedicated Public Roads is to be completed in accordance with the requirements and to the satisfaction of Council as the PCA for those works.

(79) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(80) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(81) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

(82) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(83) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(84) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(85) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(86) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(87) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(88) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(89) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(90) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(91) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council’s “Driveway Specifications” to the satisfaction of Council.

(92) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(93) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(94) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

SCHEDULE 2

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

- | | |
|------------|--|
| Clause 98 | Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of Home Building Act 1989 requirements |
| Clause 98E | Conditions relating to shoring and adequacy of adjoining property |

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

Terms of Approval

The Terms of Approval for Integrated Development as advised by NSW Office of Water are as follows:

General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

17. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

Carried unanimously.

Report of the Development Assessment Sub-Committee

Moved by Councillor Mant, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 20 October 2015 be received, with the recommendations set out below for Items 9.13 to 9.17 inclusive being adopted.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.13

DEVELOPMENT APPLICATION: 2 CONEILL PLACE FOREST LODGE (D/2015/982)

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/982, 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/2015/982, dated 13 July 2015, and the following drawings:

Drawing Number	Drawing Title	Architect	Dated
DA.02 Issue A	Site Plan	Arki[vis]	10/07/2015
DA.03 Issue A	Demolition Plan	Arki[vis]	10/07/2015
DA.04 Issue A	Ground Floor Plan	Arki[vis]	10/07/2015
DA.05 Issue A	First Floor Plan	Arki[vis]	10/07/2015
DA.07 Issue A	Elevations	Arki[vis]	10/07/2015
DA.08 Issue A	Elevations	Arki[vis]	10/07/2015
DA.09 Issue A	Sections	Arki[vis]	10/07/2015
DA.10 Issue A	Streetscape	Arki[vis]	10/07/2015
DA.20 Issue A	Fence Detail	Arki[vis]	10/07/2015
DA.18 Issue A	Colour & Finishes Schedule	Arki[vis]	10/07/2015
501/1 Issue B	Landscaping	Conzept	09.07.15
501/2 Issue B	Landscaping	Conzept	09.07.15
501/3 Issue B	Landscaping	Conzept	09.07.15

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) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 12.464 (AHD) to the top ridge line of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The first floor window on the southern elevation serving the bathroom must be amended to become a highlight window, with a minimum sill height of 1.5 metres above the finished floor level.

- (b) Each driveway is to be reduced in size to have a maximum width of 2.7 metres.
- (c) The first floor rear balconies are to include the provision of privacy screens along the entire side elevations with a minimum height of 1.6 metres above the finished floor level of the balconies.
- (d) The side blade wall on the ground floor of the southern dwelling serving the rear private open space is to be reduced in size to project a maximum of 327mm from the rear building facade.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(4) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$1,047.86
Public Domain	\$2,020.38
New Open Space	\$16,586.64
Accessibility	\$165.83
Management	\$179.30
Total	\$20,000.00

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

$$\text{Contributions at Time of Payment} = C \times \text{CPI2} / \text{CPI1}$$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2015.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(5) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

(6) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS

For Class 1 residential buildings as defined by the National Construction Code, The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be measured as an $L_{Aeq 15 \text{ minute}}$ and $L_{A90 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

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.

(7) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000.

(8) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

(9) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas

- (v) existing and proposed drainage patterns with stormwater discharge points
- (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(10) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

(11) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(12) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(13) SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(14) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

(15) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.

- (c) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(16) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 3 metres of the trunk of any tree.
- (b) Excavation (except for removal of the existing driveway) must not occur within 4.8 metres of the street tree and 3.6 metres of the Frangipani located within 1 Coneill Place. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) The new driveway shall be installed on or above the existing grade. This will ensure tree roots are not damaged, removed or pruned.
- (d) In the event that root pruning is required, permission must be obtained from Council's Tree Management Officer.

(17) TREES AND SERVICES

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

(18) TREE PRUNING

- (a) The consent from Council must be obtained prior to the undertaking of any tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(19) BASIX**

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

(20) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(21) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed front fence, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(22) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(23) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(24) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(25) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(26) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT

Prior to an Occupation Certificate being issued, a street number must be clearly displayed at in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(27) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(28) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(29) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(30) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(31) ADVANCE TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupancy Certificate.

- (a) All newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of 2 metres.
- (c) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (d) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.

- (e) Written confirmation is to be obtained from Council's Area Planning Manager that all new trees have been planted and completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (f) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

SCHEDULE 2

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

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98B Notification of Home Building Act 1989 requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

Carried unanimously.

ITEM 9.14**SECTION 82A REVIEW APPLICATION: 2 PRINTERS LANE DARLINGHURST (RD/2015/341/A)**

It is resolved that:

- (A) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clauses 4.4 (Floor Space Ratio) and 4.6 (Height) of the Sydney Local Environmental Plan 2012 be supported by Council in this instance;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Section 82A Review Application No. RD/2015/341/A, subject to the following condition:

(1) SURRENDER OF CONSENT

The applicant shall surrender the existing consent given in Notice of Determination No. D/2009/2109/A, dated 30 September 2010, in accordance with the Clause 97 of the Environmental Planning and Assessment Regulation 2000.

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 12 months of the date of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

CONDITIONS OF CONSENT**SCHEDULE 1A****Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. RD/2015/341/A dated 14 August 2015 and the following drawings:

Drawing Number	Architect	Date
420_DA_A101 Rev.D	Tribe Studio Architects	13/5/15
420_DA_A102 Rev.E	Tribe Studio Architects	4/6/15
420_DA_A103 Rev.D	Tribe Studio Architects	13/5/15
420_DA_A104 Rev.D	Tribe Studio Architects	13/5/15
420_DA_A105 Rev.D	Tribe Studio Architects	13/5/15
420_DA_A107 Rev.B	Tribe Studio Architects	13/5/15
420_DA_A108 Rev.B	Tribe Studio Architects	13/5/15
420_DA_A110 Rev.A	Tribe Studio Architects	18/6/15
56839001A	Hill and Blume	23/2/15

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) SAMPLES TO BE SUBMITTED

Samples of the masonry brick, translucent glass block and perforated metal screen to go over windows are to be submitted for approval by the City's Area Planning Manager prior to the issue of the Construction Certificate.

(3) USE – SINGLE DWELLING

The building is to be used as a single dwelling only.

(4) TREE PRUNING SPECIFICATIONS

- (a) All pruning must be carried out by a qualified Arborist (AQF Level 3 Arboriculture) and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.

- (b) Pruning of the 2 Tallow Wood trees, located within 62 Yurong Street, is limited to pruning of the one lowest 1st order branch (on both trees) with a maximum diameter of 150mm at the point of attachment to the tree that overhangs the construction zone.
- (c) All pruning works must be undertaken from within 2 Printers Lane unless consent from the owner of the trees is obtained to enter their property.
- (d) All construction methods must be built around all other branches that must be retained during construction and development.
- (e) Tree pruning works are restricted to that approved under Condition 3(b) above. Any additional tree pruning will require prior consent from Council.

(5) SECTION 94 EASTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$685.77
Public Domain	\$702.49
New Open Space	\$5,715.74
Accessibility	\$57.66
Management	\$62.35
Total	\$7,224

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

$$\text{Contributions at Time of Payment} = C \times \text{CPI2} / \text{CPI1}$$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - June 2015.

The contribution must be paid prior to the issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

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 Certification Unit to discuss the requirements prior to submission of the application for construction certificate.

(6) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(7) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.

- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

(8) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA).

(9) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

(10) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(11) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING - ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(12) CLASS 1A (DWELLING HOUSES) - BCA CONDITIONS

- (a) Smoke alarms complying with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions must be installed in the dwelling.
- (b) Clothes washing, drying and cooking facilities complying with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions must be provided.
- (c) Natural light and ventilation must comply with the requirements of the Building Code of Australia - Vol. 2 - Housing Provisions.

(13) EXTERNAL WALLS OF DWELLING HOUSES - FIRE RESISTANCE

Walls, and portions of external walls located within 900mm of the side property boundaries must be protected by construction having a minimum FRL of 60/60/60, and details shall be submitted to the certifying authority prior to the issue of a Construction Certificate.

(14) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(15) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(16) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

(17) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(18) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

(19) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(20) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

(21) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(22) SWIMMING POOL PUMPS IN CLASS 1 RESIDENTIAL PREMISES

For Class 1 residential buildings as defined by the National Construction Code, swimming pool pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open) before 8.00am or after 8.00pm on any Sunday or public holiday, or before 7.00am or after 8.00pm on any other day.
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than that specified above, which exceeds the background ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be measured as an $L_{Aeq 15 \text{ minute}}$ and $L_{A90 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

(23) SWIMMING POOL - CONSULTATION WITH ENERGY AUSTRALIA

Energy Australia must be consulted in respect to the location of the proposed swimming pool relative to any overhead electrical wiring within a distance of 9 metres around the pool. Details of consultation with Energy Australia are to be submitted to the Certifying Authority prior to a Construction Certificate being issued.

(24) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the Certifying Authority.

(25) SWIMMING POOL/SPA

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the Public Health (General) Regulation 2012. Note: Guidance may also be obtained from the NSW Health Department's Public Swimming Pool and Spa Pool Guidelines.

(26) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
 - (i) The Swimming Pools Act 1992 and Regulations.
 - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.

- (iii) Australian Standards 1926.3 - Water Recirculation and Filtration;
and
- (iv) Protection of the Environment Operations Act 1997.

(27) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS

For Class 1 residential buildings as defined by the National Construction Code, The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be measured as an $L_{Aeq 15 \text{ minute}}$ and $L_{A90 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(28) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(29) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(30) ENCROACHMENTS – PUBLIC WAY

- (a) No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.
- (b) All vehicle and pedestrian entries are required to be wholly within the property boundary. Localised levelling within the public way is not permitted.

(31) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(32) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(33) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(34) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(35) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(36) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(37) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(38) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(39) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT

Prior to an Occupation Certificate being issued, a street number must be clearly displayed in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

SCHEDULE 2

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

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98B Notification of Home Building Act 1989 requirements

Clause 98E C Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at:

<http://www.legislation.nsw.gov.au>

Carried unanimously.

ITEM 9.15

DEVELOPMENT APPLICATION: 18 COLLEGE STREET DARLINGHURST (D/2015/283)

It is resolved that:

- (A) pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, Council grant a variation to the Floor Space Ratio development standard; and
- (B) consent be granted to Development Application No. D/2015/283, 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/2015/283 dated 4 March 2015 and the following drawings:

Drawing Number	Architect	Date
A100 Issue K	DS17	March 2015
A101 Issue K	DS17	March 2015
A102 Issue T	DS17	July 2015
A103 Issue K	DS17	March 2015
A104 Issue M	DS17	March 2015
A105 Issue K	DS17	March 2015
A106 Issue E	DS17	March 2015
A200 Issue L	DS17	March 2015
A201 Issue J	DS17	March 2015
A202 Issue J	DS17	March 2015
A300 Issue I	DS17	March 2015
A301 Issue C	DS17	March 2015

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) USE

- (a) The approved use of 'Retail 1' is as a 'restaurant'.
- (b) The approved use of 'Retail 2' is as a 'small bar'.

(3) HOURS OF OPERATION - SENSITIVE USES

The hours of operation are regulated as follows:

- (a) Restaurant 'Retail 1'
- (i) The indoor hours of operation must be restricted to between 7.00am and 11.00pm, Mondays to Saturdays and between 8.00am and 10.00pm on Sundays.
- (ii) The hours of operation for the outdoor terrace area to the restaurant must be restricted to between 9.00am to 8.00pm every day.
- (iii) Notwithstanding 2(a) (ii) above, the outdoor terrace area may be used between the hours of 8.00pm and 10.00pm, every day, for a trial period of 12 months from the date of any Occupation Certificate relating to the restaurant. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours.

(iv) A further application may be lodged to continue the hours outlined in 2 (a) (iii) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

(b) Small Bar 'Retail 2

(i) The hours of operation for the small bar are restricted to between 7.00am and 11.00pm, Mondays to Saturdays and between 8.00am and 10.00pm Sundays.

(4) EXTERNAL TERRACE AREA

(a) The windows and doors to the external terrace area of the restaurant are to be fully enclosed during events or functions and for large group bookings.

(b) The windows and doors of the outdoor terrace area of the restaurant must be fully enclosed after 10.00pm daily.

(c) The external terrace area of the restaurant is to be made available for the service and consumption of food.

(5) MAXIMUM CAPACITY OF PERSONS

(a) Restaurant 'Retail 1'

(i) The maximum number of patrons permitted in the premises at any one time is 81 persons. Of these 81, the maximum number of patrons permitted in the external terrace shall be no more than 40 and every patron must be provided with a seat.

(b) Bar 'Retail 2

(i) The maximum number of patrons permitted in the premises at any one time is 15.

(c) The manager/licensee of each use is responsible for ensuring the number of patrons in the premises does not exceed that specified above.

(d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue;
- (ii) function centre;
- (iii) pub;
- (iv) registered club; and
- (v) restaurant.

(6) PLAN OF MANAGEMENT

(a) Restaurant 'Retail 1'

- (i) The use must always be operated / managed in accordance with the Plan of Management, prepared by DS17 Pty Ltd and dated 12 June 2015 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(b) Small Bar 'Retail 2'

- (i) The use must always be operated / managed in accordance with the Plan of Management, prepared by DS17 Pty Ltd and dated 7 July 2015 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

- (c) The Plans of Management may be required to be updated periodically, at the request of, and to the written satisfaction of Council.

(7) WASTE RECEPTACLES

Waste is not permitted to be transported by use of a wheelie bin or similar receptacle to the waste room via College Street or Francis Street from the restaurant or bar tenancies between the hours of 9.00pm and 9.00am, Mondays to Sundays.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013 in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney - Cost Summary Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA) together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney - Cost Summary Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

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

(9) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Consulting Engineers, dated 6th February 2015, ref 140484-01-01L-DD Rev 02, titled Noise Assessment Proposed Lotus Restaurant and Tea House Ground Floor, 18 College Street Darlinghurst, must be complied with at both construction and operational stages of the development.
- (b) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(10) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

In accordance with the Building Code of Australia the proposed restaurant and bar layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

(11) MECHANICAL VENTILATION

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

(12) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(13) TOILET FACILITIES – BCA COMPLIANCE

Sufficient and satisfactory sanitary facilities must be provided for proposed staff and patron numbers in accordance with the provisions of clause F2.3 of the BCA.

(14) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

SCHEDULE 1C**DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION****(15) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of the building, an altered portion of, or an extension to an existing building.

(16) NOISE - GENERAL

- (a) The emission of noise associated with both uses including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:

- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226: 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed.
- (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(17) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

(18) COOLROOMS

Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.

- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) A door which can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

(19) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

(20) COOKING EQUIPMENT AND VENTILATION

Cooking must not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

(21) EMISSIONS

- (a) The use of the premises' must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(22) NOTIFY NSW FOOD AUTHORITY

Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:

- (a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
- (b) The nature of the food business.
- (c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form. Failure to notify the NSW Food Authority may result in a penalty not exceeding \$2,750.

(23) GREASE TRAPS

A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

(24) INSTALLATION OF WATERLESS WOKS

Where one or more commercial wok stove(s) are to be installed as part of the restaurant and/or bar only the use of air-cooled (waterless) wok stove(s) are permitted.

(25) PERSONAL LOCKERS

Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas.

(26) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

(27) VENTILATION REQUIRED (MECHANICAL) - VERTICAL DISCHARGE ONLY

The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or AS1668.2 – 2012 if the discharge point is vertical or an alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of charcoal and solid fuel.

(28) WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the uses commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with relevant development consent conditions; Council's Policy for Waste Minimisation in New Developments 2005, and the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2013).

(29) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
 - (i) Provided with a hose tap connected to the water supply;
 - (ii) Paved with impervious floor materials;
 - (iii) Coved at the intersection of the floor and walls;
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

(30) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the uses, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(31) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(32) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of all current development consents for the operation of the licensed premises, and the Plans of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

(33) INCIDENTS – RECORDING AND NOTIFICATION

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

(34) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout both premises' with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
 - (iii) staircases in multilevel premises; and
 - (iv) the area within a 10m radius external to the public entrance(s) to the premise.

- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises' are open to the public and, where premises' do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises' and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises' are operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(35) QUEUING

No persons are to be permitted to drink or queue outside the premises at any time. Management are to ensure that there is no queue for the premises' and take all reasonable steps to ensure compliance with this condition.

(36) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises', including the outdoor terrace of the restaurant, and public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(37) NO SPRUICKING NOISE

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

(38) NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

(39) GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises') prior to the removal of such waste from the premises.

(40) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

(41) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within both the restaurant and bar requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises' does not detrimentally affect the amenity of the neighbourhood.

(42) CESSATION OF SERVICE

The premises' may be open for business only between the operating hours in Condition (2) above. The operator must cease providing food (or alcohol if permitted under licence) at the premises 15 minutes before the required closing time.

(43) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(44) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(45) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.

- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply:

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

Carried unanimously.

ITEM 9.16

DEVELOPMENT APPLICATION: 246-248 CHALMERS STREET REDFERN (D/2015/494)

It is resolved that consent be granted to Development Application No. D/2015/494, 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/2015/494 dated 16 April 2015 and the following drawings:

Drawing Number	Drawn By	Date
DA 1 Rev D 'Plans, Elevations and Sections'	Carlo Di Lanna	February 2015

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) OPERABLE LOUVRES

The louvres installed on the eastern elevation that ventilate the internal light wells are to be operable from the respective apartment to which they will ventilate.

SCHEDULE 1B

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

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

(3) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(4) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(5) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

(6) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

(7) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(8) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(9) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(10) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(11) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(12) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

SCHEDULE 2

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

Clause 98	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 98A	Erection of signs
Clause 98B	Notification of Home Building Act 1989 requirements
Clause 98C	Conditions relating to entertainment venues
Clause 98D	Conditions relating to maximum capacity signage
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

Carried unanimously.

ITEM 9.17

DEVELOPMENT APPLICATION: 42 ADA PLACE ULTIMO (D/2015/978)

It is resolved that consent be granted to Development Application No. D/2015/978, 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/2015/978 dated 13 July 2015 and the following drawings:

Drawing Number	Architect	Date
DA01 Rev. B	Palfreeman Sweeney Architects	Undated
DA02 Rev. C	Palfreeman Sweeney Architects	Undated
DA03 Rev. D	Palfreeman Sweeney Architects	Undated

and as amended by the conditions of this consent.

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

(2) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

(3) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

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.

(4) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Certifying Authority). The Certificate must verify the structural integrity of the existing 'Party Wall(s)' as consequence of the additional loads imposed thereon by the proposal.

(5) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

(6) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by the Manager Planning Assessments, prior to issue of a Construction Certificate.

(7) EXTERNAL COLOUR SCHEME (HOUSES)

The external colour scheme is to comprise predominantly earthy tones in keeping with the overall Victorian character of the building and character of the Heritage Conservation Area. A schedule of colours is to be submitted to and approved by the Manager Planning Assessments prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

(8) TIMBER FRONT DORMERS

- (a) The front dormer must match the size and proportion of the front dormer at 40 Ada Place, Ultimo.

- (b) The front dormer must use timber joinery and double-hung windows and must be a rectangular, timber framed, vertically proportioned, double hung sash window.
- (c) The dormer must be symmetrically placed on the roof plane.
- (d) Glazing must not be used in the gable or sides of the dormer.
- (e) Roof materials must match the existing roof material and the roof pitch must be detailed in the plans.
- (f) The external side walls of the dormer are to be of timber weatherboards of a profile and section consistent with the period and style of the building.
- (g) The external joinery must be detailed in a manner appropriate to the style and period of the building.
- (h) The architraves that cover the side walls and boxed window frames should not exceed 150mm in width.

Details of the dormer (at a scale of 50:1) and of the weatherboard profile must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of the Construction Certificate.

(9) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(10) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(11) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

(12) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(13) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(14) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(15) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(16) COVERING OF LOADS**

All vehicles involved in the demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(17) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(18) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

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

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's Policy for the Design of Construction Hoardings and the conditions of any consent granted including:
 - (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, Roads Act 1993);
 - (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
 - (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
 - (iv) hoarding site fences complying with Clause 3.3 - Element 3;
 - (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
 - (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(20) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(21) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

SCHEDULE 2

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

Clause 98	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 98A	Erection of signs
Clause 98B	Notification of Home Building Act 1989 requirements
Clause 98C	Conditions relating to entertainment venues
Clause 98D	Conditions relating to maximum capacity signage
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

Carried unanimously.

ITEM 10 QUESTIONS ON NOTICE**CITY OF SYDNEY UNOCCUPIED BUILDINGS (S103148)**

1. By Councillor Forster

Question

Can the Lord Mayor please provide a list of Council-owned properties that are currently unoccupied? Can the Lord Mayor also provide the reasons as to why these properties are not currently occupied?

Answer by the Lord Mayor

Unoccupied buildings are defined as those buildings that are currently uninhabitable due to the following circumstances:

- (1) property is a Capital Works Corporate Plan item, with significant construction activity underway/planned to commence;
- (2) property is earmarked for imminent upgrade works, scope of such upgrades is often defined during the process of being leased with scope matching the intended end-use;
- (3) property is listed for delivery of strategic infrastructure and/or allocated for disposal.

Eighteen buildings fall within these definitions and are listed below:

Capital Works Corporate Plan Items (construction activity underway/planned to commence)

1-5 Flinders Street, Surry Hills, 2010

Royal South Sydney Hospital Building (former), 3 Joynton Avenue, Zetland, 2017

Esme Cahill Building, 3 Joynton Avenue, Zetland, 2017

Tram shed Hyde Park, 110 Elizabeth Street, Sydney, 2000

East Sydney Community and Arts Centre, in Albert Sloss Reserve, 225-245 Palmer Street, Darlinghurst, 2010

Juanita Nielsen Community Centre, 31 Nicholson Street, Woolloomooloo, 2011

277-279 Bourke Street, Darlinghurst, 2010

Taylor Square Pumphouse, 136 Oxford Street, Darlinghurst, 2010

Imminent Upgrade Prior to Leasing/Occupation Stage or Demolition

The following buildings cannot be occupied in their current state. These properties have been matched against customer needs. The City is currently undertaking feasibility to determine cost of works.

WBG Incinerator, Glebe Foreshore Walk East, 53 Forsyth Street, Glebe, 2037

Status: formal Council approval being sought at the October 2015 meeting to lease this building.

Pump Room- Sydney Park, 167-169 Euston Road, Alexandria, 2015
Status: minor update planned to permit occupation by City Farm for storage use.

Club Room - Jubilee Park, 2 Federal Road, Glebe, 2037
Status: update planned to permit use by local Community Sporting groups.

17A Albert Street, Erskineville, 2043
Status: update being considered to permit use for Creative City.

Annex - Kellett Place, 66-68 Kellett Street, Potts Point, 2011
Status: demolition being considered due to poor condition which permits reclamation of park land. (Note a tree is growing through the roof.)

Listed for Delivery of Green Square Infrastructure and Facilities

Mandible Industrial, 41 Mandible Street, Alexandria, 2015

330-332 Botany Road, Alexandria, 2015

334-336 Botany Road, Alexandria, 2015

338 Botany Road, Alexandria, 2015

Divestment

75-77 Kellick Street, Waterloo, 2016
Status: scheduled to go to auction in November, 2015.

ARCHWAY 1 THEATRE COMPANY (S103148)

2. By Councillor Forster

Question

How much funding assistance and/or grants has the City provided to Archway 1 Theatre Company since 2006? Has the company been known by any other name and been given financial assistance by the City under this/these name(s)?

Answer by the Lord Mayor

Council has not provided a grant or any financial assistance to the Archway 1 Theatre Company. City staff could not identify any grants to Archway 1 Arts Studio, and are unaware of any other name this organisation might have had.

CONSULTATION METHODS (S103147)

3. By Councillor Vithoukas

Question

When the City is consulting with the community about changes that will impact their daily lives, does the City have a procedure for identifying and connecting with local hubs such as Community and Business groups during the consultation process that is in addition to the Have Your Say portal and letterbox drops?

What are the five key consultation methods used to gain feedback from local businesses and residents in this process?

What is the average rate of reply to letterbox drop methods of consultation?

What is the average rate of reply to the Have Your Say portal consultation method?

Answer by the Lord Mayor

The City's approach to consulting the community is informed by the City's Community Engagement Strategy available on Sydneyyoursay.com.au under "our approach".

A broad range of approaches as outlined in the Community Engagement Strategy are used to engage the community in decisions that impact their lives. For any consultation, a combination of techniques and channels is used to ensure our diverse community is reached.

Targeted approaches are used to engage local businesses, including doorknocking, surveys, the work of the City's precinct co-ordinators, the City's bi-monthly business enews that goes to 1,900 business subscribers, and forums and workshops on specific issues.

Recent examples include workshops on business activation during light rail construction and the Eora Journey Economic Development Plan.

The City undertakes drop-in sessions on local projects at times and locations that suit businesses as well as residents. When businesses are directly impacted, face-to-face discussions are the preferred method of consultation.

The City's online consultation portal, Sydneyyoursay.com.au is an increasingly important and well-utilised channel for consultation. Sydney Your Say enables people who can't make workshops or meetings to easily participate and share their views.

All members of the community can sign-up to the Sydney Your Say monthly enews, which has a very high open rate of 35% and a click through rate of 25%.

The community is also informed of opportunities to have their say through Sydney Your Say via social media (@sydneyyoursay twitter account and CoS channels), public notices, advertising, pop-up stalls at events, notification letters and invitations.

The City's homepage (cityofsydney.nsw.gov.au) has an automatic feed from Sydney Your Say to ensure all consultation projects have a presence on the corporate site.

Letterbox drops are an important mechanism to ensure people have information about projects in their area.

POWERLINES AND TREES (S103147)

4. By Councillor Vithoukas

Question

Does the City have a policy or set of guidelines about the types of flora planted below powerlines in residential areas? Is the maximum height of the trees and bushes taken into consideration when planting seedlings under powerlines?

What was the cost to Council in the financial year 2014-2015, 2013-2014 and 2012-2013 of pruning, trimming or removing trees and shrubs under powerlines?

Answer by the Lord Mayor

The City's Street Tree Master Plan, adopted by Council in 2012, outlines the species of tree to be planted in every street within the Local Government Area.

The Master Plan outlines the numerous factors considered in determining tree suitability, including the tree's mature height and ability to prune the tree around powerlines, buildings and allowing for road and pedestrian clearances.

Ausgrid assume responsibility for pruning trees around the powerlines. They engage contractors to perform these services, which occur on an annual basis. Therefore, Council has not occurred expenses for the powerline pruning work over the requested financial years.

SUPPORTING CREATIVE INDIGENOUS WOMEN (S103147)

5. By Councillor Vithoukas

Question

What is the City doing to help support, celebrate and encourage female indigenous artists and artisans?

Does the City provide assistance with helping female indigenous artists and artisans to develop financial and business skills so they can make a living from their creativity?

What opportunities does the City support to develop the business and creative skills of these women? Are mentoring programs supported by the City whereby existing successful creative businesswomen can share their experience, know-how and financial skills with emerging female artists and artisans?

Answer by the Lord Mayor

City support for Aboriginal and Torres Strait Islander artists has been an ongoing focus of the City's Grants and Sponsorship programs and through development of our civic collection.

The Eora Journey program, in particular, has sought to ensure opportunities are made available to Aboriginal and Torres Strait Islander artists and entrepreneurs. The Recognition in the Public Domain public art program has been proactive in building capacity and providing opportunities for artists.

Through all of these initiatives, many female Aboriginal and Torres Strait Islander artists have been supported.

Additionally, the City's Eora Journey Economic Development Plan (currently in development) identifies actions that will support Aboriginal and Torres Strait Islander entrepreneurs, employees, and students, and includes a specific focus on the creative sector.

CREATIVE COLLABORATIONS (\$103147)

6. By Councillor Vithoukias

Question

The very high demand from the established and emerging local creative community for the limited number of locations supported by the City that are suited for creative tenants is growing. The City struggles to meet the growing demand, especially as various types of locations, warehouses, and workshops used by artisans and artists to work are being redeveloped and rapidly shrinking the pool of creative spaces.

The City has been very supportive of the proposed "Phoenix" development at Chippendale that will provide gallery and performance space as well as apartments for visiting artists. This venue is being largely developed with private funds from a local philanthropic supporter of the arts.

Is the City actively looking for opportunities to collaborate with other local artisan and artist supporters to grow the pool of available creative workspaces?

Answer by the Lord Mayor

The City's cultural policy and action plan, Creative City, has as one of its goals to 'deliver an increased number of affordable, accessible, creative workspaces...'

City staff worked with Frasers Property to set up creative spaces in their temporarily empty buildings in Kensington Street, Chippendale. City staff provided Frasers with occupation models and templates, and assisted in the selection of a head tenant who curated a program of artists for several years.

Beyond the City's own programs that increase the amount of creative space in our local government area (such as the Oxford Street Cultural and Creative Space Program, William Street Creative Hub, Student Rehearsal Program, Short Term Empty Property program and the Accommodation Grants Program) staff regularly provide advice and guidance on creative use of space to a range of third parties. This includes individual artists, arts organisations, private property owners, developers, other levels of government and representative bodies. Organisations that staff have advised include Mirvac, Lend Lease, UrbanGrowth, Double Bay Chamber of Commerce and Walsh Bay Precinct Management.

Staff also regularly explore other opportunities for the delivery of infrastructure. One example is the Bathurst Street Greenland development, which was developed through the Voluntary Planning Agreement process and will provide a range of work spaces for music, visual arts, dance, theatre and media workers.

POTENTIAL MERGER WITH WOOLLAHRA COUNCIL (S103142)

7. By Councillor Scott

Question

Does the Lord Mayor support the City of Sydney Council merging with Woollahra Municipal Council?

Answer by the Lord Mayor

No. My Lord Mayoral Minute to the Council meeting of 26 October 2015 seeks endorsement of the following resolution.

It is resolved that Council:

- (A) affirm that the City of Sydney is 'Fit for the Future' and that no major structural change be undertaken to the City's boundaries at this time and confirm our position in the NSW Government's online portal; and
- (B) note the IPART Assessment of Council Fit for the Future Proposals and in particular the statement that the 'City of Sydney meets the financial criteria overall as a stand-alone council and its current and projected financial performance is strong.'

NO WESTCONNEX STEERING COMMITTEE (S103142)

8. By Councillor Scott

Question

How many times has the steering committee overseeing the work of the No WestConnex Community Organiser met?

Who attended the meeting of the steering committee on behalf of the City of Sydney?

Can Councillors be provided with minutes of the meeting via CEO Update?

Answer by the Lord Mayor

The steering committee has met twice.

The Lord Mayor is the City of Sydney's representative on the Steering Committee. When unable to attend, a delegate attends on her behalf.

Yes.

REVIEW OF THE SYDNEY DEVELOPMENT CONTROL PLAN AND LOCAL ENVIRONMENTAL PLAN (S103142)

9. By Councillor Scott

Question

On 18 May 2015, Council noted that “a review of the Sydney Development Control Plan and Local Environmental Plan is currently being undertaken, expected to be completed mid-2015, which includes consideration of controls for solar power”.

Has the review been completed?

When will the results of the review be presented to Council for consideration?

Answer by the Lord Mayor

The City is currently reviewing the planning controls that apply to the conservation areas. This work will ensure that effective planning controls are in place to manage development in these complex and important areas. Staff have completed a survey of the areas, which comprise about 20,000 properties. The findings and recommendations are being prepared. The review has been extended is expected to be reported to Council in 2016.

ABORIGINAL AND TORRES STRAIT ISLANDER DUAL NAMING SIGNAGE (S103142)

10. By Councillor Scott

Question

Will a separate feasibility report on installing permanent, appropriate dual naming signage be presented to Council?

If so, when? If not, what is the estimated timeframe for the installation of dual naming signage?

Answer by the Lord Mayor

As advised at the last meeting of the Cultural and Community Committee, this matter is currently being considered by the Aboriginal and Torres Strait Islander Advisory Panel. A report will be provided to Council at a later date.

STREET ART POLICY (S103142)

11. By Councillor Scott

Question

When will the City of Sydney’s Street Art Policy be presented to Council?

Answer by the Lord Mayor

As advised in my response to a Question on Notice in August 2015:

“The Street Art and Graffiti Review is not finalised. Street art raises many complex issues about which there are greatly divergent views. Some of these complex issues still need to be fully worked through. Staff are committed to a carefully considered position and avoiding hasty implementation.”

CHILDCARE CENTRES (S103142)

12. By Councillor Scott

Question

The City of Sydney is committed to funding six new childcare centres.

What is the address and location of each new childcare centre?

When will each of the six new childcare centres be opened?

Answer by the Lord Mayor

In 2013, the City’s Child Care Needs Analysis identified a gap of 3,000 childcare places in the City. In response, Council endorsed the development of six new childcare centres, and allocated up to \$55 million in the City’s long term financial plan to enable their construction.

The City has also worked to encourage development of childcare centres in the LGA. Since 2013, 553 additional childcare places have been created. At March 2015, 95 childcare centres were offering a total of 5,055 childcare places across the City LGA. In addition, development applications either approved (but not operating) or under assessment project a potential supply of an additional 2,588 places.

There are currently eight new child care centres under construction/proposed. They are:

- Bourke Street - 277 Bourke Street, Darlinghurst - Complete construction, March 2016 – Opening, mid 2016.
- The Crescent - 7 The Crescent, Annandale - Complete Construction, March 2016 – Opening, mid 2016.
- Huntley Street - 67s Bourke Road, Alexandria – Complete Construction, March 2016 – Opening, mid 2016.
- Sydney Park - Sydney Park Road, Alexandria; pending Development Application approval.
- Green Square - 3 Joynton Avenue, Zetland – Complete Construction, October 2016 – Opening, Jan 2017.
- 503-505 George Street, Sydney - through a planning agreement, the City will receive at no cost, 2 child care centres in a stratum lot of internal and external floor space on the highest level of the proposed building podium. The space will front George Street and be sufficient to accommodate two child care facilities each having a minimum capacity of 65 children ages 0-6 years. The City is yet to receive a Development Application however it is expected soon.

- Dunning Avenue, Rosebery - the City has conditioned the sale of its property located at this location with the provision of a 45 place child care centre.

SKATEBOARD FACILITIES (S103142)

13. By Councillor Scott

Question

In December 2013, Council noted a petition of over 3,000 signatures supporting increased investment and maintenance of skate facilities in the City of Sydney. At the same Council meeting, Council unanimously supported a notice of motion on skateboard facilities.

Have any further sites been identified in the City of Sydney for the location of skate facilities?

What is the address and location of sites for the location of skate facilities?

When will each of the four new skate facilities be opened?

Answer by the Lord Mayor

On 27 April 2015, Council resolved to note:

- (A) the Resolution of Council 'Skateboard Facilities' of 9 December 2013;
- (B) the completion of the Waterloo Park Youth Facility in 2012, the provision of skate facilities at Eddie Ward Park in 2009, and the development of plaza-style skate space during the renewal of Redfern Oval;
- (C) the scoping report for The Crescent of Johnstons Creek, adopted on 8 December 2014, which includes the provision of a skate park;
- (D) the Sydney Park Plan of Management, adopted on 12 May 2014, which includes a scoping study on skate facilities within Sydney Park; and
- (E) the design work to locate skate facilities and "skateable moments" within the Green Square renewal area, including Gunyama Park and Green Square Aquatic Centre, the South Sydney Hospital site and Matron Ruby Park.

The new skate facility at the Crescent Lands, Johnstons Creek is being designed in consultation with the community and is scheduled to commence construction in mid-2016.

City staff are preparing a brief to engage consultants to prepare a feasibility study for additional skate facilities in Sydney Park, and suitable locations within the Green Square urban renewal area, which will also involve consultation with the skate community and local stakeholders. The study is expected to be completed by June 2016 and will provide the basis for constructing facilities at these locations.

The feasibility study will also look at the use of portable skate facilities which can be moved between suitable sites in the council area.

A pop-up skate park, including supervised skate sessions, will be set up on the open space outside the Peter Forsyth Auditorium, Glebe on a monthly basis (one day per month) during January, February and March 2016.

ASBESTOS MANAGEMENT (S103142)

14. By Councillor Scott

Question

In October 2013, Council resolved to support and provide requisite funds for the goal of removing asbestos from all Council-owned buildings and properties by 2030 as per the Asbestos Safety and Eradication Agency's National Strategic Plan for Asbestos Awareness and Management 2013-2018.

How many Council-owned buildings are contaminated by asbestos?

Since October 2013, how many Council-owned buildings have been completely decontaminated of asbestos and at what cost?

Over the City's Long Term Financial Plan, how much has been set aside to fund the removal of asbestos from Council-owned buildings?

Answer by the Lord Mayor

As advised in my response to a Question on Notice in October 2013:

"The City of Sydney owns approximately 220 buildings. Several of these were constructed during an era when asbestos was a common building material. Consequently, the City conducts formal periodic hazardous materials (asbestos) audits based on a risk assessment of the property portfolio, with reference to known instances of the presence of asbestos and results of previous audits.

In all known cases of the presence of asbestos, it is in a location where it is not possible for staff or the public to come in contact with it, for example, in a roof or other confined spaces. For this reason, the City has not costed its removal. However, all building refurbishment projects consider the safe removal of asbestos and fund this where appropriate."

Since October 2013, the City has continued with asbestos removal as part of our buildings capital works program. Several projects have reduced asbestos within City-owned buildings, (e.g. Sydney Town Hall (Clock Tower), Paddington Town Hall, Pyrmont Community Centre).

As these projects only upgraded parts of the building and not the entire building, asbestos removal only occurred in the parts upgraded. Therefore, the total number of buildings being monitored remains at similar levels to October 2013, however, the amount of asbestos in the buildings has been reduced.

The City's Long Term Financial Plan accommodates the capital works future years' program, including projects which will address asbestos removal as part of overall projects.

BOARDING HOUSES POSITION PAPER (S103142)

15. By Councillor Scott

Question

In March 2014, Council requested that the Chief Executive Officer prepare a position paper on boarding houses in the City.

When will the position paper be presented to Council for consideration?

Answer by the Lord Mayor

The City has prepared and invited feedback on its Housing Issues Paper to encourage debate on key issues associated with housing supply, diversity and affordability and to inform a new Housing Policy for the City of Sydney.

Boarding houses, along with affordable rental housing, social housing, student housing and private market housing, are an important part of the range of housing types and tenures needed for a diverse community. All of these housing types, including boarding houses, are addressed through the Housing Issues Paper.

Boarding houses, typically delivered through the private housing market, can provide low-cost, temporary and crisis accommodation. They are a rental housing model that typically provides smaller private living spaces coupled with communal spaces. "New generation" boarding houses can also contribute to the supply of rooms for students and young professionals wanting to live closer to the city centre. Boarding houses do not necessarily constitute affordable housing supply, in that rents may exceed 30 per cent of a lower income household's income.

The City's Housing Policy, which is in development and scheduled to come forward in the second half of next year, will look to deliver the City's vision of an increased diversity of supply to meet the diverse housing needs of a global city to 2030 and beyond.

Recommendations to improve the supply of affordable, quality boarding houses, any need for further research and a specific action plan for boarding houses will be considered through the Policy.

SAFEWORK NSW (S103141)

16. By Councillor Mandla

Question

The City of Sydney has recently been the subject of media attention concerning investigations by SafeWork NSW. Can the Lord Mayor inform us:

1. Have notices to produce documents been served upon the City of Sydney, its Officers or Agents in respect of inquiries by SafeWork NSW?
2. Have notices to give evidence to provide information been served upon the City of Sydney, its Officers or Agents in respect of inquiries from SafeWork NSW?
3. Have the notices (should they exist) been complied with?

Answer by the Lord Mayor

The City cooperates with all external statutory agencies, including SafeWork NSW, and complies with requests for information as required by legislation.

1. Yes. The City received two S155 notices under the WHS Act from SafeWork NSW (formerly Workcover) on 7 July 2015 to provide documents.
2. No notices to give evidence to provide information have been served upon the City of Sydney, its Officers or Agents in respect of inquiries from SafeWork NSW.
3. Yes, the City has complied with the S155 notices.

EAST VILLAGE - GADIGAL AND WOLSELEY INTERSECTION (S103141)

17. By Councillor Mandla

Question

Following ongoing collaboration with staff from the City of Sydney since December 2014, a final Traffic Control Signal (TCS) plan has been approved by RMS for the intersection of Gadigal Avenue and Wolseley Grove, Zetland, on September 17 2015.

The RMS has stated that they met with the City of Sydney to provide guidance to Council on their expectations for TCS plans and to assist in solving technical issues in order to expedite approvals, but the initial plan submitted by the City of Sydney had issues, contributing to lengthy delays.

1. How many similar projects (TCS plans) in the last 24 months has the City of Sydney worked on with the RMS?
2. What was the average completion time of these projects?
3. Why did the City of Sydney not work further with the RMS to ensure that the submission had no issues, to ensure an expedited process for this new intersection in Zetland?
4. Has the City of Sydney had any complaints or correspondence from residents in regard to this intersection?
5. How many people have contacted the City of Sydney in regard to this intersection in the last 12 months?
6. How many people have contacted the City of Sydney in regard to this intersection in the last 6 months?
7. How many people have contacted the City of Sydney in regard to this intersection in the last 3 months?
8. How many people have contacted the City of Sydney in regard to this intersection in the last 1 month?
9. Were there any other factors, such as money, resources or manpower that contributed to the situation?

Answer by the Lord Mayor

1. Between October 2013 and October 2015, the City has delivered four new signalised intersections across the Local Government Area.
2. The time taken for Roads and Maritime Services (RMS) to approve a Traffic Control Signal (TCS) Plan is significantly dependent on the complexity of the project and subject to RMS resourcing, priorities and administrative procedures. Given each project is different in both complexity and scale, it is difficult to quantify an “average time” for RMS approval.

However, once the City receives RMS approval, the average completion time for each project is eight weeks.

3. City staff worked collaboratively with representatives from RMS throughout the project and were in weekly communication to achieve approval of the Traffic Control Signal Plan.
4. The City has received multiple enquiries about the intersection of Gadigal Avenue and Wolseley Grove, Zetland. City staff have proactively provided regular updates through various mediums about the new traffic signals to local residents, businesses, Councillors and the Member for Heffron. City staff have also attended the Green Square Infohub on multiple occasions to meet with local residents and businesses face-to-face and discuss their concerns.

- 5-8. The cumulative total of formal written correspondence is shown below:

Timeframe	12 months	6 months	3 months	1 month
Total	73	24	6	2

9. It is unlikely that any additional City resources or budget would have expedited the project.

RANGERS' UNIT SECONDMENTS (\$103141)

18. By Councillor Mandla

Question

In August 2015, I asked a question about the Management of the Rangers Unit, where it was stated that, on 30 September 2015, there would be three secondments in the Rangers' Unit ending, including Manager, City Rangers, Operations Manager, City Rangers and Operations Co-Ordinator, City Rangers.

In September 2015, I asked a question about the City of Sydney Employee Development Opportunities and Statistics, and it was answered that “there is one employee currently on secondment within the rangers unit” and “no secondments in the Ranger's Unit finished early.”

Could the Lord Mayor please answer:

1. Which Question on Notice answer is correct?
2. Why were these answers not consistent?

3. Are there any other answers included in either of these Questions on Notice that you would like to amend?

Answer by the Lord Mayor

The information provided for the August 2015 Question on Notice comprised all acting arrangements including both secondments and higher duties arrangements. The information provided for the September 2015 Question on Notice was specific to secondments only.

ELIZABETH STREET, ZETLAND (S103141)

19. By Councillor Mandla

Question

Could the Lord Mayor please answer:

1. Is the Cleansing team rostered to clean the strip of Elizabeth Street, Zetland, between Joynton Avenue and Merton Street?
2. If so, how often do they attend this specific area? Are there specific days or times that they are required to attend the area?
3. Has the frequency of visits from the Cleansing team increased in the last month?
4. If a constituent was wanting to increase the visits from the Cleansing team, how would they do this?

Answer by the Lord Mayor

Yes. The bus stops on Elizabeth Street are serviced daily prior to 8.30am and the street section of Elizabeth Street from Joynton Avenue to Bourke Street receives a weekly detailed clean each Friday.

The bus stops have been added to the weekend schedule and the area is inspected daily to ensure cleansing standards are being maintained.

Requests for additional cleaning can be made to the City's Customer Call Centre on 9265 9333. All requests are then assessed by the cleansing team and adjustments made to the cleaning schedules, if required.

ROCKEFELLER FOUNDATION FUNDING (S103141)

20. By Councillor Mandla

Question

Recently, the City of Sydney instated a Resilience Officer that is funded by the Rockefeller Foundation as part of the 100 Resilient Cities initiative.

Could the Lord Mayor please answer:

1. Does the Rockefeller Foundation fund the full salary of the Resilience Officer?
2. Does the Rockefeller Foundation fund any expenses of the Resilience Officer, such as travel, conference attendance, stationery etc.?
3. Have any roles within the City of Sydney been created to assist the Resilience Officer?
4. Does the Rockefeller Foundation fund any other roles within the City of Sydney that have been created to assist the Resilience Officer?
5. Has the City of Sydney funded any costs in relation to the hiring/retention of the Resilience Officer and the department?
6. Was there any public consultation regarding this position?
7. Was there any public consultation regarding the funding of this position by the Rockefeller Foundation?
8. In the future, would there be public consultation regarding similar circumstances?

Answer by the Lord Mayor

The Rockefeller Foundation funds the full salary of the Resilience Officer and travel and attendance to 100 Resilient Cities Conferences.

One existing position has been revised to provide project support. The Rockefeller Foundation does not fund other roles and the City funds overheads associated with the position.

In 2006, Sustainable Sydney 2030 was produced after the most comprehensive community consultation in the history of our city. Sustainable Sydney 2030 touches on many of the issues that will be addressed by the Resilient Cities initiative, including housing, transport, innovation and sustainability.

The Lord Mayor and Councillors were notified in January 2015 through a CEO update of the City's successful application to become a member of the program, including the plan to recruit a Chief Resilience Officer. The role was publicly advertised for three weeks, via the City's usual recruitment channels.

FILLING THE POSITION OF MANAGER, RANGERS' UNIT (S103141)

21. By Councillor Mandla

Question

1. Lord Mayor, I seek your confirmation that Judith Carpenter and Associates have been retained by Council to advertise, interview and recommend a selected person to be appointed as the next Manager of the Rangers' Unit of Council. Is this the case?
2. Lord Mayor, I seek your assurance that the advertising of this position has occurred Australia wide. Is this the case?
3. What is the timeline for the selection and appointment to this position?

4. Lord Mayor, could you please indicate:
 - a. Will Judith Carpenter and Associates solely decide which candidates will be offered interviews for the position of Manager Ranger with Council?
 - b. Will any Council staff be involved in the selection and interview process?
 - c. What will be the process for selecting the candidates to be interviewed for this position?
 - d. Will a short list of candidates be made available to the City of Sydney; if not, what other process will the recruitment of this position entail?
5. Lord Mayor, will you give your assurance that only candidates with tertiary qualifications and a proven record of achievement will be considered for selection?
6. Lord Mayor, will you give your assurance that only the best possible candidates will be considered to drive the necessary cultural change desperately needed to lead and turn around the performance of the Rangers' Unit which is an important operation of Council?
7. Are there any specific key performance indicators that have been set for the new person to be appointed to this position? If so, what are they?
8. As part of the selection and / or appointment process and / or criteria, what qualitative and quantitative key performance indicators will be set?
9. The advertisement for this position suggests the requirement "delivering commercial outcomes to ensure Council provides value for services." What does this mean?
10. How long will the contract for this position be?
11. Is it possible for the contract to be for a maximum of two years with a renewal clause to be ratified by Council after a report on the results achieved?

Answer by the Lord Mayor

The Chief Executive Officer is responsible for the recruitment, selection and appointment of staff. The recruitment of the position will be conducted in accordance with the City's Recruitment and Selection Policy.

Administrative Note

Prior to the conclusion of the meeting of Council, the Chair (the Lord Mayor) advised Councillors that there was a typographical error in the Answers to the Questions on Notice as circulated prior to the meeting. In Question on Notice 12, the part of the answer that read:

- The Crescent – 7 The Crescent, Annandale – Complete Construction, March 2015 – Opening, mid 2016.

should have read:

- The Crescent – 7 The Crescent, Annandale – Complete Construction, March 2016 – Opening, mid 2016.

ITEM 11 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

ITEM 12 NOTICES OF MOTION**REGULATIONS FOR BACKPACKER HOSTELS (S103136)****1. By Councillor Green -**

It is resolved that:

(A) Council note:

- (i) the critical injuries recently sustained by a backpacker from a 10m fall at a backpacker hostel in Potts Point;
- (ii) the existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under 'existing use rights';
- (iii) current LEP zone R1 General Residential prohibits tourist and visitor accommodation, but backpacker premises operating under 'old' DAs are permitted to operate under 'existing use rights';
- (iv) 'existing use rights' do not contain conditions requiring responsible management of backpacker hostels such as Plans of Management and standards for the safety and behaviour of patrons;
- (v) as the legislation stands there are insufficient powers for the City of Sydney and other authorities to regulate and ensure responsible management of backpacker premises such as:
 - (a) mandatory requirement for overnight onsite managers in hostels;
 - (b) enforceable plans of management; and
 - (c) prohibition of consumption of alcohol on premises;
- (vi) the adverse effects of unregulated antisocial guest behaviour on the amenity of densely populated residential areas in the LGA;
- (vii) two years of correspondence and meetings with senior Ministerial advisors has not achieved any level of government support for legislative change to bring this unregulated section of the tourism industry under regulatory controls; and
- (viii) whilst the City of Sydney welcomes young travellers, it is of great concern that their safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards; and

(B) the Chief Executive Officer be requested to urgently meet with directors of the NSW Departments of Planning and Innovation and Better Regulation, and other relevant government agencies, to pursue regulatory and legislative amendments to address:

- (a) the anomaly of unregulated backpacker accommodation providers;
- (b) the safety of guests; and
- (c) antisocial guest behaviour and the effects on local amenity.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Green. Subsequently, it was:

Moved by Councillor Green, seconded by Councillor Kemmis –

It is resolved that:

(A) Council note:

- (i) the critical injuries recently sustained by a backpacker from a 10m fall at a backpacker hostel in Potts Point;
- (ii) the existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under 'existing use rights';
- (iii) current LEP zone R1 General Residential prohibits tourist and visitor accommodation, but backpacker premises operating under 'old' DAs are permitted to operate under 'existing use rights';
- (iv) 'existing use rights' do not contain conditions requiring responsible management of backpacker hostels such as Plans of Management and standards for the safety and behaviour of patrons;
- (v) as the legislation stands, there are insufficient powers for the City of Sydney and other authorities to regulate and ensure responsible management of backpacker premises such as:
 - (a) mandatory requirement for overnight onsite managers in hostels;
 - (b) enforceable plans of management; and
 - (c) prohibition of consumption of alcohol on premises;
- (vi) the adverse effects of unregulated antisocial guest behaviour on the amenity of densely populated residential areas in the LGA;
- (vii) two years of correspondence and meetings with senior Ministerial advisors has not achieved any level of government support for legislative change to bring this unregulated section of the tourism industry under regulatory controls; and
- (viii) whilst the City of Sydney welcomes young travellers, it is of great concern that their safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards; and

(B) the Lord Mayor be requested to urgently write to the Minister for Planning and the Minister for Innovation and Better Regulation to implement regulatory and legislative amendments to address:

- (i) the anomaly of unregulated backpacker accommodation providers;
- (ii) the safety of guests; and
- (iii) antisocial guest behaviour and the effects on local amenity.

Variation. At the request of Councillor Scott, and by consent, the motion was varied by the addition of the following to clause (A):

- (ix) the NSW Opposition has called for an investigation into how the NSW State Government can deal with development applications issued without enforceable plans of management, in particular, in relation to backpacker accommodation.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was further varied by the addition, in the second line of clause (A)(ix), of the word "historic" before the word "development".

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

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

It is resolved that:

(A) Council note:

- (i) the critical injuries recently sustained by a backpacker from a 10m fall at a backpacker hostel in Potts Point;
- (ii) the existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under 'existing use rights';
- (iii) current LEP zone R1 General Residential prohibits tourist and visitor accommodation, but backpacker premises operating under 'old' DAs are permitted to operate under 'existing use rights';
- (iv) 'existing use rights' do not contain conditions requiring responsible management of backpacker hostels such as Plans of Management and standards for the safety and behaviour of patrons;
- (v) as the legislation stands, there are insufficient powers for the City of Sydney and other authorities to regulate and ensure responsible management of backpacker premises such as:
 - (a) mandatory requirement for overnight onsite managers in hostels;
 - (b) enforceable plans of management; and
 - (c) prohibition of consumption of alcohol on premises;
- (vi) the adverse effects of unregulated antisocial guest behaviour on the amenity of densely populated residential areas in the LGA;
- (vii) two years of correspondence and meetings with senior Ministerial advisors has not achieved any level of government support for legislative change to bring this unregulated section of the tourism industry under regulatory controls;

- (viii) whilst the City of Sydney welcomes young travellers, it is of great concern that their safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards; and
 - (ix) the NSW Opposition has called for an investigation into how the NSW State Government can deal with historic development applications issued without enforceable plans of management, in particular, in relation to backpacker accommodation; and
- (B) the Lord Mayor be requested to urgently write to the Minister for Planning and the Minister for Innovation and Better Regulation to implement regulatory and legislative amendments to address:
- (i) the anomaly of unregulated backpacker accommodation providers;
 - (ii) the safety of guests; and
 - (iii) antisocial guest behaviour and the effects on local amenity.

Note – during discussion on Item 12.1, Councillor Scott tabled a copy of a letter from the Hon. Penny Sharpe MLC, Shadow Minister for Planning, to the Hon. Rob Stokes MP, Minister for Planning, relating to the issues raised in that item.

Adjournment

At this stage of the meeting, at 8.27pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis –

That the meeting of Council be adjourned for 15 minutes.

Carried.

At the resumption of the meeting of Council at 8.42pm, those present were –

The Lord Mayor, Councillors Doutney, Forster, Green, Kemmis, Kok, Mandla, Mant, Scott and Vithoukias.

OXFORD SQUARE REVITALISATION (\$103139)

2. Moved by Councillor Forster, seconded by Councillor Mandla -

It is resolved that:

- (A) Council note:
- (i) Oxford Street has endured several years of commercial decline, attributed to a range of factors, including the opening of Westfield Bondi Junction drawing shoppers away from the area, the loss of on-street parking due to the establishment of clearways and bus lanes, and the reduction in evening and late night trade flowing on from the 2014 introduction of lock-out laws;
 - (ii) the City of Sydney owns most of the property on the north side of Oxford Street between Oxford and Taylor Squares;

- (iii) the City of Sydney's Oxford Street Creative Spaces Program has not so far produced significant reactivation of Foley Street and its main entry point, Oxford Square; and
 - (iv) at least three shop fronts in Oxford Square are currently closed and the area has an uninviting appearance which, according to local retailers, is failing to attract visitors; and
- (B) the Chief Executive Officer be requested to investigate options for the rejuvenation and reactivation of Oxford Square, including but not limited to:
- (i) cleaning of the sandstone balustrades and paving;
 - (ii) installation of floral and other decorative displays;
 - (iii) discussions with surrounding cafes and restaurants around the possibility of outdoor dining in the square; and
 - (iv) the provision of regular weekend markets.

Foreshadowed Motion. Councillor Green foreshadowed that, should the motion by Councillor Forster be lost, she would move the following alternative motion:

It is resolved that:

- (A) Council note:
- (i) Oxford Street faces many challenges, created by complex factors arising over several decades, including the development of major retail centres at Bondi Junction and in the CBD, other market forces and government decisions such as the introduction of the clearway and restrictions on licensed trading;
 - (ii) the City of Sydney is working in collaborative partnerships, including the development of the successful Creative Spaces program utilising the City's Oxford Street properties which has resulted in:
 - (a) \$1.2 million being injected into the local economy by tenants, other creative space workers and over 60,000 visitors to the creative spaces;
 - (b) creative space tenants graduating from the program and relocating to larger premises where they pay market rent and continue to have a positive economic impact; and
 - (c) an increased diversification of the Oxford Street business mix;
 - (iii) on 29 June 2015, Council resolved to approve making five retail spaces in Foley Street available to creative tenants at affordable rates and that an expressions of interest process is now underway to seek tenants for these spaces;
 - (iv) Oxford Square is suitable for small scale markets, with several ad hoc markets being held in recent times, and the City would support a suitable operator wishing to hold ongoing markets in this space; and

- (v) draft policies and guidelines for outdoor dining, currently on public exhibition, will provide opportunities for outdoor dining in Foley Street and Oxford Square; and
- (B) the Chief Executive Officer be requested to continue the City's work revitalising Oxford Street, including:
- (i) reviewing the cleaning and maintenance schedule for sandstone balustrades and paving in Oxford Square;
 - (ii) investigating extending the existing Oxford Street floral and other decorative displays to Oxford Square to coincide with the tenanting of the creative retail spaces;
 - (iii) informing surrounding cafés and restaurants about opportunities for outdoor dining in Oxford Square; and
 - (iv) continuing to seek potential operators of regular weekend markets.

The motion moved by Councillor Forster was lost on the following show of hands –

Ayes (4) Councillors Forster, Mandla, Scott and Vithoukas

Noes (6) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok and Mant.

Motion lost.

Councillor Green then moved her foreshadowed motion, seconded by Councillor Forster.

The motion moved by Councillor Green was carried unanimously.

PEDESTRIAN SAFETY AT LANG ROAD, CENTENNIAL PARK (S103139)

3. Moved by Councillor Forster, seconded by Councillor Vithoukas -

It is resolved that:

(A) Council note:

- (i) pedestrian safety is of the upmost importance for residents, workers and visitors in the City of Sydney Local Government Area, as evidenced by the City's "Watch Out Cars About" road safety program;
- (ii) the precinct around the Moore Park sporting and entertainment complexes and Centennial Park is an area of high pedestrian activity, especially during major events at which alcohol is consumed by some patrons who then move in and out of the precinct on foot;
- (iii) many patrons attending events within the precinct enter and exit via the eastern side which borders Centennial Park;
- (iv) Lang Road is the main vehicular thoroughfare separating the entertainment precinct and Centennial Park;

- (v) a major entrance to Centennial Park is located on Lang Road close to the junction with Darvall Street; and
 - (vi) there is no pedestrian crossing located along a lengthy stretch of Lang Road between the Robertson and Cook Roads intersection to the south and the Moore Park Road intersection to the north; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate the possible provision of a pedestrian crossing at a suitable location along Lang Road between Robertson and Cook Roads in the south and Moore Park Road in the north, with any subsequent recommendations referred to the Local Pedestrian, Cycling and Traffic Calming Committee for consideration; and
 - (ii) report back to Councillors via the appropriate channels on the outcome of the Local Pedestrian, Cycling and Traffic Calming Committee's deliberations.

Variation. At the request of Councillor Kok, and by consent, the motion was varied by the addition of the following to clause (A):

- (vii) the City has previously investigated the provision of a marked pedestrian crossing on Lang Road, close to the Jervis Avenue entrance to Centennial Park, but traffic and pedestrian counts did not meet the requirements stipulated by Roads and Maritime Services for the provision of a crossing.

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

PHOTOVOLTAIC ENERGY SYSTEMS (S103133)

4. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that:

- (A) Council note that a review of the Sydney Development Control Plan and Local Environmental Plan is currently being undertaken which includes consideration of controls for solar power;
- (B) Council write to the NSW Minister for Planning requesting that the State Environmental Planning Policy (Infrastructure) 2007 – Reg 37 be amended to delete the provisions 2(b) “the land is not in a heritage conservation area” and 2(f)(iv)(B) “the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment) as these provisions inhibit the installation of photovoltaic energy systems in the City of Sydney; and
- (C) Council request that, as part of this review of the Sydney Development Control Plan and Local Environmental Plan, consideration be given to removing all barriers to greater uptake of photovoltaic energy systems in the local government area, including but not limited to minimum roof dimensions relating to the installation of photovoltaic energy systems.

Foreshadowed Motion. Councillor Kemmis foreshadowed that, should the motion by Councillor Scott be lost, she would move the following alternative motion:

It is resolved that:

- (A) Council note that a review of the Sydney Development Control Plan and Local Environmental Plan is currently being undertaken, which includes consideration of controls for solar power;
- (B) Council note the retention of an approval role for solar panels in heritage conservation areas is important to ensure the appropriate installation of high-quality solar panels that do not damage heritage roofs, overshadow neighbours or impact on visual amenity; and
- (C) Council note that, as part of this review of the Sydney Development Control Plan and Local Environmental Plan, barriers to installation of photovoltaic energy systems in the local government area will be removed, including minimum roof dimensions, subject to quality controls to ensure the integrity of heritage conservation areas and the amenity of neighbours.

A show of hands on the motion moved by Councillor Scott resulted in an equality of voting as follows:

Ayes (5) Councillors Doutney, Forster, Mandla, Scott and Vithoulikas

Noes (5) The Lord Mayor, Councillors Green, Kemmis, Kok and Mant.

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

The motion was declared lost.

Councillor Kemmis then moved her foreshadowed motion, seconded by the Chair (the Lord Mayor).

The motion moved by Councillor Kemmis was carried unanimously.

INTEGRITY IN PLANNING DECISIONS (S103133)

5. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that:

- (A) Council provide its in-principle support for the proposal to ban developers and real estate agents from serving as Councillors;
- (B) Council call on the NSW Government to reverse its changes to section 451 of the Local Government Act, which allows Councillors with a pecuniary interest to vote on planning controls where they could potentially benefit; and
- (C) Council write to the Premier, the Minister for Local Government, and the Opposition Leader informing them of our position.

Foreshadowed Motion. Councillor Mant foreshadowed that, should the motion by Councillor Scott be lost, he would move the following alternative motion:

It is resolved that:

- (A) Council provide its in-principle support for legislative amendments to prohibit property professionals from practising in the Local Government Area in which they serve as a Councillor;
- (B) Council call on the NSW Government to reverse its changes to section 451 of the Local Government Act, which allows Councillors with a pecuniary interest to vote on planning controls where they could potentially benefit and establish a legislative mechanism for proposals for planning controls which apply across the local government area (and where a number of Councillors may have a pecuniary interest) to ensure that a quorum is maintained; and
- (C) the Lord Mayor write to the Premier, the Minister for Local Government, and the Opposition Leader informing them of our position.

A show of hands on the motion moved by Councillor Scott resulted in an equality of voting as follows:

Ayes (5) Councillors Doutney, Forster, Mandla, Scott and Vithoukaskas

Noes (5) The Lord Mayor, Councillors Green, Kemmis, Kok and Mant.

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

The motion was declared lost.

Councillor Mant then moved his foreshadowed motion, seconded by Councillor Kemmis.

The motion moved by Councillor Mant was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Doutney, Forster, Green, Kemmis, Kok, Mandla, Mant and Scott

Noes (1) Councillor Vithoukaskas.

Motion carried.

INTEGRITY IN LOCAL GOVERNMENT (S103133)

6. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that Council:

- (A) note the following points:
 - (i) that the High Court has recently upheld a NSW state-wide ban on political donations from developers following a case launched by the former Lord Mayor of Newcastle in 2014;
 - (ii) that the same individual has recently launched Supreme Court of NSW action seeking the removal of the ICAC Commissioner from an inquiry into political donations in NSW;

- (iii) that in their finding the High Court Chief Justice and Justices noted that ‘the risks that large political donations have for a system of representative government have been acknowledged since Federation’ and that ‘capping of political donations is a measure which has been adopted by many countries with systems of representative government...it is a means that does not impede the system of representative government for which our Constitution provides’; and
 - (iv) that the legislative requirements for donations for local government elections in NSW are different to those for state government;
- (B) call on the NSW Government to change the rules governing political donations during local council elections to introduce a cap on political donations aligned with the state level caps; and
- (C) write to the Premier, the Minister for Local Government, and the Opposition Leader immediately advising of the Council’s position on political donations in local government elections.

Foreshadowed Motion. Councillor Mant foreshadowed that, should the motion by Councillor Scott be lost, he would move the following alternative motion:

It is resolved that Council:

- (A) note that the Election Funding, Expenditure and Disclosures Act 1981 specifically excludes local government elections from the caps applying to political donations and electoral communication expenditure (campaign expenditure); and
- (B) request the Lord Mayor write to the Premier and Minister for Local Government requesting the NSW Government to undertake a comprehensive review of options for ensuring political donations and electoral communication expenditure do not exert undue and inappropriate influence in local government elections.

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (2) Councillors Doutney and Scott

Noes (8) The Lord Mayor, Councillors Forster, Green, Kemmis, Kok, Mandla, Mant and Vithoukias.

Motion lost.

Councillor Mant then moved his foreshadowed motion, seconded by Councillor Green.

The motion moved by Councillor Mant was carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Doutney, Green, Kemmis, Kok, Mandla, Mant and Scott

Noes (2) Councillors Forster and Vithoukias.

Motion carried.

REDFERN / WATERLOO COMMUNITY COLLABORATION COMMITTEE (S103133)

7. Moved by Councillor Scott, seconded by Councillor Doutney -

It is resolved that:

(A) Council note:

- (i) that the Redfern/Waterloo area has unique social and community issues that are different from many other areas in the City of Sydney;
- (ii) that the most successful method to approach issues of disadvantage is with a community inclusiveness strategy; and
- (iii) that all levels of government must work with the community and not impose directions and policy 'solutions' in a top down manner; and

(B) Council support the establishment of a Redfern/Waterloo Community Collaboration Committee. This Committee should:

- (i) provide a forum for community representatives, government and non-government agencies to discuss issues of concern that require a collaborative and coordinated response;
- (ii) focus on identified issues that are systemic in nature and require a cohesive and coordinated response from the local community, government and non-government agencies;
- (iii) include senior representatives from government agencies such as Sydney Local Health District, Housing NSW, NSW Police, Family and Community Services, Legal Aid, ADHC as well as City of Sydney and commonwealth agencies where relevant; and
- (iv) also include local health services including Redfern AMS, local community centres, youth services, local NGO peak bodies, local community development programs, local Aboriginal and Torres Strait Islander services and other local specialist services or groups that can positively contribute as required.

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

It is resolved that:

(A) Council note:

- (i) that the Redfern/Waterloo area has unique social and community issues that are different from many other areas in the City of Sydney;
- (ii) that the most successful method to approach issues of disadvantage is with a community inclusiveness strategy;
- (iii) that all levels of government must work with the community and not impose directions and policy 'solutions' in a top down manner;
- (iv) the significant number of committees, forums, and working parties that already operate in the Redfern/Waterloo area, including but not limited to:

- (a) Redfern & Waterloo Community Drug Action Team;
 - (b) Redwatch;
 - (c) Redfern Neighbourhood Advisory Board;
 - (d) Waterloo Neighbourhood Advisory Board;
 - (e) Family Culture Day Coalition;
 - (f) Community Safety Precincts Committee;
 - (g) Police Aboriginal Consultative Community;
 - (h) Redfern Public Housing Tenants Forum;
 - (i) Waterloo Public Housing Tenants Forum;
 - (j) Inner-Sydney Aboriginal Interagency; and
 - (k) Youth Homelessness Hub;
- (v) the recent establishment of the Redlink Integrated Service Centre by NSW Family and Community Services in Walker Street Redfern to provide a coordinated response from the local community, government and non-government agencies; and
- (vi) there was previously community representation on the Redfern Coordinated Services on Health and Drug Related Issues committee, but this has ceased without a replacement mechanism; and
- (B) the Lord Mayor write to the Minister for Health and Minister for Family and Community Services to advocate for better coordination of service delivery and the establishment of a mechanism for community consultation and representation.

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

FIG AND WATTLE STREETS DEPOT CONTAMINATION TESTING (S103133)

8. Moved by Councillor Scott, seconded by Councillor Forster -

It is resolved that:

(A) Council note that:

- (i) on 8 December 2014, Council resolved to sell the former Fig and Wattle Streets depot site to the NSW Department of Education and Communities subject to the construction of a public primary school and an 80-place child care facility on the site;
- (ii) on 15 December 2014, the NSW Department of Education and Communities issued a press release stating that "agreement has been reached for a new public school serving the inner city to be built on a site to be purchased from the City of Sydney on the corner of Wattle, Jones and Fig Streets, Ultimo"; and

- (iii) the NSW Department of Education has indicated that they will now no longer proceed with construction of a public primary school site on the former Fig and Wattle Streets depot site; and
- (B) Council request the Chief Executive Officer commission a complete site testing for contaminants at the Fig and Wattle Streets depot site and provide a report based on the testing to the NSW Government.

Foreshadowed Motion. Councillor Kemmis foreshadowed that, should the motion by Councillor Scott be lost, she would move the following alternative motion:

It is resolved that:

(A) Council note that:

- (i) on 8 December 2014, Council resolved to sell the former Fig and Wattle Streets depot site to the NSW Department of Education and Communities subject to the construction of a public primary school and an 80-place child care facility on the site;
- (ii) on 15 December 2014, the NSW Department of Education and Communities issued a press release stating that “agreement has been reached for a new public school serving the inner city to be built on a site to be purchased from the City of Sydney on the corner of Wattle, Jones and Fig Streets, Ultimo”; and
- (iii) the NSW Department of Education has indicated that they will now no longer proceed with construction of a public primary school site on the former Fig and Wattle Streets depot site;

(B) Council note that:

- (i) the Department of Education and Communities commissioned a contamination assessment by independent consultants, including soil and groundwater investigations, to determine the remediation work needed for the site;
- (ii) based on the contamination assessments, the City and the Department of Education and Communities agree on the type and extent of contamination at the Fig and Wattle Streets depot site, but differ on remediation approach and cost;
- (iii) each party’s preferred remediation approach substantially exceeds the requirements in the Environment Protection Authority guidelines; and
- (iv) the Department of Education and Communities remediation approach is inconsistent with the principal of ‘best value outcomes’ required by the NSW Treasury Directions, and is not supported by the independent consultants report;

(C) the City remains willing to complete the sale of the former depot site at Fig and Wattle Streets, Ultimo to the NSW Department of Education and Communities; and

(D) the City is progressing toward the appointment of an Environment Protection Authority Accredited site auditor to advise on and oversee the preparation of a Remediation Action Plan that could support a range of future uses, including childcare, education and residential.

A show of hands on the motion moved by Councillor Scott resulted in an equality of voting as follows:

Ayes (5) Councillors Doutney, Forster, Mandla, Scott and Vithoukias

Noes (5) The Lord Mayor, Councillors Green, Kemmis, Kok and Mant.

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

The motion was declared lost.

Councillor Kemmis then moved her foreshadowed motion, seconded by the Chair (the Lord Mayor).

The motion moved by Councillor Kemmis was carried unanimously.

At 9.56pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 23 November 2015 at which
meeting the signature herein was subscribed.